

Appendix J Section 106 MOA

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**SECTION 106 MEMORANDUM OF AGREEMENT BETWEEN
THE UNITED STATES NAVY,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE CITY
OF CONCORD, AND THE EAST BAY REGIONAL PARK DISTRICT
REGARDING THE DISPOSAL AND REUSE OF THE FORMER NAVAL
WEAPONS STATION, CONCORD, IN CONCORD, CALIFORNIA**

WHEREAS, the U.S. Department of Navy (Navy) has closed and is directed under the Defense Base Realignment and Closure Act (DBCRA) of 1990, Pub. L. No. 101-510, as amended in 2005, to dispose of the former Naval Weapons Station, Concord (the “former NWS Concord”) in Concord, California; and

WHEREAS, the Navy has previously executed Federal-to-Federal property transfers and approximately 5,038 acres of surplus property at the Inland Area remain available for transfer out of Federal ownership; and

WHEREAS, the Navy is required to protect and maintain surplus property under its caretaker maintenance program prior to transfer; and

WHEREAS, the Navy is authorized to allow for interim use of property under its pre-conveyance licensing and leasing program; and

WHEREAS, the Navy’s transfer of approximately 5,038 acres out of Federal ownership and the Navy’s caretaker maintenance and pre-conveyance licensing and leasing programs constitute the Navy’s Section 106 Undertaking (“Undertaking”) and the 5,038-acre area constitutes the Area of Potential Effects (APE); and

WHEREAS, a portion of the APE will be transferred to the City of Concord (“City”) and the City proposes economic development (housing, commercial, parks and recreation, roadways/transportation, and other urban infrastructure), creek restoration, and wetland creation on the “City Parcel”; and

WHEREAS, a portion of the APE will be transferred to the East Bay Regional Park District (EBRPD) and the EBRPD proposes to create a regional park that includes conservation, passive recreational and educational facilities, visitor-serving amenities, and a visitor’s center on the “EBRPD Parcel”; and

WHEREAS, the Navy consulted with the California State Historic Preservation Officer (SHPO) and other consulting parties on a basewide Historic Evaluation Report which identified no architectural or built historic properties eligible for the National Register of Historic Places (NRHP) and subject to the Navy’s property transfer, and received the California SHPO’s concurrence on February 14, 2013; and

WHEREAS, the Contra Costa Canal, which includes the Contra Costa Canal, Clayton Canal, and associated facilities including appurtenances, laterals, turnouts, and access roads (collectively, the “Canal”), is a NRHP-eligible resource located within the APE, but is owned by the United States Bureau of Reclamation (USBR) and is not subject to Navy’s Undertaking; and

WHEREAS, in the event that USBR would need to issue a permit or use authorization to support alterations to the Canal, the USBR would comply with Section 106, as appropriate; and

WHEREAS, the Navy completed a Phase I archaeological survey of the Inland Area in 2008; and

WHEREAS, the Navy consulted with Federally-Recognized Tribes on a Native American Graves Protection and Repatriation Act (NAGPRA) Plan of Action (PoA) to support the Phase II archaeological evaluation of the Inland Area; and

WHEREAS, in July 2012 the Navy executed a NAGPRA PoA with the California Valley Miwok Tribe, the Ione Band of Miwok Indians, and the Shingle Springs Band of Miwok Indians, which PoA was amended in August 2012, and the Navy reburied all human remains and NAGPRA cultural items on site at archaeological site CA-CCO-680; and

WHEREAS, the Navy identified prehistoric archaeological sites CA-CCO-680 and P-861 as the only NRHP-eligible resources, and determined that there are no identified rural historic landscapes, Traditional Cultural Properties, or Traditional Cultural Landscapes located within the APE that meet the criteria for listing in the NRHP; and

WHEREAS, the Navy consulted on the *National Register of Historic Places Evaluation of 21 Archaeological Sites in Support of the Environmental Impact Statement for Disposal and Reuse of the Former Naval Weapons Station, Seal Beach, Detachment Concord, Contra Costa, California* (Phase II archaeological evaluation report) with all interested consulting parties and received the California SHPO’s concurrence on January 23, 2014 that CA-CCO-680 and P-861 are the only NRHP-eligible historic properties within the APE; and

WHEREAS, Site CA-CCO-680 is a prehistoric archaeological site eligible for listing in the NRHP under Criterion D, and the site contains human remains and is culturally and religiously significant to Native American people; and

WHEREAS, Site P-861 is a prehistoric archaeological site eligible for listing in the NRHP under Criteria A and D, and may have cultural and religious significance to Native American people; and

WHEREAS, the Navy consulted with the California SHPO, Advisory Council on Historic Preservation (ACHP), California Valley Miwok Tribe, the Ione Band of Miwok

Indians, the Shingle Springs Band of Miwok Indians, Wilton Rancheria, City, EBRPD, United States Bureau of Indian Affairs (USBIA), United States Army Corps of Engineers (USACE), the USBR, and the Concord Historical Society concerning the Undertaking and historical and archaeological evaluations; and

WHEREAS, the City adopted the Concord Reuse Project Area Plan on January 24, 2012 (“Area Plan,” hereafter) and the Area Plan identifies “Development Districts” specifying allowable land uses in each area within the entire APE; and

WHEREAS, Site CA-CCO-680 is located on the City Parcel in the “Greenways, Citywide Parks, and Tournament Facilities” Development District, and Site P-861 is located on the EBRPD Parcel in the “Conservation Open Space” Development District, as depicted in Appendix A; and

WHEREAS, the Navy considered the reasonably foreseeable effects of reuse under the City’s Area Plan and notified consulting parties and the ACHP of the Navy’s Section 106 finding of adverse effect on March 3 and 4, 2014, respectfully; and

WHEREAS, the ACHP declined to participate in the consultation on April 28, 2014; and

WHEREAS, the property within the APE will not all be transferred simultaneously and instead, the Navy’s Undertaking will include phased property transfers anticipated to occur between 2017 and 2026; and

WHEREAS, the City certified the “Concord Community Reuse Project Final Environmental Impact Report (2010)” and “Final Environmental Impact Report (EIR) Addendum (2012)” for the Area Plan in accordance with the California Environmental Quality Act (CEQA) and adopted the “Mitigation Monitoring and Reporting Program for the Concord Community Reuse Project” (MMRP) in accordance with Section 21081.6(a)(1) of the California Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines; and

WHEREAS, the Concord Community Reuse Project EIR identified sites CA-CCO-680 and P-861 as archaeological resources and imposed mitigation with reference to each of those sites; and

WHEREAS, the City is legally required under Section 21081.6(b) of the California Public Resources Code to monitor and enforce all measures protecting and preserving Site CA-CCO-680 in place, including, Mitigation Measure Cultural Resources 1 that requires the preservation in place of Site CA-CCO-680 prior to the initiation of any earth-disturbing activities within 200 feet of the boundaries of Site CA-CCO-680, and Mitigation Measure Cultural Resources 3 that requires the implementation of inadvertent discovery measures by any public or private entity that engages in earth-disturbing activities; and

WHEREAS, the EBRPD will be conducting park land use planning and will conduct its own CEQA review to develop the EBRPD Parcel into a regional park; and

WHEREAS, the Navy has invited the City and EBRPD to be Invited Signatories to this Memorandum of Agreement (Agreement) in accordance with Title 36 of the Code of Federal Regulations (CFR), section 800.6(c)(2); and

WHEREAS, to facilitate implementation of the Area Plan, the City has applied to the USACE for a permit authorizing it to fill approximately 7 acres of waters of the United States within the APE pursuant to Section 404 of the Clean Water Act of 1977 (33 U.S.C. § 1344) (CWA); and

WHEREAS, the Navy formally accepted the USACE as a consulting party in the Navy's ongoing Section 106 consultation on April 1, 2013; and

WHEREAS, by correspondence to the Navy dated December 14, 2015, the USACE withdrew from consultation on this Agreement and stated that it would accept the Section 106 compliance work undertaken by the Navy and would incorporate the terms of this Agreement into the special conditions of any CWA permit issued; and

NOW, THEREFORE, the Signatory Parties (the Navy and California SHPO) and the Invited Signatories (City and EBRPD) (collectively, the "Signatory Parties" hereafter) agree that the Undertaking as described above shall be implemented in accordance with the following stipulations to take into account the effect of this Undertaking on historic properties.

STIPULATIONS

I. THE NAVY SHALL ENSURE THAT

- A. Navy's Interim Management of Historic Properties Prior to Property Transfer
 - 1. Prior to property transfer, the Navy will conduct interim management of Sites CA-CCO-680 and P-861 in the context of its caretaker maintenance and pre-conveyance licensing and leasing programs. These programs include vegetation management, building and infrastructure management actions, and issuance of interim real estate licenses and leases in advance of property transfer.
 - 2. Caretaker maintenance and licensing/leasing actions will be reviewed by Qualified Staff in compliance with this Agreement and 36 CFR § 800. Consistent with the preservation mandates outlined in this Agreement, the Navy will engage in prescriptive avoidance of adverse effects to CA-CCO-680 and P-861.

3. For interim management activities involving ground disturbing activities, Qualified Staff shall determine and document the APE. Consistent with 36 CFR § 800.16(d), the APE will be defined as the geographical area or areas within which interim management activities may directly or indirectly cause alterations in the character or use of historic properties. APEs will include the planned area of surface and subsurface disturbance, including any associated lay down or staging areas. If any part of CA-CCO-680 or P-861 falls within an APE, the entire documented site will be included in the APE to include a buffer of 50 ft. Determination of an APE will not require individual consultation with the SHPO or other Consulting Parties to this Agreement.
4. When Qualified Staff determine that interim management activities with the potential to affect historic properties will not affect listed, contributing or eligible properties consistent with a finding of “No Historic Properties Affected” under 36 CFR § 800.4(d)(1), no further consultation with SHPO or Consulting Parties to this Agreement is required and the action may proceed.
5. For interim management activities, Navy will consult with the Consulting Parties to this Agreement regarding findings of “No Adverse Effect” in accordance with 36 CFR § 800.5(b) and to resolve any adverse effects in accordance with 36 CFR § 800.6.

B. Scope and Limitation of Navy Obligations and Federal Jurisdiction

1. The Navy’s Section 106 and Section 110 responsibility and oversight for an NRHP-eligible property (historic property) will continue until the historic property is conveyed to the City or EBRPD, and the Navy’s responsibilities will end at transfer of that historic property. Similarly, Federal jurisdiction for inadvertent discoveries also ends at land transfer. Management protocols and commitments by the City and EBRPD that apply to transferred property are described in Stipulations II and III.
2. Since property will be transferred in phases over a period of several years, the Navy, the City, and the EBRPD may each own portions of the former NWS Concord prior to the completion of the Navy’s Undertaking. Therefore, the property ownership of any given area shall dictate the legal requirements and responsible party for cultural resources management therein.

C. Deed Notices

1. The Navy shall ensure that the following deed notice appears in any deed conveying property containing Site CA-CCO-680:

“The GRANTEE, its successors, assigns, and sub-lessees, are hereby notified that the Property contains a National Register of Historic Places-eligible archaeological site determined to be eligible through Section 106 of the National Historic Preservation Act (NHPA) consultation and by consensus with the California State Historic Preservation Officer on January 23, 2014. Site CA-CCO-680 is a prehistoric archaeological site containing human remains, and is approximately 6.75 acres in size. The site is subject to the *Section 106 Memorandum of Agreement Between the United States Navy, the California State Historic Preservation Officer, the City of Concord, and East Bay Regional Park District Regarding the Disposal and Reuse of the Former Naval Weapons Station, Concord, in Concord, California*” (2017). The Memorandum of Agreement terminates ten years after its execution unless extended.”

2. Pursuant to a Public Benefit Conveyance for park and recreational uses, the Navy intends to assign property to the Department of Interior (DOI), National Park Service (NPS), which will then issue a deed to the EBRPD. The Navy shall require in its assignment to the DOI, NPS that the quitclaim deed for Site P-861 include the following notice:

“The GRANTEE, its successors, assigns, and sub-lessees, are hereby notified that the Property contains a National Register of Historic Places-eligible archaeological site determined to be eligible through Section 106 of the National Historic Preservation Act (NHPA) consultation and by consensus with the California State Historic Preservation Officer on January 23, 2014. Site P-861 is a prehistoric archaeological site and is approximately 0.51 acres in size. The site is subject to the *Section 106 Memorandum of Agreement Between the United States Navy, the California State Historic Preservation Officer, the City of Concord, and East Bay Regional Park District Regarding the Disposal and Reuse of the Former Naval Weapons Station, Concord, in Concord, California*” (2017). The Memorandum of Agreement terminates ten years after its execution unless extended.”

II. THE CITY OF CONCORD AGREES THAT

- A. Site CA-CCO-680 is eligible for listing in the NRHP under Criterion D and contains human remains.
- B. Site CA-CCO-680 is culturally and religiously significant to Native American people.
- C. The City of Concord will protect and preserve Site CA-CCO-680 by capping it, as described in Stipulation II.D., and preserving it in place within a greenway. The greenway will generally extend along the western boundary of the City Parcel north/northwest of Willow Pass Road. The greenway will accommodate pedestrian use only, and will not provide any active recreational facilities (e.g., no single-use or multi-use trails, no benches, no ball fields, no tennis courts, no basketball courts or hoops, etc.) or designated parking areas on the surface above Site CA-CCO-680. To prevent attracting attention, the site will not be fenced, and no surface treatment (e.g., marker, plaque, mound, boulder, etc.) identifying the site will be installed. The surface of the site will be landscaped with grasses, drought-tolerant plants, or similar landscaping consistent with the adjacent greenway.
- D. Because of the reinterment in 1996 and 2012 of human skeletal remains and NAGPRA cultural items within the boundaries of Site CA-CCO-680, this resource shall be preserved in place according to the *Historic Property Treatment Plan For National Register Eligible Archaeological Site CA-CCO-680 (P-07-00003)* (N. Sikes, Ph.D., RPA (December 2015)) (Treatment Plan) attached as Appendix B. The Treatment Plan for CA-CCO-680 describes capping with geofabric atop at least a 4-foot layer of sterile soil over the approximately 2.68-acre portion of the site that retains a concentration of cultural material, intact cultural deposit and reburials; allowable passive pedestrian future uses atop the entire approximately 6.75-acre extent of Site CA-CCO-680, and the preservation of the entire site and an adjoining 50-foot wide protection buffer within a greenway on the land transferred by the Navy to the City.
- E. The City will withhold from public disclosure, to the extent permitted by law, information about the location, character, and ownership of Site CA-CCO-680.
- F. As a condition of any permit or entitlement issued by the City that will result in ground disturbance within the City Property, the City shall require implementation of Mitigation Measure Cultural Resources 3 contained in the MMRP and the Area Plan EIR, which requires the

implementation of inadvertent discovery measures by any public or private entity during earth-disturbing activities. The required inadvertent discovery measures include a worker education course for all construction personnel, on-site monitoring by Qualified Staff of all earth-disturbing activities within and adjacent to the boundaries of any NRHP-eligible or NRHP-listed property, on-site monitoring by Qualified Staff of all earth-disturbing activities within potentially sensitive native soils/sediments, and procedures for the discovery of cultural resources, including human remains, if Qualified Staff are not present.

- G. Should the City's future reuse plans propose modifications or alterations to the Canal, the City of Concord will contact the USBR.

III. THE EAST BAY REGIONAL PARK DISTRICT (EBRPD) AGREES THAT

- A. Site P-861 is eligible for listing in the NRHP under Criteria A and D, and may have cultural and religious significance to Native American people.
- B. EBRPD will withhold from public disclosure, to the extent permitted by law, information about the location, character, and ownership of Site P-861.
- C. EBRPD will protect and preserve Site P-861 as well as an adjoining 50-foot wide protection buffer, within a habitat conservation area that will be restricted from public access.
- D. EBRPD will not permit recreational facilities, trails, utilities, parking areas, signage or plaques to be constructed atop Site P-861 or within the adjoining 50-foot wide buffer.
- E. Ground disturbance on Site P-861 and within the 50-foot protection buffer surrounding Site P-861 will only be permitted for activities associated with habitat enhancement. If habitat enhancement activities are performed within this buffer area, EBRPD will protect the site from human activities and human agents of EBRPD, to the extent feasible, associated with the habitat enhancement.
- F. For any Navy property transferred to EBRPD, the EBRPD will ensure that whenever any ground disturbance activities are undertaken within the EBRPD Parcel, the EBRPD will implement inadvertent discovery measures. The inadvertent discovery measures will include a worker education course for all construction personnel, on-site monitoring by Qualified Staff of all earth-disturbing activities within and adjacent to the boundaries of any NRHP-eligible or NRHP-listed property, on-site monitoring by Qualified Staff of all earth-disturbing activities within

potentially sensitive native soils/sediments, and procedures for the discovery of cultural resources, including human remains, if Qualified Staff are not present.

- G. Should the EBRPD's future reuse plans propose modifications or alterations to the Canal, the EBRPD will contact the USBR.

IV. ADMINISTRATIVE PROVISIONS

- A. Prior to property transfer, the Navy shall ensure the following:

1. Professional Standards and Qualifications

For the purposes of this Agreement "Qualified Staff" is defined as an individual who meets the Secretary of the Interior's *Professional Qualifications Standards* at 48 Fed. Reg. 44738-44739 (Sept. 29, 1983). Qualified Staff will have professional qualifications, training, and experience relevant to the technical requirements of a given undertaking.

2. Review of Documentation

If a Signatory Party fails to respond to a Navy submission for review within thirty (30) calendar days or such other time specified in this Agreement or the submission, the Navy may assume no comment from the non-responding party. Navy is not required to consider comments received after the specified time. The Navy shall take into account any comments received within the thirty (30) calendar days or other specified time in reaching a final decision on any documentation.

3. Post Review Discoveries

i) In the event of any post-review discovery of archaeological materials during Navy's ownership, all work in the area of the discovery shall stop immediately, and the Navy Base Realignment and Closure Program Management Office shall be notified. The Navy shall ensure that no unauthorized personnel have access to the site and no further work is done in the area of discovery until the Navy has complied with 36 CFR § 800.13(b).

ii) The Navy shall within forty-eight (48) hours notify and consult with the Signatory Parties for any post review discoveries and with the California Valley Miwok Tribe, the Ione Band of Miwok Indians, the Shingle Springs Band of Miwok Indians, if appropriate.

iii) Human remains and associated funerary objects encountered during Navy ownership shall be treated in accordance

with NAGPRA (25 U.S.C. §§ 3001 et seq). Informational copies of any notifications made under NAGPRA shall be provided to the Signatory Parties, California Valley Miwok Tribe, the Ione Band of Miwok Indians, the Shingle Springs Band of Miwok Indians.

iv) The Navy shall ensure that archaeological artifacts recovered from archaeological investigations or post review discoveries shall be stored in a curatorial repository that meets federal standards stipulated in 36 CFR § 79, *The Curation of Federally Owned and Administered Archaeological Collections*.

4. Dispute Resolution

i) Should any Signatory Party to this Agreement object to the performance by the Navy of any obligation under this Agreement, the Navy shall consult with the objecting Signatory Party to resolve the objection and notify the other Signatory Parties of this objection.

ii) If after initiating such consultation the Navy determines that the objection cannot be resolved through consultation, the Navy shall forward all documentation relevant to the objection to the ACHP, including the proposed response to the objection.

iii) Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

a) Advise the Navy that the ACHP concurs in the proposed response to the objection, whereupon the Navy shall respond to the objection accordingly; or

b) Provide the Navy with recommendations, which the Navy shall take into account in reaching a final decision regarding its response to the objections; or

c) Respond to the Navy that it will not consider the dispute or provide recommendations, in which case the Navy may proceed with the proposed resolution.

iv) Should the ACHP not exercise one of the above options within thirty (30) calendar days after receipt of all pertinent documentation, the Navy may move forward with its proposed response to the objection and make a final decision on how to respond to the objection.

5. Emergency Actions

- i) Emergency actions are those actions deemed necessary by the Navy as an immediate and direct response to an emergency situation, which is a disaster or emergency declared by the President or the Governor of the State, or other immediate threats to life or property. Emergency actions under this Agreement are only those implemented within thirty (30) calendar days from the initiation of the emergency situation.
- ii) If the emergency action has the potential to affect historic properties, the Navy shall notify the California SHPO and other Signatory Parties as appropriate prior to undertaking the action, when feasible. As part of the notification, the Navy shall provide a plan to address the emergency. The California SHPO shall have seven (7) calendar days to review and comment on the plan to address the emergency. If the California SHPO does not comment or object to the plan within the review period, the Navy shall implement the proposed plan.
- iii) Should immediate threats to life or property necessitate prompt action and the Navy is unable to consult with the SHPO in accord with 5.ii. above prior to carrying out emergency actions, the Navy shall notify the SHPO and other Signatory Parties as appropriate within forty-eight (48) hours after the initiation of the emergency action. This notification shall include a description of the emergency action taken, the effects of the action(s) to historic properties, and, where appropriate, any further proposed measures to avoid, minimize, or mitigate potential adverse effects to historic properties. The California SHPO shall have seven (7) calendar days to review and comment on the proposal where further action is required to address the emergency. If the California SHPO does not object to the plan within the review period, the Navy shall implement the proposed plan.
- iv) Where possible, such emergency actions shall be undertaken in a manner that does not foreclose future preservation or restoration of historic properties. Where such emergency actions may affect an historic property, they shall be undertaken in a manner that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Where possible, such actions shall be done with on-site monitoring by Qualified Staff as defined in Stipulation IV.A.1.
- v) If the SHPO and/or any other Signatory Party has reason to believe that a historic property may be adversely affected by an

emergency action, the party shall submit a request to the Navy to review and comment on that action.

6. Annual Reporting and Meetings

i) During Navy ownership, the Navy will submit annual reports to all Signatory Parties and Concurring Parties. The Navy will submit annual reports by January 31st of each year to report on activities of the prior calendar year. Email submission is acceptable. At a minimum, annual reports will:

1. Provide a status update on the Navy's Undertaking (status of property transfer);
2. List historic properties within the APE that are subject to a Navy real estate license or lease, or which have been transferred out of Navy ownership;
3. List and explain any problems or unexpected issues encountered in the prior year and Navy's approach to resolution; and
4. Include the Navy's recommendation on whether an annual meeting of Signatory Parties is necessary.

ii) During Navy ownership, the Signatory Parties will convene for an annual meeting or teleconference by March 31st, if requested by the California SHPO.

B. Amendment & Termination

1. Amendment

Any Signatory Party to this Agreement may propose that this Agreement be amended, whereupon all Signatory Parties shall consult for no more than thirty (30) days to consider such an amendment. The amendment will be effective on the date a copy signed by all of the original Signatory Parties is filed with the ACHP. If the Signatory Parties cannot agree to appropriate terms to amend the Agreement, any Signatory Party may terminate the Agreement in accordance with Stipulation IV.B.2., below.

2. Termination

- i) If this Agreement is not amended as provided for in Section B.1. of this Stipulation, or if any Signatory Party proposed termination of this Agreement for other reasons, the Signatory Party proposing termination shall, in writing, notify the other Signatory Parties, explain the reasons for proposing termination, and consult with the other Signatory Parties for at least thirty (30) days to seek alternatives to termination.
- ii) Should such consultation result in an agreement on an alternative to termination, the Signatory Parties shall proceed in accordance with the terms of that agreement.
- iii) Should such consultation fail, the Signatory Party proposing termination may terminate this Agreement by promptly notifying the other Signatory Parties in writing. Termination hereunder shall render this Agreement without further force or effect.
- iv) If this Agreement is terminated hereunder, and if the Navy determines that the Undertaking will nonetheless proceed, then the Navy shall comply with the requirements of 36 CFR §800.3-800.6, or request the comments of the ACHP, pursuant to 36 CFR § 800.7(a).

C. Anti-Deficiency Act

The obligations of the Navy under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The Navy shall make reasonable and good faith efforts to secure the necessary funds to implement its obligations under this Agreement. If compliance with the Anti-Deficiency Act alters or impairs the ability of the Navy to implement its obligations under this Agreement, the Navy shall consult in accordance with the amendment and termination procedures found at Stipulation IV.B. above.

D. Duration

1. The duration of this Agreement shall be no more than ten (10) years following the date of execution by the Navy and California SHPO, or upon completion of the Undertaking (whichever comes first). If the terms are not satisfactorily fulfilled at that time, the Navy shall consult with the Signatory Parties and Concurring Parties to extend the Agreement or reconsider its terms. Reconsideration may include continuation of the Agreement as originally executed, amendment of the Agreement, or termination.

2. The Navy's obligations under this Agreement with respect to the property or any portion thereof are limited to those obligations accruing prior to transfer of the property, or portion thereof, out of Navy ownership.
3. The City's obligations under Stipulation II of this Agreement will apply only to those portions of the property that are owned or subject to the control of the City.
4. EBRPD's obligations under Stipulation III of this Agreement will apply only to those portions of the property that are owned or subject to the control of EBRPD.
5. The Undertaking will be complete when the Navy executes the transfer of the last parcel of surplus property at the former NWS Concord. The Navy shall notify all Signatory Parties and Concurring Parties when the Navy has executed the transfer of the last parcel of surplus property.

EXECUTION

Execution of this Agreement by the Navy and California SHPO and the implementation of its terms evidence that the Navy has taken, and will take, into account the effects of the Undertaking on historic properties at the former NWS Concord and afforded the ACHP an opportunity to comment.

SIGNATORIES

U.S. Navy—Base Realignment and Closure Program Management Office West
California State Historic Preservation Officer

INVITED SIGNATORIES

City of Concord
East Bay Regional Park District

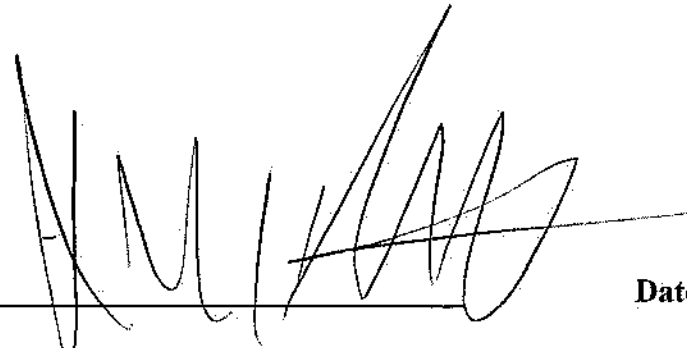
CONCURRING PARTIES

Ione Band of Miwok Indians
Shingle Springs Band of Miwok Indians

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UNITED STATES NAVY

By:



Date:

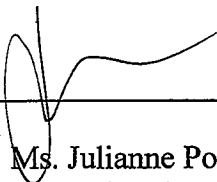
3/29/17

Ms. Kimberly A. Ostrowski
Director
Base Realignment and Closure
Program Management Office West

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CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By:



Ms. Julianne Polanco
State Historic Preservation Officer
California Office of Historic Preservation

Date:

10 April 2017


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CITY OF CONCORD
(Invited Signatory)

By: 
Valerie Barone
City Manager


Date: 4-1-17

ATTEST:

By: 
Joelle Fockler, MMC
City Clerk

Date: 4/1/17

APPROVED AS TO FORM:

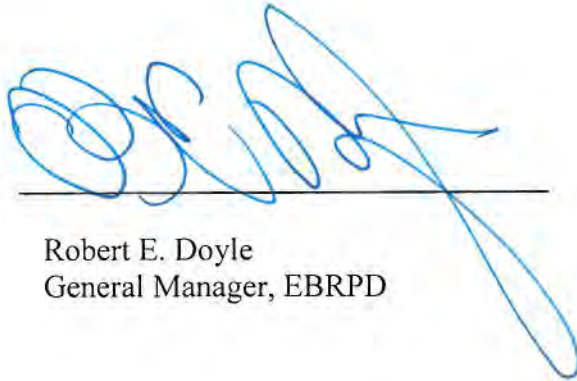
By: 
Susanne Meyer Brown
City Attorney

Date: 3/31/17

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EAST BAY REGIONAL PARK DISTRICT
(Invited Signatory)

By: _____



Robert E. Doyle
General Manager, EBRPD

Date: _____

4/3/17

Approved as to Form:


District Counsel, EBRPD

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CONCURRING PARTIES

By: _____

Date: _____

Ione Band of Miwok Indians

By: _____

Date: _____

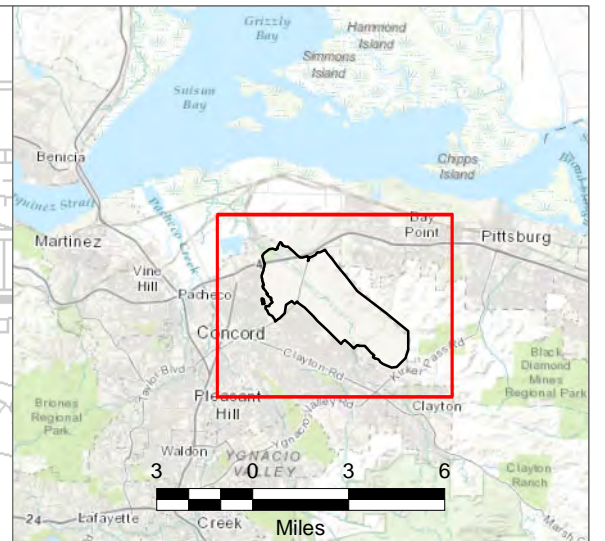
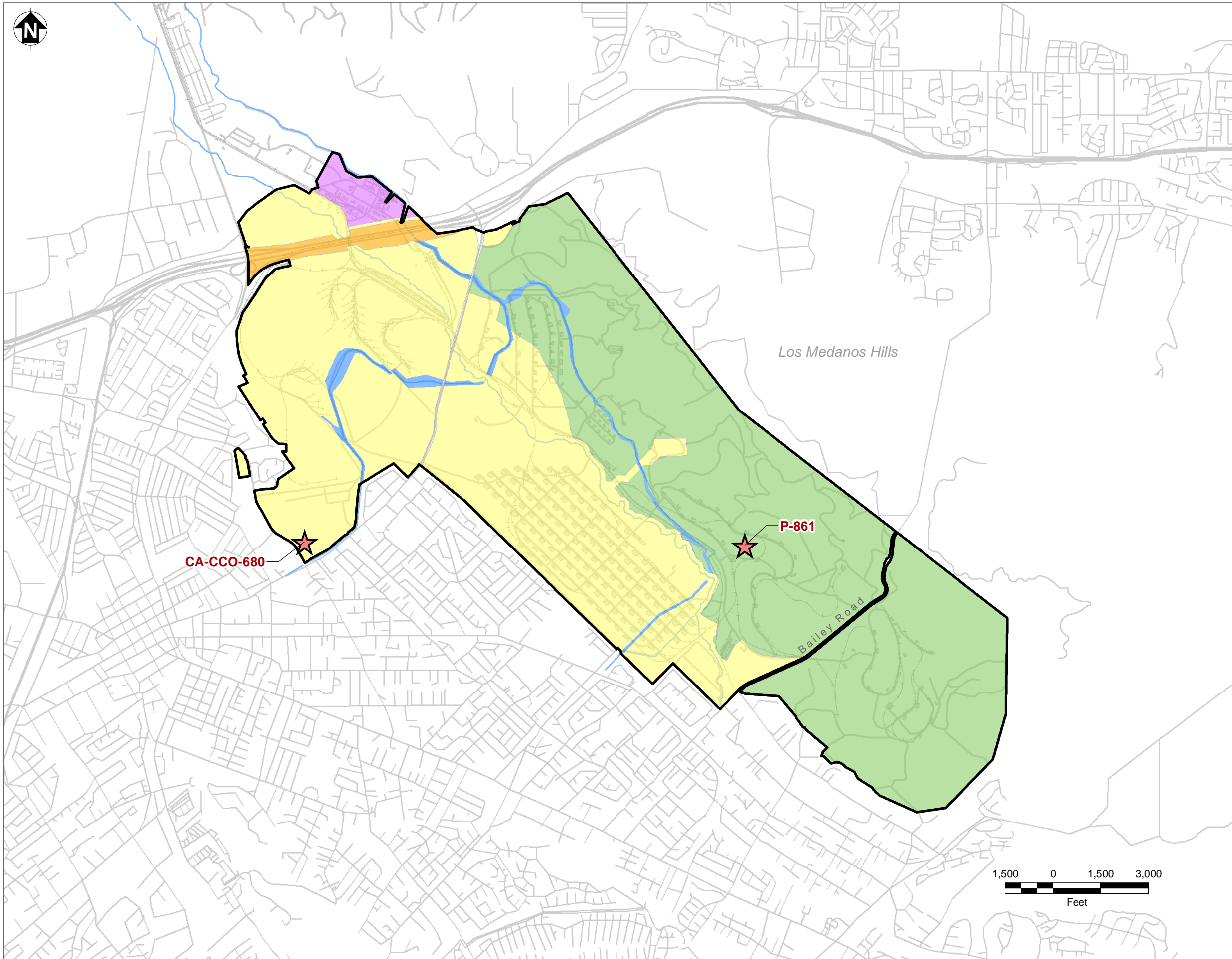
Shingle Springs Band of Miwok Indians

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THE UNITED STATES NAVY,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE CITY
OF CONCORD, AND THE EAST BAY REGIONAL PARK DISTRICT
REGARDING THE DISPOSAL AND REUSE OF THE FORMER NAVAL
WEAPONS STATION, CONCORD, IN CONCORD, CALIFORNIA**

**APPENDIX A:
MAP DEPICTING THE AREA OF POTENTIAL EFFECTS (APE)**

**APPENDIX B (CONFIDENTIAL APPENDIX):
CITY OF CONCORD'S TREATMENT PLAN FOR SITE CA-CCO-680**

**APPENDIX C:
DEFINITIONS**



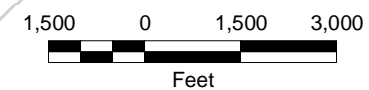
- ★ Archaeological Sites
CA-CCO-680 and P-861
- Area of Potential Effects (APE)
- Economic Development
Conveyance (EDC) to the City of
Concord
- Public Benefit Conveyance (PBC) to
the East Bay Regional Park District
- Public Benefit Conveyance for the
Contra Costa County Emergency
Responders Complex
- CalTrans (Highway 4)
- US Bureau of Reclamation (Canals)
- ~ Water
- Road
- Railroad
- Building



Former Naval Weapons Station
Seal Beach Detachment Concord

APPENDIX A

AREA OF POTENTIAL EFFECTS



**SECTION 106 MEMORANDUM OF AGREEMENT BETWEEN
THE UNITED STATES NAVY,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE CITY
OF CONCORD, AND THE EAST BAY REGIONAL PARK DISTRICT
REGARDING THE DISPOSAL AND REUSE OF THE FORMER NAVAL
WEAPONS STATION, CONCORD, IN CONCORD, CALIFORNIA**

**APPENDIX B (CONFIDENTIAL APPENDIX):
CITY OF CONCORD'S TREATMENT PLAN FOR SITE CA-CCO-680**

**SECTION 106 MEMORANDUM OF AGREEMENT BETWEEN
THE UNITED STATES NAVY,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, THE CITY
OF CONCORD, AND THE EAST BAY REGIONAL PARK DISTRICT
REGARDING THE DISPOSAL AND REUSE OF THE FORMER NAVAL
WEAPONS STATION, CONCORD, IN CONCORD, CALIFORNIA**

APPENDIX C: DEFINITIONS

Agreement. The Memorandum of Agreement memorialized in this document. Where not directly addressed in this Agreement, the rights, obligations, and other duties of the Navy shall be determined by 36 CFR § 800 and applicable Navy regulations and guidance.

Concurring Party. A consulting party concurring in this Agreement in accordance with 36 CFR § 800.6(c)(3). Concurring Parties are the parties who sign this Agreement, other than the Signatories and Invited Signatories.

Consulting Party. A party as defined in 36 CFR § 800.2(c), composed of Signatories, Invited Signatories, and Concurring Parties, and those parties who elect not to concur in this Agreement but participated in the consultation to develop this Agreement.

Invited Signatory Party. A party that is invited by the Navy to sign this Agreement as an Invited Signatory Party shall, upon becoming a Signatory Party, have the same rights with regards to seeking amendments or termination of this Agreement as other Signatory Parties. Invited Signatory Parties are: the City of Concord (City) and East Bay Regional Park District (EBRPD).

Qualified Staff. An individual who meets the Secretary of the Interior's *Professional Qualifications Standards* at 48 Fed. Reg. 44738-44739 (Sept. 29, 1983).

Signatory Party. A party with rights and obligations with respect to this Agreement as defined in 36 CFR § 800.6(c)(1). Signatories are: Department of Navy (Navy) and the California State Historic Preservation Officer (SHPO), and those Invited Signatories signing this Agreement.

Undertaking. The transfer out of Federal ownership of approximately 5,038 acres of the Inland Area of the former Naval Weapons Station (NWS) Concord and the Navy's caretaker maintenance and pre-conveyance licensing and leasing programs.

Appendix K Response to Public Comments

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Erica Spinelli,
Project Manager
Concord Naval Weapons Station Project

I am a lifelong Concord resident and want to add my comment to the Plans for developing the former Concord Naval Weapons Station site.

At this time, I recommend that we adopt the "no action alternative" as outlined below.

"Draft EIS
October 2014
2-17
2.2.5

No Action Alternative

The No Action Alternative is retention of the former NWS Concord property by the U.S. government in caretaker status. No reuse or redevelopment of the property would occur. Any current approved uses on the property would continue until remaining leases expire or the Navy decides to renew the lease. No new leases would be created under the No Action Alternative. Facilities would be maintained in accordance with the BRAC Program Management Office (PMO) Building Vacating, Facility Layaway, and Caretaker Maintenance Guidance, published in March 2007. In accordance with the BRAC PMO Building Vacating, Facility Layaway, and Caretaker Maintenance Guidance, only conditions adversely affecting public health, the environment, and safety would be corrected in nonresidential areas. Any remedial activities underway would continue until environmental cleanup is complete."

There is no need for the People of Concord to be in a hurry to develop this site. The current plans proposed will add and additional 20,000 to 30,000 people to our City which will significantly increase traffic congestion both in and around Concord and Central Contra Costa County, tax our water infrastructure during a time of drought, and impact our quality of life here in Concord.

If this area is to be developed in the future, has anyone given any thought to develop this area for agricultural purposes (e.g- farms) or possibly re-locating Buchanan airport to this location which will open land in that part of town for developing?

Respectfully submitted,

Alan Altorfer

0001-1
Comment noted.

0001-2

As noted in the EIS, the purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

Alternative 1 (the Preferred Alternative) is reuse of the surplus property consistent with the City of Concord's Area Plan, as adopted. As discussed in Chapter 1, the Area Plan upon which Alternative 1 is based was the result of an extensive reuse planning process that took place between 2008 and 2012 undertaken by the City of Concord, during which seven alternatives were evaluated. All seven of the alternatives were variations on mixed-use development. In accordance with NEPA, the Navy is also evaluating an alternative to the proposed action, Alternative 2 (Intensified Reuse), which is also consistent with the policies developed by the City of Concord during the reuse planning process but represents a higher intensity of use overall. Please see Chapter 2, Proposed Action and Alternatives, for further detail on how the Alternatives were developed.

0001-1

0001-2

From: Edi Birsan [REDACTED]
Sent: Saturday, November 22, 2014 6:12 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: CNWS

Support the City Plan

Please put me on the email list for the results.

Edi

Please take the short survey at
www.PulseOfConcord.com

Edi Birsan
[REDACTED]

0002-1
Comment noted.

0002-2
The mailing list has been updated per the comment.

0002-1

0002-2

Contra Costa County**Fire Protection District**

November 25, 2014

Director, NAVFAC BRAC PMO West,
Attn: Ms. Erica Spinelli, NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, California, 92108-4310

Dear Ms. Spinelli,

Please find our comments regarding the NWS Concord EIS below:

DEIS Alternate One
(pages ES-4, 2-31, et al.)

The Contra Costa County Fire Protection District and the Office of the Sheriff, Contra Costa County strongly supports Alternate One. Both the Fire District and the Sheriff's Office have spent hundreds of hours and approximately \$50,000 in pursuit of the Public Safety Training Campus to be located on the CNWS land reuse area north of Highway 4. This training campus will not only benefit all of the residents of Contra Costa County (and the surrounding Bay Area) but will specifically benefit the City of Concord with substantial public safety resources located within the city limits. Additionally, Military Ocean Terminal Concord (located just north of the proposed training campus), will have immediate access to training and emergency resources from the Public Safety Training Campus.

In addition to the labor and resources that the Fire District and the Sheriff's Office invested in Alternate One, the residents of Concord have spent thousands of hours analyzing and reviewing many different land use scenarios to arrive at Alternate One as the best choice for the current and future residents of Concord.

The residents of the City of Concord and numerous regional stakeholders created Alternate One for the reuse of the former Concord Naval Weapons Station. The planning process culminated with the Concord City Council unanimously certifying an addendum to the Final EIR for the Concord Reuse Plan, adopting the Concord Reuse Project Area Plan (CRP Area Plan) and consistency amendments to the Concord 2030 General Plan. These actions set policy and development standards in place that ensure reuse of the base that it be developed in accordance with the recommendations of community and with the unanimous affirmation of the City Council.

Director, NAVFAC BRAC PMO West,
Ms. Erica Spinelli, NEPA Project Manager
November 25, 2014
Page 2

Concord Facilities Fees
(Page 3-141)

The DEIS states that Concord has a Development Fee (also known as "Facilities Fees" or "Impact Fees"). Not only is the Fire District unaware of the existence of these fees, the City Clerk was not able to provide the Fire District with any city ordinance stating that these fees are in place. Additionally, the fee amounts that are stated in the DEIS are older fees that were in place until approximately 2008.

The fee structure stated in the DEIS is generally designed for single to small development projects to account for incremental growth within the Fire District. With a development project of this size, the ordinances adopted by the Fire District allow for negotiated terms in order to provide adequate fire and emergency services for new, large scale developments that will have an impact and increased demand on the current capabilities of the Fire District. It is expected that fire and emergency services will be available, and of a capacity necessary for the increased service demand, from the start of occupancy of a development or project and not when sufficient fees are collected to start to build a fire station. The Fire District would expect to have developer-funded resources available early in the occupancy process for this project.

New Fire Stations in the CNWS development area
(Page 4-116)

Several times in the DEIS there is reference to the need for two new fire stations to serve the new development. Also stated is that the old CNWS Fire Station could be used as one of the needed public safety fire stations. This Fire Station is economically and functionally obsolete. Building IA7, the Inland Firehouse was built in 1945. It cannot be cost-effectively made to provide mandated services to the development of the CNWS residential and business areas. Its location north of Highway 4 puts the firefighters and paramedics well out of established coverage area standards for locating fire stations to best serve the public.

While it is stated in the DEIS that two fire stations would be needed in the new development area, this is a minimum. With review of the density and configuration of the development in relation to existing resources, three fire stations and the associated staffing, apparatus, and equipment may be required.

3.10.3.2 Fire and Emergency Medical Services (EMS)
(page 3-142)

The information contained in the report is no longer accurate. The following information should be included as accurate based on current staffing and current EMS arrangement:

Fire protection at the former NWS Concord is primarily provided by the MOTCO Fire Department. A fire protection facility located just north of Highway 4 on the former NWS Concord was originally built to provide services to the Navy and is no longer in operation. It is no longer serviceable as a fire station.

0003-1

Reference to the Contra Costa County Fire Protection District (CCCFPD) Development Fees has been deleted from Section 3.10.3.2. New information was added to this section to clarify that the City of Concord does not currently charge fire-related fees for new development projects and to clarify that the number and location of facilities, as well as funding, is typically identified through other detailed planning processes. In addition, the references to the development fee in Sections 4.10.1.2 and 4.10.2.2 were deleted and replaced with the information provided above.

0003-2

Comment noted. The City of Concord's Area Plan anticipates that two fire stations will be needed to serve the site. If rehabilitation of the Inland Firehouse is not feasible, two new stations will be constructed. The location of the future fire stations serving the site, along with funding for the stations, will be determined by the City in conjunction with the Contra Costa County Fire District through one or more later, project-specific, local planning processes. In addition, the Army currently operates an emergency response facility at the Military Ocean Terminal Concord (MOTCO) that is anticipated to be available for mutual aid response as long as MOTCO is in operation. This information was added to and/or revised as appropriate in Sections ES.2, 2.2.3.2, Table 2.4, 3.10.3.2, and 4.10.1.2.

0003-3

Please see responses to Comments 0003-1 and 0003-2 for further detail.

0003-3

0003-4

Sections 3.10.3.2 and 4.10.1.2 have been updated to reflect information obtained in personal communication with the commenter as of 2017. Figure 3.10-1 was revised to reflect the station closures cited in the comment letter.

0003-4

Director, NAVFAC BRAC PMO West,
Ms. Erica Spinelli, NEPA Project Manager
November 25, 2014
Page 3

A mutual aid agreement, signed in 1998 between the Navy and the CCCFPD, allows the NWS Concord Fire Department and CCCFPD to provide joint protection and emergency services to the region if additional resources are needed by either department.

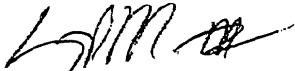
Fire protection and EMS services in the City of Concord are provided by the CCCFPD. The CCCFPD provides fire services to nine cities, including Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, and Walnut Creek as well as several unincorporated areas of Contra Costa County, including the communities of Bay Point, Clyde, El Sobrante, Pacheco, and Port Chicago from 23 fully-staffed stations located throughout the region. The locations of these fire stations as shown in Figure 3.10-1 (CCCFPD 2013) is no longer accurate based on station closures that occurred in 2013. Currently, the 23 stations are staffed with a daily minimum of 71 personnel. During FY2014-2015, the district had a total of 323 authorized personnel (213 fire suppression, 17 chief officers, and the remainder serving in administration, fire prevention, communications, and other support services capacities) serving approximately 600,000 people, with a ratio of approximately one fire station per 26,086 people or .36 firefighting personnel per 1,000 residents. Fire station closures and staffing reductions resulted in the closure of 5 fire stations and 7 fire crews during 2011-2013. It is anticipated that as of February 1, 2015 the total on-duty staffing of the CCCFPD will be increased to 24 engine/truck companies and 2 EMS squads for a total of 78 front-line fire suppression personnel on duty every day. There are no additional increases in staffing planned.

In addition to services provided by CCCFPD personnel, the district also maintains mutual aid agreements with all fire agencies in Contra Costa County, including the East Contra Costa Fire Protection District (ECCFPD), the EBRPD, the California Department of Forestry and Fire Protection (CAL FIRE), and private industrial companies. These agreements provide the CCCFPD with emergency response assistance on an as-needed basis.

The CCCFPD provides first responder EMS services with advanced life support (ALS) paramedics on every fire apparatus. The County contracts with American Medical Response (AMR) CoCo County for paramedic ambulance 911 response and transport services. A new countywide contract for ambulance services is open for bidders and will be awarded in late 2015.

Please contact me if you have any questions.

Sincerely,



Lewis T. Broschard III
Assistant Fire Chief

CC: Undersheriff Casten
Fire Chief Carman
Director Mitchoff
Director Glover
File

0003-4 cont'd
Please see previous page for response.

0003-4
Continued

From: Ron Butler [REDACTED]
Sent: Wednesday, November 26, 2014 2:20 AM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: CNWS

0004-1
Comment noted.

My vote is for alternative #3 (no action)

0004-1

From: [REDACTED]
Sent: Saturday, November 22, 2014 8:07 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Re: CNWS re-use

0005-1
Comment noted.

Dear Erica,
I vote:
NO ACTION ALTERNATIVE 3.... No development or reuse whatsoever. The 5,038
acres of surplus Navy land would be retained in caretaker status. Any
remedial activities (removal of toxins, etc.) would continue.
Regards,
Wayne Calhoon
[REDACTED]

0005-1

0006-1
Comment noted.

From: Jeanne Cantwell [REDACTED]
Sent: Sunday, November 23, 2014 1:27 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: CNWS Development

Eric, saw the information on Claycord.com. Here's my vote

NO ACTION ALTERNATIVE 3..... No development or reuse whatsoever. The 5,038 acres of surplus Navy land would be retained in caretaker status. Any remedial activities (removal of toxins, etc.) would continue. The National Environmental Policy Act requires that this option be given!

Regards,
Jeanne Cantwell
[REDACTED]
[REDACTED]

| 0006-1

From: larry [REDACTED]
Sent: Sunday, November 23, 2014 2:08 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Naval Weapons Station

0007-1
Comment noted.

I support alternative 3. Lawrence Cantwell

0007-1

0008-1
Comment noted.

-----Original Message-----

From: Cheung Family [REDACTED]
Sent: Monday, November 24, 2014 10:27 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: CNMS

No Action.

DO not want low income housing.

A Concord Resident

0008-1

From: [REDACTED]
Sent: Monday, November 24, 2014 4:31 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: my comments regarding NWS Concord EIS

Erica,

Thank you for the open house public meeting regarding the Draft NEWS Concord WIS.

I am in favor of the **No Action Alternative**. Already the City of Concord is planning development of thousands of units in Downtown Concord which will add approximately 10,000 people to the area. I'd like to see them complete that project before tackling the development of the Concord Naval Weapons Station area. I bought a house in Concord recently because it's a suburb but with continued development it's becoming an urban center. Those of us who would be negatively impacted would be the residents of Sun Terrace, Holbrook Heights and Dana Estates. North Concord already endures air and noise quality issues because of Highway 242, Highway 4 and Buchanan Airport. We are subjected to safety issues with the constant landing and take-off of planes overhead, as well as the fear of an explosion from the Golden Eagle refinery owned by Tesoro, Inc. It's not uncommon to smell petroleum from time to time as the refinery does "maintenance" work. The Delta breeze brings it right our way.

Please don't add to the problems of the residents of the area by adding dense housing, more cars, more noise, etc. Noise travels far in the Diablo Valley due to the terrain. It does not have many trees, and shrubs to absorb sound. The Concord NWS is more barren and sound would intensify. Your study does not take this into consideration; it only measures from the starting point which already is problematic due to lack of sound absorption. Sure a developer could put in landscape to help absorb sound but we're also in a major drought and need to think long-term.

I don't like the impact it would have on the wildlife. Although both Alternatives 1 and 2 propose up to 70 percent open space, humans would still be accessing the area. If the East Bay Regional Parks District obtains it, I'm sure paths will be created and people will be tromping through the area with their dogs, etc.. I like that it would protect the area from development but it does not necessarily protect the wildlife inhabitants. They too need space to roam.

I would like to see this area remain under caretaker status. I'm a proponent of population stabilization not continued growth. Building more houses, businesses, etc. are not the answer to this area.

Thank you for reading my comments.

Sincerely,
 Suzanne Delbou

0009-1

Comment noted.

As noted in the EIS, the purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

Alternative 1 (the Preferred Alternative) is reuse of the surplus property consistent with the City of Concord's Area Plan, as adopted. As discussed in Chapter 1, the Area Plan upon which Alternative 1 is based was the result of an extensive reuse planning process that took place between 2008 and 2012 undertaken by the City of Concord, during which seven alternatives were evaluated. All seven of the alternatives were variations on mixed-use development. In accordance with NEPA, the Navy is also evaluating an alternative to the proposed action, Alternative 2 (Intensified Reuse), which is also consistent with the policies developed by the City of Concord during the reuse planning process but represents a higher intensity of use overall.

Please see the EIS for a discussion of air quality, wildlife, noise, traffic and transportation (Sections 4.4, 4.5, 4.9 and 4.11, respectively).

0009-1



November 25, 2014

Director, NAVFAC BRAC PMO West
Attn: Ms. Erica Spinelli
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

**Re: Draft Environmental Impact Statement for the Disposal and Reuse of the
Naval Weapons Station Seal Beach Detachment Concord (NWS Concord),
City of Concord, California**

Dear Ms. Spinelli:

The City of Antioch would like to submit the attached letter dated October 26, 2009 originally submitted to the City of Concord during the public comment period associated with the Environmental Impact Report prepared by Concord for the Naval Weapons Station Reuse Project. The attached comments focus on transportation impacts and were jointly submitted by the East Contra Costa County Transplan Committee, a joint powers authority coordinating the transportation interests of the communities in eastern Contra Costa County.

Although the City of Concord did provide a response to comments, the City of Antioch continues to have significant concerns regarding impacts of a reuse plan on the regional transportation network. It is requested that the EIS address the concerns contained in the attached letter.

Sincerely,

Mindy Gentry
Senior Planner

cc: City Council
City Manager
Tina Wehrmeister

TRANSPLAN COMMITTEE

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
651 Pine Street -- North Wing 4TH Floor, Martinez, CA 94553-0095

October 26, 2009

Mr. Michael Wright
CNWS Reuse Project Director
City of Concord
1950 Parkside Drive
MS / 56
Concord, CA 94519

Dear Mr. Wright:

The following are comments from TRANSPLAN and its member jurisdictions on the Draft Environmental Impact Report (DEIR) for the Concord Community Reuse Project. As you may be aware, TRANSPLAN coordinates the transportation interests of the communities in eastern Contra Costa County. All of the cities in East Contra Costa and the County are members of TRANSPLAN and believe that with appropriate mitigation measures and policy revisions, as discussed below, the project will be the "world class project" the City seeks.

In considering the broad environmental concepts described in the DEIR and given the BART station area context, TRANSPLAN and its member jurisdictions support the reuse of the naval weapons station. However, we believe that only by the City of Concord working closely and collaboratively with TRANSPLAN jurisdictions to address the impacts described in the DEIR will a "world class project" be possible. We take this opportunity to thank the City for expanding the environmental review to include facilities in the TRANSPLAN region and disclosing the impacts. We hope this is the first step in a dialog which will serve to improve this exciting project.

The DEIR describes the Reuse Plan as the Local Reuse Authority's vision for redevelopment of the inland portion of the naval weapons station. The City may subsequently undertake further planning actions such as amending its General Plan and zoning ordinance to accommodate the Reuse Plan. TRANSPLAN would like to receive California Environmental Quality Act notices for any subsequent planning actions by the City.

As a result of a recommendation from a joint TRANSPAC/TRANSPLAN Technical Advisory Committee meeting held in May 2008, the Contra Costa Transportation Authority included in its 2009/2010 work plan the *State Route 4 Corridor Management Plan*. Once this planning process gets underway this plan may be an appropriate forum to discuss the impacts of the project and expand upon and further define the mitigation measures in the DEIR as discussed in more detail below.

The comments below are in sequential order as they appear in the DEIR, not in order of priority.

Chapter 4: Transportation

1. *Section 4.1.1: Introduction Page 4-1: "The site...is served by a network of...transit services, and bicycle and pedestrian facilities".* While acknowledging the language in this section is perfunctory, it underscores the fundamental mischaracterization of transit and to a lesser extent, non-motorized facilities found throughout the document. Transit service in the project vicinity is very limited; rather than a "network" it would better be characterized as "skeletal". This does not speak to the even greater limitations of the bus transit districts in developing new service to support the proposed project. TRANSPLAN believes that new, ongoing dedicated funding for bus service must be developed in conjunction with any development on the project site. Without this funding, future bus service to the

0010-1

The City of Antioch requested that the EIS address the concerns contained in the attached comment letter from the East Contra Costa County Transportation Planning Committee (TRANSPLAN), which was originally submitted in response to publication of the City of Concord's 2009 Draft Concord Community Reuse Plan EIR (2009 EIR). The 2009 letter was resubmitted by the City of Antioch during the comment period for the Navy's 2014 DEIS. The Navy has reviewed all comments in relation to the EIS. Where a TRANSPLAN comment does not apply specifically to the 2014 DEIS, the Navy is responding to the comment in a more global sense.

This comment requests that the current state of transit funding be referenced in the EIR specifically and that the City of Concord guarantee that the necessary transit service will be present by providing funding to pay for service at the former NWS Concord. The City of Concord addressed this comment in the 2010 Response to Comments on the August 2009 Draft Revised EIR (2010 RTC). The Master Response Transportation 2 in the 2010 RTC stated: "A transit financing plan is not appropriate at this level of analysis; however, as the transit network continues to develop, the issue of transit financing will be discussed with the appropriate transit operators and will be addressed in future environmental documents. The City of Concord will pursue expected new funding opportunities collaboratively with local transit operators."

In addition, subsequent to the certification of the 2010 Final Concord Community Reuse Plan EIR, the City of Concord refined the Reuse Plan in 2012 and adopted the resulting Concord Reuse Project Area Plan (Area Plan) and amended Concord's citywide Concord 2030 General Plan to include the Area Plan. As a result of the Area Plan amendment, the Concord 2030 General Plan Transportation Section includes Policy T-1.2.3: Use impact fees, development agreements, and other funding mechanisms to construct the transportation system and support Transportation Demand Management programs on the Concord Reuse Project site, including transit services and facilities. In the 2010 Mitigation Monitoring and Reporting Program for the Concord Community Reuse Project (MMRP) the City of Concord committed to conducting a Nexus Study, required pursuant to the Mitigation Fee Act, for the entire former NWS Concord site to establish an equitable traffic impact-fee rate for each land use category to ensure that future development projects will contribute a fair share of the unfunded costs of planned improvements and mitigation measures. In the MMRP, the City of Concord also committed to requiring future developers to contribute a traffic

0010-1

impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program requirements of the Central County Action Plan for Routes of Regional Significance.

As referenced in the documents above, transit funding related to the former NWS Concord site is within the City of Concord's jurisdiction. Sections 4.11.2 and 4.11.3 of the FEIS reference the City of Concord's Transportation Demand Management programs that will be supported by various funding mechanisms under the direction of the City of Concord. The EIS also references the City of Concord's Nexus Study and the traffic impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program in Section 4.11.2 and Table 7-1.

0010-1 cont'd

Please see previous page for response.

development should not be assumed, and should not be considered a mitigation strategy but rather an impact, which is the creation of a demand for bus service in face of declining (or completely absent) service. The DEIR references SB375 when describing the transportation demand management (TDM) approaches to project mitigation. Local jurisdictions from a County which has a rich history of multi-jurisdictional collaborative planning should recognize the flaw in the State's approach to addressing climate change and seek to improve upon it. Requiring or planning for transit supportive land use patterns without transit funding (or in the State's case **eliminating** transit funding) is a fundamentally flawed approach. TRANSPLAN calls on the City to be a statewide model for combating climate change and not assume that transit service will be present; but rather guarantee that the necessary transit service will be present by providing the funding to pay for service to be extended to serve the project.

With regards to "...network of...bicycle and pedestrian facilities...": The 2009 update to the Contra Costa County Bicycle and Pedestrian Plan shows bicycle facilities surrounding the project area and the vast majority of them are "planned" and Class III. Class IIIs are the lowest class in the Caltrans bicycle facility hierarchy offering the least benefit to the cyclist. This will not facilitate the desire to have good connectivity to existing Concord as expressed in the DEIR. TRANSPLAN is confident that a world-class bicycle network will be developed *within* the boundaries of the project. However, unless a network is developed outside the project boundaries that connect the project to greater Contra Costa, improvements in non-motorized share of mode split will not be realized and the project will not truly fulfill the goal of "...supporting a broad range of travel choices...". Building on our comments in our 7/16/08 letter, prior to any development on the project site the City should commit to:

- Completing planned/proposed bicycle and trail facilities (in the Concord Trails Masterplan, the Contra Costa County Bicycle and Pedestrian Plan or the City of Concord General Plan) either within a two mile radius of the project boundaries or that otherwise serve the project,
 - Closing any gaps identified in either the Contra Costa Countywide Bicycle and Pedestrian plan or the Metropolitan Transportation Commission's Regional Bikeway Network (To the extent they aren't already represented by the project's planned facilities).
 - Ensuring that the connections to all BART stations in the study area (Concord, North Concord/Martinez, and Pittsburg/Bay Point) are superior and seamless. The City should commit to funding any necessary improvements at these stations necessary to support both additional and improved bicycle access. These connections should be marked on-street lanes at a minimum but, where possible, should include different facility types to accommodate a range of user abilities and comfort levels. The "blank slate" afforded by the reuse of the station area should be taken advantage of through the encouragement of walking and bicycling through the provision of superior facilities.
2. *Section 4.1.2.1: State: Page 4-2:* Implementing TDM strategies as a wholesale replacement for capacity increases as a mitigation is not supported by the City's current Growth Management policies (which includes level of service standards for basic routes and routes of regional significance) which sanction changes to the Capital Improvement Program in order to meet standards (Policy GM-1.3.3 [The City has not demonstrated that improvements are not possible or feasible nor has a request for "special circumstances" been made public]).

TRANSPLAN believes that relying on SB375 to relieve the City of the responsibility for mitigating congestion related impacts through capacity expansion is problematic:

- a. The state has not yet released guidelines for the implementation of SB375,
- b. TRANSPLAN's understanding of SB 375 is that implementation will begin, initially, with regional (Bay Area-wide) agencies. Compliance implications will eventually be seen at the local level but this is not yet the case. If this is not the case please cite specific requirements or policies which compel the City to abandon the local standards of congestion mitigation.

0010-1
Continued

0010-2

Originally submitted in response to publication of the 2009 Draft EIR, this comment requests various City of Concord commitments related to the bicycle and trail network developments outside the former NWS Concord to facilitate connectivity. The City of Concord addressed this comment in the 2010 RTC. The Master Response Transportation 1 in the 2010 RTC stated that the location and characteristics of the on-site bicycle and pedestrian network were informed by local and county-wide system plans such as the Concord Trails Master Plan and the Contra Costa Countywide Bicycle Master Plan. The Concord Trails Master Plan and the Contra Costa Countywide Bicycle Master Plan address planned pedestrian and bicycle facilities beyond project boundaries. In addition, the Concord 2030 General Plan Transportation Section includes bicycle and pedestrian principles and policies (i.e., Principle T-1.7: Provide Safe and Convenient Pedestrian Circulation, and Principle T-1.8: Provide a Safe and Comprehensive Bicycle Network). Policy T-1.7.4 states: "Prioritize pedestrian connections from new development to nearby open spaces and trails." Plans for the Concord Reuse Project include connections from the sidewalk system to a network of off-road walkways and regional park trails. Policy T-1.7.1 states: "Develop off-street pedestrian linkages, including approaches such as connections allowing pedestrians to travel through the ends of cul-de -sacs, pedestrian paths, bridges over creeks and roadways, and pedestrian underpasses, to minimize walking distance and enhance pedestrian circulation throughout the City; consider planned development on the Concord Reuse Project site when establishing such linkages." The Concord 2030 General Plan Transportation Section also states that future amendments or updates to the Countywide Plan and the City's Trails Master Plan may be needed to reflect proposals for the Concord Reuse Project site.

0010-2

0010-3

As referenced in the documents above, the bicycle and trail network outside the former NWS Concord site is within the City of Concord and Contra Costa County's jurisdictions. An overview of pedestrian and bicycle facilities as they pertain to the former NWS Concord is included in Section 3.11.6 of the FEIS and identifies the regional bicycle network in Figure 3.11-5, Bike Trails. Figure 3.11-5 has been updated to reflect the off-site bicycle network from the most recent Contra Costa Countywide Bicycle Master Plan GIS data (2010) and the City of Concord's

proposed bikeway network from Concord's Bicycle, Pedestrian & Safe Routes to Transit Plan (2016).

0010-3

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the City of Concord's plan to implement Transportation Demand Management (TDM) strategies as a mitigation measure in the 2009 EIR. The City of Concord addressed this comment in the 2010 RTC. In response 19-7 in the 2010 RTC, the City of Concord indicated that they did not rely on SB375 or abandon local policies when developing TDM strategies as mitigation. In addition, the City stated that the requirements of Measure J and the Growth Management Element of the Concord General Plan do not preclude the use of TDM programs to address impacts. The Concord 2030 General Plan Transportation Section has also been amended to include Policy T-1.2.3: Use impact fees, development agreements, and other funding mechanisms to construct the transportation system and support Transportation Demand Management programs on the Concord Reuse Project site, including transit services and facilities.

Sections 4.11.2 and 4.11.3 of the Final EIS reference the City of Concord's TDM programs. Table 7-1 has been revised to incorporate additional detail on TDM strategies and the coordination with affected jurisdictions that will be required as part of the City of Concord's adopted MMRP process addressing physical roadway improvements.

0010-3 cont'd

Please see previous page for response.

0010-3
Continued

- c. What is the legal requirement for the City to change the course of an existing environmental review to comply with recently adopted state legislation? This questionable responsibility (see comment above) taken on by the City burdens affected jurisdictions in that it requires the re-interpretation of document under this new statutory light - the implementation of which, at this point, is speculative.
- d. Abandoning long held local policies that "...ensure new growth provides adequate facilities..." and "pay its own way" (page 4-1 of the City of Concord General Plan) by relying on State legislation which the State itself has yet to agree on how to implement (the Air Resource Board's Regional Technical Advisory Committee is just now finishing its advisory work on this very topic) is premature at best.
- e. Caltrans, in their 7/22/08 comment letter, stated that the forecasted levels of service on state facilities are "unacceptable" and requested that coordination regarding mitigation measures take place. In light of SB375, has Caltrans retracted this requirement and provided an opinion regarding the intent of the City to rely on TDM measures to ensure adequate performance on its facilities?
- f. Notwithstanding the uncertain policy basis which the City is relying on to use TDM strategies as a mitigation measure, substantially more specificity on the character of the TDM program must be provided, and the effect of the program must be quantified. Without the specificity or quantification they cannot be considered feasible, effective or enforceable as required under the California Environmental Quality Act.

In order for TDM strategies to have a meaningful effect on VMT, congestion or other automobile related impact, an extraordinary effort will have to be made on the part of the City. This level of effort is consistent with the goal of a "world class project" espoused in the DEIR, Comments regarding what these efforts can be found throughout this letter.

3. *Section 4.1.2.3: Local: Page 4-2:* Contrary to the information in this section, the EIR is not consistent with the technical procedures which state:

The traffic impact analysis must include, as a minimum, consideration of the following scenarios...Existing conditions plus approved development with mitigations plus the project...

The Existing Conditions, 2030 No Project, and Preferred Alternative and Concentration and Conservation Alternative in the year 2030 are useful and serve specific purposes in the environmental review. Excluding the existing plus project scenario not only departs from the technical procedures and serves to diminish the impacts of the project by isolating the analysis of the project from the current, familiar traffic context but conflicts with the consistent theme throughout the document that a conservative approach to identifying impacts is being used.

4. *Section 4.1.2.3: Local: Page 4-4:* The infill opportunity zone policies cited in the document include the following limitations which may apply to the subject project:

A city or county may not designate an infill opportunity zone after December 31, 2009.

If no development project is completed within an infill opportunity zone by the time limit imposed by this subdivision (4 years), the infill opportunity zone shall automatically terminate.

If the City has made the necessary designations please provide documentation establishing this. How will the City comply with the development time limits (4 years) in the policies?

5. *Section 4.1.3.1: Freeways and Ramps: Page 4-4:* Caltrans, MTC and the Contra Costa Transportation Authority are in the process of developing a Corridor Systems Management Plan (CSMP) for State

0010-4

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the 2009 EIR and Contra Costa Transportation Authority's (CCTA's) technical procedures related to transportation analyses. Similar to the analysis scenarios studied in the 2009 EIR, the DEIS studied "reasonable" scenarios for the Proposed Action. Three scenarios were analyzed in the DEIS, including year 2040 conditions plus Alternative 1; year 2040 conditions plus Alternative 2; and the No Action Alternative. Per NEPA, the approach to the EIS (and the TIS) applied reasonable methodologies to study the Proposed Action, which is the development program for the entire NWS site that would occur over a 20-year buildout horizon, such that an "existing plus project scenario" was not considered a reasonable future condition for the EIS analysis. Incremental growth of the project will occur over 20 years and, given the long timeline, growth in the population and employment is expected. Therefore, analysis of the Proposed Action includes background traffic. While this approach does not present a "familiar traffic context" of existing conditions from which the impacts of the full project can be isolated, it provides a reasonable scenario to capture the potential effects of the Proposed Action on the transportation system for a programmatic EIS.

0010-4

0010-5

This comment references infill opportunity zone policies cited in the 2009 EIR. The City of Concord addressed this comment in the 2010 RTC, indicating that the reference to Infill Opportunity Zone was removed in the Final EIR because a city or county cannot designate an Infill Opportunity Zone by law after December 31, 2009. As a result, Infill Opportunity Zone policies are not referenced in the Navy's EIS.

0010-5

0010-6

The intent of this comment is to ensure the forecasted volumes used in the 2009 EIS for State Route 4 were consistent with that in the State Route 4 Corridor Systems Management Plan (CSMP). The comment requested 2030 forecasted freeway volumes be reported so that consistency between the two reports could be determined. The City of Concord addressed this comment in the 2010 RTC. The City of Concord indicated that

0010-6

the requested freeway volumes were provided in Appendix 4E of the Final EIR.

The CSMP was completed in October 2010; therefore, this comment does not directly apply to the Navy's EIS. In the context of the Navy's EIS, traffic counts from the SR4/SR242 Ramp Metering Implementation Study were used, and forecasted volumes were derived from the updated CCTA travel demand model, which incorporated recommendations and improvements from the CSMP to the extent those improvements were funded and included in the latest Countywide Transportation Plan. Therefore, the DEIS utilized the most recent count data and forecasting model to develop the forecasted volumes used in the transportation analysis.

0010-6 cont'd

Please see previous page for response.

Route 4. TRANSPLAN Staff, in attempting to determine the consistency of the DEIR with the CSMP, found no common metric between the two. Please either provide the 2030 forecasted freeway volumes so that staff may validate the figures, or include a comparison in the next iteration of environmental report.

6. *Page 4-30: Roadway Segments:* TRANSPLAN has included in the *East County Action Plan for Routes of Regional Significance* language¹ establishing the intent to readdress the status of Bailey Road with the next update to the Action Plan. Subsequent planning by the City should anticipate that at the time of development, Bailey Road will be a designated Route of Regional Significance.
7. *4.1.3.3: Traffic Service Objectives: Page 4-33:* The sentence "*The target is meant to be applied to a corridor; while individual segments may violate the target DP*" is not consistent with the East County Action Plan which, in the context of Delay Index, refers to "segments" not "corridors". The June 20, 2000 version of the East County Action Plan which was in force at the time the Notice of Preparation was developed, does not provide for a "corridor" analysis.
8. *4.1.4: Transit: Page 4-35:* "*The transit system serving Contra Costa County is well-developed in urbanized areas...*". The DEIR must disclose relevant information regarding the current state of transit funding in order for this EIR to be considered complete. This is addressed in more detail throughout this letter.
9. *4.3 Potential Transportation Impacts: Page 4-49:* See comment# 3 above. The exclusion of the "Existing Plus Project" (EPP) scenario was discussed with the TRANSPLAN Technical Advisory Committee (TAC) meeting on 9/15/09, in addition to the earlier comment on regarding analysis scenarios. The DEIR includes a long explanation of why its evaluation of potential project impacts varies from "standard practice" so the DEIR will not "grossly overstate actual impacts". Yet, the DEIR's approach is characterized as being "very conservative, and tends to overstate actual impacts of the alternatives compared to what a pure 'Existing plus Project' approach would yield." The TAC is somewhat confused by the DEIR's use of scenarios to determine potential transportation impacts. We request that TRANSPLAN be consulted in subsequent studies that will determine the project's contribution to improvements that mitigate its impact on regional routes.
10. *4.3.3 Model Forecast Methodology: Page 54:* Please disclose what the results of the model runs were in terms of the (effective) trip generation rates and mode splits for all land use types in the proposed project. In addition, please provide details regarding the adjustments to the model to improve the transit sensitivity summarized at the top of page 4-54. The observed results of those edits (change in mode split, BART access mode, etc) should be disclosed in order to determine the reasonableness of the changes. Given that the impacts (and corresponding scale of mitigation necessitated by said impacts) hinge largely on these figures, the City should be prepared to reevaluate the mitigation measures if higher rates are warranted. New impacts could be identified and existing impacts exacerbated if this is the case. Reiterating points made in more detail elsewhere in this letter and in TRANSPLAN's 7/16/08 comment letter, that adequate bus service and/or BART capacity will exist in the future has not been verified. Detail on how the mode split was arrived at should be provided. Was it developed using model output or was a certain mode split assumed (based on comparable areas) and the figures extrapolated from this assumption?
11. *4.3.3.2 On-Site Transit Network: Page 4-54:* Please provide letters of commitment from County Connection and Tri Delta Transit that validate the transit service suggested in this section. In addition, adequate capacity for BART in the anticipated timeframe of project needs to be established (See comment #16). Without this information, the transit mode share assumed in the EIR may be infeasible and the proposed service may not be attractive to future residents and workers housed by the project.

¹ "*With future updates to the East County Action Plan, TRANSPLAN will work with TRANSPAC to consider the utility of Bailey Road and the need to designate the section from West Leland Road to the TRANSPAC region a Route of Regional Significance.*"

0010-6
Continued

0010-7

TRANSPLAN's comment letter was originally submitted in response to publication of the 2009 EIR. The 2009 letter was resubmitted by the City of Antioch during the comment period for the Navy's 2014 DEIS.

0010-8

At the time when the analysis started for the 2009 Reuse Plan EIR, TRANSPAC and TRANSPLAN had adopted Action Plans for Routes of Regional Significance (RRS) that included several Transportation Service Objectives (TSOs) to measure the effectiveness of regional freeways, arterial routes, and transit use. The TSOs for East and Central County included the delay index, level of service (LOS), average travel speed, average vehicle occupancy, and transit ridership, which are described in EIR Section 4.1.3.4 and Table 4-14. However, prior to completion of the Final EIR, Central and East Contra Costa County had drafted Action Plans, which replaced the TSOs with Multi-modal Transportation Service Objectives (MTSOs). Both TSOs and MTSOs are presented in the Final EIR.

0010-9

0010-10

At the time of preparation of the TIS for the Navy's EIS, Bailey Road was considered an RRS (see FEIS Appendix H, Sections 3.1.2 and 4.2) and as such the MTSOs for Bailey Road were applied, consistent with the East County Action Plan for Routes of Regional Significance (2009). To the extent information was available from the 2014 Action Plan, which was still in draft form when the TIS analysis was conducted, updated MTSOs were included. MTSOs are listed in Table 4.11-7 of the EIS; the analysis results are discussed in Sections 4.11.2 and 4.11.3.

0010-11

0010-8

0010-12

The comment is disputing the approach to calculating the Delay Index as one of the TSOs from the June 20, 2000 version of the East County Action Plan. By the time the EIS analysis was conducted, the 2000 version of the East County Action Plan was no longer applicable. During the time when the EIR was developed, Central and East Contra Costa County had prepared draft Action Plans for Routes of Regional Significance (RRS), which replace the TSOs with MTSOs from the 2009 version of the Action Plan. Therefore, MTSOs were applied in the DEIS. MTSOs are listed in DEIS Table 4.11-7; the analysis results are discussed in sections 4.11.2 and 4.11.3. The Delay Index

represents the ratio of congested travel time to uncongested travel time between two points and can be applied on an individual segment basis or to an entire corridor. For the DEIS, the Delay Index is reported for the corridor, which is similar to what is reported in the 2009 Action Plan (as well as the draft 2014 Action Plan). Additional details on the results of the MTSSOs are presented in Tables 26 and 27 of the TIS (included as Appendix H of the FEIS).

0010-9

Please see response to Comment 10-1 for information regarding transit funding.

0010-10

Please see response to Comment 10-4 for information regarding the DEIS analysis scenarios and Comment 24-14 for information regarding the EIS and transportation mitigation measures. The City of Concord will coordinate with affected jurisdictions on specific mitigation measures prior to the approval of a development plan or discretionary entitlement at the former NWS Concord site.

0010-11

This comment is referring to the transportation model methodology used in the 2009 EIR. The concern expressed in the comment about specific adjustments made to the model used for the 2009 Draft Reuse Plan EIR transportation analysis is not relevant to the EIS analysis. The DEIS transportation analysis used the CCTA Countywide Model, which updated the earlier model to include adjustments to improve the transit sensitivity. This is described in Section 4.1 of the TIS. Since the DEIS transportation analysis utilized a travel demand model, trip generation and mode split is not available by land use types but, rather, traffic analysis zones (TAZs). Multiple land use types are included in each TAZ. This approach allowed the DEIS transportation analysis to better capture the interactions between the trip-making patterns of the project land uses and the surrounding land uses and transportation system. Additional details on this approach are provided in the TIS Section 4.1. Mode share is presented in Table 19 and described in Section 4.1. A summary of the EIS transportation analysis methodology, including trip generation, trip distribution and travel mode, is presented in Section 4.11.1 of the FEIS.

0010-12

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the transit service commitment related to the 2009 alternatives and adequate capacity for BART in the timeframe of the project. See response to Comment 10-1 for information regarding City of Concord transit funding commitments. The DEIS transportation analysis used the updated CCTA Countywide Model, which includes transit services and facilities, such as BART, County Connection, and Tri Delta Transit. Using the updated CCTA model provided the best available data at the time of the DEIS since capacity assumptions, frequency of service, bus routes and stops are embedded in the model. The on-site roadway network serving the project site is described in Figures 1 and 2 in the TIS. New transit service to the North Concord BART station serving the project site was assumed in the CCTA model, based on the bus service assumed in the EIR. For the North Concord BART station, the Proposed Action provides new residences and jobs in close proximity to the station, thus providing increased ridership, particularly in the reverse-commute direction, which is not as constrained as the peak commute direction, e.g., toward Oakland and San Francisco in the morning and from Oakland and San Francisco in the evening. The CCTA model included the East Contra Costa BART Extension (eBART) as well as a new bus line to serve the project site.

To address system and station capacity issues, particularly, in the San Francisco and Oakland stations, BART, in collaboration with the Metropolitan Transportation Commission (MTC), the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco County Transportation Authority (SFCTA), and the Alameda-Contra Costa Transit District (AC Transit) are conducting the Core Capacity Study. In addition, BART has prepared the FY15-FY24 Short Range Transit Plan and Capital Improvement Program, which addresses capital and operating needs.

12. 4.3.3.3 *On-Site Bicycle and Pedestrian Network: Page 4-63:* Consistent with comments provided in TRANSPLAN's 7/16/08 comment letter, excluding Class II and III facilities at this point in the project development process is understandable. However, the Reuse Plan should include a policy statement establishing that a dense, well-connected bikeway network will be produced at some point further in the project development process.
13. 4.3.4 *Assumptions about Potential Impacts with Respect to Transportation: Page 4-63:* Reiterating comment #2 above, relying exclusively on TDM measures to mitigate transportation impacts is a significant departure from local practice and is not supported in current local, regional and state policies. TRANSPLAN is committed to addressing the goals of SB 375, at the appropriate time and in the appropriate manner. The decision to take this approach by the City is premature in the absence of locally relevant, adopted policies. As indicated in comment 2f, an extraordinary effort on the part of the City to ensure the effectiveness of TDM strategies may result in a measurable change in travel behavior but does not justify disposing of any capacity improvement to mitigate the project's impacts to regional routes.
14. *Figure 4-12, 4-13: Page 4-65, 4-67:* In subsequent planning efforts the City should consider the following comments on the non-motorized network from our TRANSPLAN members. The existing Class I trail does on Port Chicago Highway does not go north of State Route 4. This map should show this section of trail as proposed. The following facilities should be added to the non-motorized network depicted in these figures (in addition to the improvements discussed on comment #1):
1. An extension of the existing Class I facility on Willow Pass Road to Highway 4 and the planned Class I and II on Evora Road. [there already is a Class I parallel and to the east of WP Rd]
 2. Class II facilities on Arnold Industrial Way between Port Chicago Highway and Solano Way and connections to these facilities from the project site. [the map has no Class II routes. Are they shown on another map?]
 3. Class II facilities on Bailey Road to connect to the planned Class II facilities in unincorporated County and the existing Class II in the City of Pittsburg in the north and connect to the trail in Newhall Community Park.
 4. Class II on Kirker Pass Road to connect to the planned Class II in the unincorporated County in the north and the existing Class II on Clayton Road.
15. 4.3.4 *Assumptions about Potential Impacts with Respect to Transportation: Page 4-63:* Project #4 is described as "Evora Road: Widen from Willow Pass to Pomo Street and extend to Port Chicago Highway". Figure 4.14 is not consistent with this project description. Please clarify whether the extension to Port Chicago Highway is No-Project condition or part of the project. TRANSPLAN believes this connection is critically needed to provide an alternate route to State Route 4.
16. 4.3.5.1 *Transit Ridership Forecasts: Page 4-72:* Please provide some assurance that bus service will be available in the future and that BART will have sufficient capacity to serve the project and not compromise ridership further down the BART line.
- After the last Transportation Advisory Group meeting in 2008 there were questions as to whether or not BART had the capacity to carry the increased riders. The outcome of these discussions was that there were to be additional analysis and meetings to address BART capacity. No analysis results or capacity information has been distributed or can be found in the EIR. Please provide the results of this additional analysis.
- Regarding bus transit, the lack of relevant information related to the state of transit funding will compromise the LRA's ability to make an informed decision on this project. There is substantial evidence that there will not be adequate resources in the future to provide the level of bus service assumed in the EIR.

0010-13

Originally submitted in response to publication of the 2009 Draft EIR, this comment indicates that the Reuse Plan should include a policy statement related to the development of a dense, well-connected bikeway network on the former NWS Concord site. The City of Concord addressed this comment in the 2010 RTC. The Master Response Transportation 1 in the 2010 RTC explained the Draft Reuse Plan EIR's approach to analyzing pedestrian and related future planning efforts.

The City of Concord refined the Reuse Plan in 2012 and adopted the resulting Area Plan. The Area Plan includes policies related to developing a well-connected bicycle network (i.e., Policy T-1.2: Bicycle and Pedestrian Connections, and Policy T-1.5: Bicycle and Pedestrian Safety). Alternative 1, as identified in the Navy's 2014 DEIS, is the reuse of the former NWS Concord in a manner consistent with the Area Plan.

0010-14

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the City of Concord's plan to implement TDM strategies as a mitigation measure in the 2009 Draft Reuse Plan EIR. Please see the response to Comment 24-14 for information regarding the EIS and transportation mitigation measures.

0010-15

This comment references modifications to figures in the 2009 EIR. A data request for bicycle network GIS data was submitted to the Contra Costa Transportation Authority in September 2015 and the City of Concord in March 2017 to ensure the most recent data was incorporated in the FEIS. FEIS Figure 3.11-5, Bike Trails, was revised to depict the off-site bicycle network from the most recent Contra Costa Countywide Bicycle Master Plan GIS data (completed in 2010) and the City of Concord's proposed bikeway network from Concord's Bicycle, Pedestrian & Safe Routes to Transit Plan (completed in 2016). Both existing and proposed regional countywide routes and jurisdictional routes based on the local bike plans of incorporated towns and cities are depicted in Figure 3.11-5.

0010-16

The Evora Road project "Widen from Willow Pass to Pomo

Street" is part of the improvements assumed to be in place in the updated CCTA model used for the Navy's 2014 DEIS. The extension of Evora Road to Port Chicago Highway was part of the roadway network for Alternative 1 and 2, as shown in Figures 1 and 2 in the TIS.

0010-17

Please see response to Comment 10-1 for information regarding transit funding and Comment 10-12 for information regarding BART capacity.

TRANSPLAN does not necessarily see this as a flaw; examples of mechanisms (County Service Area²) to fund transit exist in the County. These mechanisms could also be used to purchase TransLink passes for residents of the development or be dedicated to funding quality bus service as is assumed in the DEIR. Both of these actions are likely to substantially increase transit mode share, demonstrate the City's commitment to implementing mitigation measures, ensuring TDM measures are feasible and effective, and be consistent with the goal of creating a world class project. (see comment 2f).

17. 4.3.5.3 *Summary of Transportation Impacts: Page 4-88:* The information on this page ("Common strategies to limit impacts...include...new roadway infrastructure...") conflicts with other areas of the document which state that "the City...will implement transportation demand management strategies to mitigate...rather than mitigating impacts through increased capacity...". The next version of the EIR should fulfill the project sponsors obligation³ to evaluate feasible mitigations measures and present a reasonable plan⁴ for mitigation. These responsibilities exist regardless of pending environmental policies or any future action by the LRA. The Contra Costa Countywide Transportation Plan can provide a starting point of potentially feasible and effective measure to mitigation the project's impacts on regional routes. Appendix B of that plan identifies State Route 4/I-680 interchange improvements and connection of State Route 4 carpool lanes with the I-680 carpool lanes that could mitigate the project's impact on regional routes. Some of these improvements would also support the TDM goals of the Reuse Plan. It is the hope of TRANSPLAN jurisdictions that this list would be developed in the multi-jurisdictional collaborative tradition that has served Contra Costa County so well.
18. 4.3.6.1 *Potentially Significant Project-Specific Transportation Impacts of the Preferred Alternative That Worsen the Future Condition and Remain Significant after Mitigation: Page 4-107: Impact Transportation 1: Mitigation Measures (MM) 1 and 2:* In addition to determining fair share cost of planned improvements the project sponsor should work with Caltrans to determine what additional feasible mitigation measures are possible and apply a fair share cost to those improvements as well.
19. *Page 4-111: Impact Transportation 4: Locations 7, 8, 9, 10 and 11, Page 4-116: Impact Transportation 05, Page 4-131: Impact Transportation 26, Page 4-123: Impact Transportation 12, Page 4-135: Impact Transportation 29, Page 4-140: Impact Transportation 29, Page 4-145: Impact Transportation 36, Page 4-149: Impact Transportation 39:* The project sponsor should work with affected jurisdictions to identify **additional** mitigation measures. This would facilitate a reasonable mitigation plan which would further (in addition to planned improvements) reduce the impact of the project. Given the lack of an adopted plan for the study area, combined with the likely build-out timeframe of the project, it is unreasonable to assume that capital improvements would be currently planned that would provide mitigation for the as-of-yet-adopted plan **and** the additional background traffic and rely on that absence of improvements to seek relief through measures other than capacity increasing. That valid mitigation measures are not currently planned does not preclude the project sponsor from developing them. Valid mitigation measures, those that exist in current plans, can be found in the *Countywide Comprehensive Transportation Plan* and the *Corridor Systems Management Plan*. Consistent with the proposal to rely on existing planned projects, please evaluate relevant projects from these plans and include them in the yet to be developed funding plan.
20. *Page 4-123: Mitigation Measure Transportation 11, Intersection Impact Location 5:* Regarding the study referenced in this section, there are two planning efforts under way, one for Bailey from Leland Avenue to the freeway interchange, and one from the freeway interchange north to Willow Pass Road. The City of Pittsburg is the lead agency for the former, and Contra Costa County is the lead agency for the latter. The City and the County are coordinating these efforts with each other. Participants include Caltrans, BART, Tri Delta Transit and the East Bay Regional Park District. The goal of these planning efforts is to

² County Service Area T-1 in the Alamo Creek subdivision provides funding to provide transit service to the development. The annual assessment ranges from \$318 to \$230 depending on housing type. More information is available from the Contra Costa County Public Works Department: Hillary Heard: 313-2022

³ Public Resources Code section 21002

⁴ *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001)

0010-18

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the City of Concord's plan to implement TDM strategies as a mitigation measure in the 2009 EIR. Please see response to Comment 24-14 for information regarding the EIS and transportation mitigation measures.

0010-18 0010-19

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the City of Concord's plan to implement TDM strategies as a mitigation measure in the 2009 Draft Reuse Plan EIR and coordination with Caltrans to determine additional feasible mitigation measures and their fair share cost. As indicated in the response to Comment 24-14, Table 7-1 of the FEIS has been revised to incorporate additional detail on TDM strategies and the coordination with affected jurisdictions that will be required as part of the City of Concord's adopted MMRP process addressing physical roadway improvements.

0010-19

In relation to determining a fair share cost for improvements, the City of Concord committed in the 2010 MMRP to conducting a "Nexus Study, required pursuant to the Mitigation Fee Act, for the entire former NWS Concord site to establish an equitable traffic impact-fee rate for each land use category to ensure that future development projects will contribute a fair share of the unfunded costs of planned improvements and mitigation measures determined by the City of Concord in consultation with the affected jurisdictions." Therefore, the City of Concord will work cooperatively with affected jurisdictions, including Caltrans, to determine feasible improvements as part of the Nexus Study. In the MMRP, the City of Concord also committed to requiring future developers to "contribute a traffic-impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program requirements of the Central County Action Plan for Routes of Regional Significance" as well as other funding agreements, such as the Bailey Road Traffic Mitigation Measures Inter-Agency Funding Agreement and the East Central Traffic Management Study. The DEIS references the City of Concord's Nexus Study and the traffic-impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program in Section 4.11.2 and Table 7-1.

0010-20

0010-21

0010-20

Originally submitted in response to publication of the 2009 Draft

EIR, this comment refers to the City of Concord's plan to implement TDM strategies as a mitigation measure in the 2009 Draft Reuse Plan EIR. Please see response to Comment 24-14 for information regarding the EIS and transportation mitigation measures.

0010-21

The City of Concord noted this comment in the 2010 RTC and added a sentence to Mitigation Measure Transportation 11, Intersection Impact Location 5 in the Final EIR: "The improvements, however, are intended to improve the pedestrian, bicycle, and aesthetic environment along Bailey Road; no increase in vehicle capacity is planned."

The planning efforts mentioned in the comment do not directly apply to the Navy's EIS since they pertain to portions of Bailey Road located outside of the former NWS Concord site and address streetscape improvements rather than capacity increases for motor vehicles. However, the DEIS provides an overview of pedestrian and bicycle facilities as they pertain to the former NWS Concord (see Section 3.11.6) and identifies the regional bicycle network in Figure 3.11-3, Bike Trails. This figure has been renumbered to Figure 3.11-5 in the FEIS and updated to reflect the off-site bicycle network from the most recent Contra Costa Countywide Bicycle Master Plan GIS data (completed in 2010) and the City of Concord's proposed bikeway network from Concord's Bicycle, Pedestrian & Safe Routes to Transit Plan (completed in 2016). FEIS Figure 3.11-5 includes bicycle facilities along Bailey Road.

improve the pedestrian, bicycling and aesthetic environment along Bailey Road. They are not intended to increase capacity for motor vehicles.

21. *Page 4-132: Impact Transportation 27:* That responsible agencies currently do not have projects identified to mitigate the impact of the proposed project (the build-out of which likely exceeds the horizon year of most capital improvement plans if not general plans) does not free the project sponsor from the responsibility to evaluate feasible mitigation measures and a reasonable implementation plan. This responsibility exists whether the City decides to fund the mitigation measures or not. The project sponsor should work with the affected jurisdictions, as was suggested with other identified impacts, to develop additional mitigation measures.
22. *Page 4-147: Impact Transportation 38:* Location 5: TRANSPLAN is encouraged that the City of Concord will work cooperatively with the City of Pittsburg in developing appropriate improvements. Please be aware however that the Pittsburg/Bay Point BART Station Pedestrian/Bicycle Access Plan will not be examining the types of improvements necessary to mitigate the identified impact. A separate study or process will be necessary to determine appropriate improvements.
23. *Page 4-155: Impact Transportation 49:* As stated in TRANSPLAN's 7/16/08 comment letter and elsewhere in this letter, the statement "Transit service will increase..." cannot be accurately made in the absence of an identified *additional*, ongoing transit operations funding mechanism or, at a minimum, a policy statement requiring the development of such a funding stream as a requirement of any development. Absent this identified funding, any benefits and increases in service need to be re-characterized as an impact (creation of demand) in addition to identified mitigations. The City's approach would be analogous to stating that automobile access would be provided by way of a roadway in the absence of any plans or funding to construct it. Again, there are examples of mechanisms to fund transit in conjunction with development. Please see comment 2f. The unique timing of this project, a blank slate for a new BART station area while concerns about greenhouse gas emissions abound, is a rare opportunity which should not be squandered. The City should seize the chance to innovate by providing transit supportive land development patterns and *while* ensuring quality transit service will be present to serve the project.
24. *Page 4-155: Impact Transportation 50:* Again, without a plan that connects the internal non-motorized network to an external (adequate) non-motorized network the project, at best, will create an unmet demand for non-motorized facilities. At worse it will create an unsafe situation by having cyclists connect to facilities not suited to bicycle use.

0010-22

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the City of Concord's plan to implement TDM strategies as a mitigation measure in the 2009 Draft Reuse Plan EIR. Please see the response to Comment 24-14 for information regarding the EIS and transportation mitigation measures.

0010-22

0010-23

Originally submitted in response to publication of the 2009 Draft EIR, this comment refers to the mitigation measures proposed in the 2009 EIR at the intersection of Bailey Road and SR 4 eastbound ramps. As indicated in Table 4-11.9 of the Navy's FEIS, physical improvement measures the City of Concord may consider in accordance with the adopted MMRP at the intersection of Bailey Road and SR 4 eastbound ramps include:

0010-23

0010-24

-Convert the EB through lane to an exclusive left turn lane from the BART access road; and widen the SR-4 EB off-ramp to add a right-turn lane in order to provide one left-turn lane, one shared left through lane, and two right-turn lanes on the WB approach;

-Replace one of the SB left-turn lanes with one left turn lane, two through lanes, and one right-turn lane on the SB approach; and

0010-25

-Modify the traffic signal to provide protected left-turn phasing.

0010-24

Please see response to Comment 10-1 for information regarding transit funding.

0010-25

Please see response to Comment 10-2 for information regarding the connections between the internal and external non-motorized network.

Signed,

City of Antioch

City of Brentwood

X _____

Title:

X _____

Title:

Attest: _____

Attest: _____

Date: _____

Date: _____

City of Oakley

City of Pittsburg

X Frank RiosTitle: Mayor

X _____

Title:

Attest: Nancy Atenhead

Attest: _____

Date: 10/14/09

Date: _____

TRANSPLAN

X _____

Federal D. Glover, Chair

Attest: _____

Date: _____

Copy:

TRANSPLAN TAC

TRANSPAC

D. Heitman, BART

Anne Muzzini: County Connection

Signed,

City of Antioch

City of Brentwood

X _____

X _____

Title:

Title:

Attest: _____

Attest: _____

Date: _____

Date: _____

City of Oakley

City of Pittsburg

X _____

x *Alicia L. Parent*

Title:

Title: *Mayor*

Attest: _____

Attest: *Alicia G. Quenson*

Date: _____

Date: *10/20/09*

TRANSPAN

X _____

Federal D. Glover, Chair

Attest: _____

Date: _____

Copy:
 TRANSPAN TAC
 TRANSPAC
 D. Heitman, BART
 Anne Muzzini: County Connection

Signed,

City of Antioch

City of Brentwood

X James D. Davis
Title: MayorX _____
Title: _____Attest: Shelene Martin
Date: October 13, 2009Attest: _____
Date: _____

City of Oakley

City of Pittsburg

X _____
Title: _____X _____
Title: _____

Attest: _____

Attest: _____

Date: _____

Date: _____

TRANSPLAN

X _____
Federal D. Glover, Chair

Attest: _____

Date: _____

Copy:
TRANSPLAN TAC
TRANSPAC
D. Holtman, BART
Anne Muzzini: County Connection

-----Original Message-----

From: Vitulano, Karen [<mailto:Vitulano.Karen@epa.gov>]

Sent: Monday, November 24, 2014 3:10 PM

To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO

Subject: EPA comments on Former Concord NWS Disposal and Reuse DEIS

Erica - Please see attached EPA's comments on the subject project. Please let me know if you have any questions or wish to discuss.

Will you need a hard copy of the letter or will this suffice?

Sincerely-

~

Karen Vitulano

U.S. Environmental Protection Agency, Region 9 Environmental Review Section

75 Hawthorne St. ENF-4-2

San Francisco, CA 94105

PHONE 415-947-4178

FAX 415-947-8026



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

November 24, 2014

Ms. Erica Spinelli
NAVFAC BRAC PMO West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Subject: Draft Environmental Impact Statement for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach Detachment Concord, Concord, California (CEQ# 20140289)

Dear Ms. Spinelli:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The Draft Environmental Impact Statement (DEIS) assesses the impacts of the Navy's disposal of surplus property at the former Naval Weapons Station Seal Beach Detachment Concord and subsequent redevelopment of the property by the City of Concord. The preferred alternative is the development plan adopted in 2012 by the City of Concord in the Concord Reuse Project Area Plan. The approved development plan supports transit oriented development around the North Concord/Martinez BART Station where higher intensity uses are planned, transit use in other developed areas of the site, and includes open space, greenways, and a bicycle network. EPA recognizes and supports the transit-oriented focus and open space preservation components of the proposed development. Nevertheless, we believe that the environmental impacts of the project warrant further consideration and mitigation.

Based on our review, we have rated the DEIS's preferred alternative as *Environmental Concerns – Insufficient Information* (EC-2) (see enclosed "Summary of Rating Definitions"). The development plan would remove 22 acres of wetlands, which would eliminate their important values to fish and wildlife, and their functions as storage areas for flood flows, groundwater recharge, nutrient recycling, and water quality improvement. We understand that the City of Concord will apply for a Clean Water Act Section 404 permit from the Army Corps of Engineers. EPA will work with the Corps when the Clean Water Act Section 404 permit is proposed to help ensure that these impacts are minimized. Please see our attached recommendations for improving the disclosure of impacts and regulatory processes in the Final EIS. We understand that all mitigation for impacts of the proposed project will be the responsibility of the City of Concord. Since impacts to air quality are described in the DEIS as significant, we recommend that the City ensure that robust air quality mitigation measures are implemented, and we encourage the Navy to work with the City to secure appropriate commitments to such measures.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please

0011

0011-1

The City of Concord conducted a comprehensive review and selection process through the California Environmental Quality Act (CEQA) to identify the preferred alternative, the Area Plan. The City Council adopted the Concord Reuse Project Area Plan (Area Plan) in 2012 and amended the Area Plan into the City's 2030 General Plan and certified a Final EIR in 2012. This process involved considering alternatives that would provide a viable future development project while minimizing impacts on the environment.

The City of Concord has submitted an Individual Permit application under the Clean Water Act (CWA) to the USACE with the goal of securing a site-wide permit that authorizes the fill of 6.93 acres of waters of the U.S. in connection with future economic development, the restoration of Mt. Diablo Creek, and habitat enhancements for federal and state listed species. According to the City's pending Individual Permit application and the USACE's Public Notice for the application (published June 14, 2016), economic development would result in the permanent fill of 4.23 acres of wetland and 1.42 acres of other Waters of the U.S.; the total (temporary and permanent) fill estimate is 6.93 acres (4.50 acres of wetlands and 2.43 acres of other Waters of the U.S.).


The restoration of Mt. Diablo Creek and conservation enhancements for endangered species will fill 0.27 acres of wetlands and 1.01 acres of other Waters of the U.S. However, the restoration and conservation activities will also produce additional aquatic resources areas, reducing the net loss of jurisdictional waters from implementing the Area Plan to a net loss of 4.23 acres of wetland and 1.43 acres of other waters. The USACE will evaluate the City's application for compliance with the 2008 Federal Compensatory Mitigation Rule and for compliance with the Section 404(b)(1) Guidelines and the USACE's regulations (33 CFR Part 325), which require the USACE to identify and analyze project alternatives, and select the alternative that avoids and minimizes impacts to jurisdictional waters to the maximum extent practicable, and is the least environmentally damaging practicable alternative that achieves the overall project purpose. The Navy concurs with the EPA's statement that compliance with the 404(b)(1) Guidelines will be evaluated by the USACE independent of City approvals, during the 404 permitting process. If the City does not secure a site-wide Individual Permit, future property owners or developers would be responsible for securing any necessary CWA permits from the USACE, and any applications for an Individual Permit

0011-1

would be subject to the 404(b)(1) Guidelines and the Compensatory Mitigation Rule.

contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,


Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Jane M. Hicks, Army Corps of Engineers
Michael W. Wright, City of Concord

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Wetlands and Waters of the U.S.

The proposed development plan would fill approximately 16.1 acres of jurisdictional wetlands, including freshwater marsh and seasonal wetlands; 6 acres of non-jurisdictional wetlands; and approximately 8,716 linear feet of streams that lie within the development footprint (p. 4-168, 4-174). We have concerns with this level of impact from the direct fill of wetlands and streams, as well as the indirect impact of adding over 1,100 acres of new impervious surface to the watershed¹. The DEIS references a Master Clean Water Act Section 404 permit that would establish the city as the responsible party for U.S. Army Corps of Engineers (USACE) permitting requirements. There is no "Master" 404 permit within Clean Water Act Section 404 permitting options, and the DEIS may be referring to a Regional General 404 permit.

Before issuing a 404 permit, the USACE will have to determine that impacts have been avoided and minimized to the maximum extent practicable. The information in the DEIS does not demonstrate that the City's redevelopment plan is the Least Environmentally Damaging Practicable Alternative per Section 230.10(a) of the EPA 404(b)(1) Guidelines. It appears that additional avoidance is possible. In addition, the 404 permit must include compensatory mitigation requirements for unavoidable impacts, in compliance with the 2008 Federal Mitigation Rule. EPA will provide additional comments on specific development proposals through the USACE Public Notice process.

Recommendation: We recommend that the following information be included in the FEIS:

- Clarify in the FEIS whether the "Master" 404 permit refers to a Regional General 404 permit. Indicate the status of the permit and describe the process whereby the City would comply with USACE permitting requirements.
- In Section 3.14.1.2, discuss the EPA 404(b)(1) Guidelines and how the USACE uses them to evaluate proposed permits, as well as the 2008 Federal Compensatory Mitigation Rule. This section currently only discusses the jurisdictional determination process in any detail, but that is only the first step in the permitting process.
- In Sections 4.14.1.2 and 4.14.2.2, state that, under the 404(b)(1) Guidelines, impacts to waters of the U.S. must be avoid and minimized to the maximum extent practicable. Compliance with this requirement will be evaluated by the USACE, independent of City approvals, during 404 permitting.
- Explain how the City plans to mitigate for impacts to 22 acres of wetlands and fill of over 1.5 miles of streams. For example, will mitigation be provided within the plan area, within the same watershed, outside the watershed, or through mitigation banks, etc.? It is not sufficient disclosure to say only that developers will have to comply with state and federal regulations.
- Clarify whether the "Concentration & Conservation" alternatives evaluated in the City's CEQA document were considered in the DEIS.

¹ Full project estimate is 1,442 acres of impervious surface; 359 acres currently exist (p. 4-169)

0011-2

The City of Concord has submitted an Individual Permit application under the CWA to the USACE with the goal of securing a site-wide permit for future development activities.

0011-2

This submittal included a Conceptual Habitat Mitigation Plan for Wetland, Aquatic, and Riparian Habitats. As described in the USACE's Public Notice, the City's development would avoid the largest jurisdictional wetlands on the site (two seasonal wetland features totaling approximately 8 acres near the old airfield and the majority of the Holbrook Drainage Channel (~ 1 acre), which is a vegetated ditch that flows along the north side of Willow Pass Road. In addition, fill impacts to Mt. Diablo Creek would be minimized by using clear-span bridges for the 9 planned new vehicle or pedestrian crossings. Unavoidable fill would be mitigated through the creation of new wetland areas within NWS Concord; a total of 0.59 acres of new wetland area would be created in association with expansion and enhancement of existing California tiger salamander breeding ponds. In addition, the City is proposing to create up to 10 acres of new wetlands near the old airfield and enhance Mt. Diablo Creek. The Public Notice further acknowledges that a final mitigation plan would be required prior to the issuance of any Individual Permit.

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0011-6

During the preparation of the DEIS, the City of Concord was discussing various options for CWA permitting with the USACE, including the potential for some form of site-wide permit (e.g., the term in discussion was a "Master" permit). Since that time, the City of Concord has submitted an Individual Permit application under the CWA to the USACE with the goal of securing a site-wide permit for future development activities. That Individual Permit is currently under review by the USACE. If the City is able to secure a site-wide permit from the USACE that is certified by the RWQCB, the permit conditions would include measures to adequately avoid, minimize, and mitigate for any adverse impacts on wetlands or Waters of the U.S. If the City does not secure site-wide permits, future property owners or developers would be responsible for securing any necessary state or federal resource permits and would have to demonstrate to the applicable resource agencies that impacts on wetlands, streams, riparian habitats, and listed species or their habitat have been minimized.

0011-7

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0011-4

The discussion of wetland and Waters of the U.S. presented in the FEIS has been revised to include a description of how the USACE is evaluating the Least Environmentally Damaging Practicable Alternative for the project. In June of 2016, the USACE issued a Public Notice discussing their evaluation of a site-wide Individual Permit for the Area Plan. The current project description includes avoidance of a large wetland and the majority of the Holbrook Drainage Channel in the Economic Development Conveyance area.

0011-5

Sections 3.14.1, 4.14.1.1, and 4.14.1.2 of the FEIS have been revised to further describe the permitting process. The City of Concord has submitted an IP application under the CWA to the USACE with the goal of securing a site-wide permit for future development activities.

0011-6

The City of Concord conducted a comprehensive review and selection process through the California Environmental Quality Act to identify the preferred alternative, the Area Plan. The City Council adopted the Concord Reuse Project Area Plan in 2012 and amended the Area Plan into the City's 2030 General Plan. This process involved consideration of alternatives that would provide a viable future development project while minimizing impacts on the environment.

Section 3.14.1.2 has been revised to further describe the permitting process. The City of Concord has submitted an Individual Permit application under the CWA to the USACE with the goal of securing a site-wide permit for future development activities. Through review of this Individual Permit, the USACE would ensure that the CWA 404(b)(1) Guidelines are met in order to issue a permit. In addition, the USACE would ensure that any necessary compensatory mitigation would comply with the 2008 Federal Compensatory Mitigation Rule. If the City does not secure a site-wide permit, future property owners or developers would be responsible for securing any necessary state or federal resource permits and would have to demonstrate to the USACE and USEPA that impacts on Waters of the U.S. are avoided, minimized, and mitigated, as necessary under 404(b)(1) Guidelines and that any compensatory mitigation would be consistent with guidelines in the 2008 Federal Compensatory Mitigation Rule.

0011-7

Sections 4.14.1.2 and 4.14.2.2 have been updated to reflect the status of the USACE 404 process and include information regarding planned mitigation activities. The USACE Public Notice indicates that the City's development would avoid the largest jurisdictional wetlands on the site, and compensatory mitigation for unavoidable fill impacts (4.23 acres of wetlands and 1.42 acres of other Waters of the U.S.) is proposed on site. A new wetland (0.59-acres in size) would be created in association with the expansion and enhancement of existing California tiger salamander breeding ponds. In addition, the City is proposing to create up to 10 acres of new wetlands downstream of a spring near the old airfield and enhance Mt. Diablo Creek. The USACE Public Notice provides more detailed information including maps.

0011-8

Please see response to comment 0011-7.

0011-9

The alternatives in the EIR, including the Concentration and Conservation alternatives, were not re-evaluated in the 2014 DEIS. As a result of the CEQA environmental review and planning process that eventually eliminated alternatives, none of the EIR alternatives were considered reasonable alternatives for reuse of the former NWS Concord in the DEIS. Please see FEIS Section 2.2.6, Alternatives Considered and Eliminated, for further information.

Water Quality

Mt. Diablo Creek, which bisects the site, is listed as impaired on the Clean Water Act Section 303(d) list due to the pesticide diazinon (sources: urban runoff/storm sewers) and toxicity from an unknown source (p. 3-210). The DEIS states that this impairment is being addressed by an EPA-approved Total Maximum Daily Load (TMDL), but does not discuss those efforts nor how the project would affect them. The project would add approximately 1,100 new acres of impervious surface, with development adjacent to Mt. Diablo Creek, and introduce new sources of urban runoff in the Mt. Diablo Creek watershed. The DEIS concludes that impacts to surface water quality would not be significant and that creek enhancements and channel restoration from the temporary impacts of development would result in beneficial impacts to water quality (p. 4-178).

Recommendation: We recommend that the Final EIS describe existing restoration and enhancement efforts for Mt. Diablo Creek under the TMDL and how the proposed development would be coordinated with those efforts. Identify whether permeable pavement would be used and if this would reduce impacts to surface water quality, and discuss how urban pesticide runoff from new development would be prevented.

Hazards and Hazardous Substances

The DEIS provides a good summary of the areas of contamination and the cleanup actions being taken under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund. Since cleanup actions are ongoing, we recommend that the Final EIS include updates on the status of the cleanup actions at the CERCLA and Environmental Restoration Program sites.

In addition, we have the following recommendations for the Final EIS:

- For sites under review as part of the Preliminary Assessment Re-verification Investigation (PA/RVI), refrain from categorizing them in Tables 3.8-1 and 4.8-1 as “Closed or No Further Action”. This is especially relevant for the Runway Apron Fuel Pit and Red Rock Disposal Area sites for which the Navy is recommending additional action.
- For sites with existing active remediation systems, particularly for groundwater and soil gas, that are likely to extend past land transfer, identify the associated institutional controls (ICs) in Table 4.8-1 instead of stating “not yet specified”. IC’s for these sites should, at a minimum, include not disturbing remediation equipment, and allowing access to equipment for maintenance, etc.
- Indicate at which sites contaminated groundwater is likely to be encountered during construction dewatering and describe any particular considerations necessary for proper management, treatment and disposal (p. 4-177)
- On page 4-78, the DEIS states that the City will require the developer to have a remediation plan that has been approved by applicable environmental regulatory agencies. Clarify the process for regulatory review of the remediation plan and what kinds of issues it would address, since the cleanup is likely to be complete for most sites once development would occur.

0011-10

0011-10

Additional input regarding the Diazinon and Pesticide-Related Toxicity in Urban Creek TMDL and Mt. Diablo Creek was obtained from the Water Resources Engineer at the RWQCB; no restoration or enhancement activities on Mt. Diablo Creek associated with the TMDL are planned.

The EIS has been revised to indicate that the Mt. Diablo Creek 303(d) impairments are being addressed through an EPA-approved TMDL, the Diazinon and Pesticide-Related Toxicity in Urban Creeks TMDL. The current regulatory mechanism to implement this TMDL is the Municipal Regional Stormwater NPDES Permit, which includes the City of Concord, as part of the Contra Costa Clean Water Program. Provision C.9 (Pesticides Toxicity Control) requires permittees to implement a pesticide toxicity control program to address the use of pesticides that pose a threat to water quality and have potential to enter the municipal conveyance system. In addition to these requirements related to the Municipal Regional Stormwater NPDES Permit, any new development authorized by the City will include modern stormwater control and sewer systems that would reduce polluted urban runoff and storm sewer discharges into Mt. Diablo Creek, reducing any diazinon or replacement pesticide pollution originating from the site.

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0011-13

The EIS was revised between the Draft and the Final to provide the current status (through December 2016) of each of the CERCLA Environmental Restoration (ER) Program sites remaining at NWS Concord.

0011-14

0011-12

0011-15

Recommendations from the Final Preliminary Assessment/Re-verification Investigation (PA/RVI) report, issued on June 30, 2016, have been incorporated into Sections 3.8 and 4.8, including Tables 3.8-1 and 4.8-1, of the FEIS.

In accordance with the comment, the PA/RVI sites have not been categorized as active or closed in Tables 3.8-1 and 4.8-1. Conclusions from the PA/RVI report regarding which sites have been recommended for no further action following the PA/RVI study have been included in the FEIS.

0011-13

Institutional Controls (ICs) have been developed for three sites: Solid Waste Management Units (SWMUs) 2, 5, 7, and 18 (one site), Installation Restoration (IR) Site 22, and IR Site 22A. Table 4.8-1 has been updated for the FEIS regarding anticipated ICs, where known.

0011-14

Four sites currently have ongoing groundwater investigation/cleanup activities: SMWUs 2, 5, 7 and 18 (one site); IR Site 29; IR Site 42; and Guam Way. In accordance with the City's Area Plan policies and the EIR mitigation measures adopted by the City pursuant to CEQA, any construction activities at or adjacent to these sites prior to site closure, including dewatering, if necessary, will be designed to ensure the existing groundwater plumes are not exacerbated by these activities. As explained in Section 4.8.2.1 and Table 7-1 of the EIS under Hazards and Hazardous Substances, the City's Area Plan policies and MMRP mitigation measures describe a City permitting process in which permit applicants (future property developers) will be required to 1) comply with applicable environmental laws and regulations, 2) develop and implement a Site Management Plan that addresses relevant topics such as construction dewatering, and 3) ensure "that development activities not interfere with any remediation activities or systems of the Navy or others."

0011-15

As clarified in the City of Concord's comment (referenced herein as comment 0024-5), the City of Concord will require a Remediation Plan only in the event of an Early Transfer. In that context, such a Remediation Plan would be prepared, reviewed, and approved in accordance with the law and regulations applying to Early Transfer. Section 4.8.2.1 of the EIS has been revised to incorporate this clarification.

Mitigation of Air Quality Impacts

The DEIS identifies significant air quality impacts for both the construction and operations phases of the project (pp. 4-33 – 4-34). For construction mitigation, it states only that all feasible construction activity control measures will be applied at the site. We were unable to find any specific references to these measures in the DEIS or the Concord Reuse Project Area Plan.

Recommendation: We recommend that the FEIS identify the suite of mitigation measures that the City would deem feasible and require during construction. We recommend that the City include a requirement to utilize Tier 4 engines for project construction equipment to the maximum extent feasible.

For mitigation of operational emissions, the DEIS states that wood-burning fireplaces would be banned or required to employ best available control technologies, and that households with wood-burning fireplaces would comply with Spare the Air Day restrictions. While EPA Phase 2 Qualified fireplaces are approximately 70% cleaner than unqualified models², they still represent a substantial new pollutant source when applied to 12,272 new housing units. We note that, in addition to the health effects caused by particulate matter pollution, wood smoke contains black carbon, a greenhouse gas³.

Recommendation: We recommend that the City prohibit the installation of wood-burning fireplaces for the project. If wood-burning fireplaces are not prohibited in the project development, we recommend that the FEIS provide estimates of greenhouse gases and black carbon emissions that would result from the operational phase of the project. Since it is difficult to predict compliance with Spare the Air Day restrictions, we recommend eliminating that as a mitigation measure.

² <http://epa.gov/burnwise/fireplaces.html>

³ <http://epa.gov/blackcarbon/>

0011-16

0011-16

The suite of mitigation measures requested by the commenter was previously provided in the City's FEIR under Mitigation Measure AQ-5, which indicates that the following controls will be implemented at all construction sites in order to reduce emissions from construction activities. Basic control measures: 1. Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. 2. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. 3. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

0011-17

The following enhanced control measures will be implemented at construction sites greater than 4 acres in area: 1. All "Basic" control measures listed above. 2. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more). 3. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). 4. Limit traffic speeds on unpaved roads to 15 miles per hour. 5. Install sandbags or other erosion-control measures to prevent silt runoff to public roadways. 6. Replant vegetation in disturbed areas as quickly as possible.

The following control measures are required at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emissions reductions: 1. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. 2. Install wind breaks or plant trees/vegetative wind breaks at windward side(s) of construction areas. 3. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour. 4. Limit the area subject to excavation, grading, and other construction activity at any one time.

All construction equipment will require the following control measures: 1. Comply with the latest CARB certification for off-road heavy duty diesel engines. 2. Maintain properly tuned engines. 3. Minimize the idling time of diesel-powered construction equipment to two minutes. 4. Use alternative powered construction equipment (i.e., compressed natural gas, biodiesel, electric) whenever possible. 5. Use add-on control devices such as diesel oxidation catalysts or particulate filters, as appropriate. 6. Limit the operating hours of heavy duty equipment.

In addition to emission-control strategies described in the FEIR under Mitigation Measure AQ-5, the City will require Tier 4 engines for construction equipment to the maximum extent feasible, as suggested by the commenter.

No revisions have been made to the EIS in response to this comment.

0011-17

With respect to operational emissions, the DEIS air quality analysis has determined that most air quality impacts described in the City's FEIR will be mitigated through implementation of the measures defined in the FEIR and Climate Action Plan. As noted in Mitigation Measure AQ-1, wood-burning fireplaces may be banned within the CNWS or required to employ best available control technologies, in addition to the required compliance with all applicable Spare the Air Day restrictions. The DEIS assumed that wood-burning fireplaces would be banned; the analysis included other specific air quality mitigation measures for buildings and transportation that would mitigate overall project emissions. Although the project may allow some controlled fireplaces, it is not feasible at this time to determine the number of fireplaces that will be allowed or the control measures that would be implemented. The additional emissions from controlled wood-burning fireplaces in some households would be difficult to quantify at this time but are not expected to change the conclusions of the DEIS.

No revisions have been made to the EIS to address this comment.

0012-1
Comment noted.

FIND ME A ROOM TO RENT
w/3-meals, Annoch-94531.

ENGR. MARTIN S. GORRIEB

happy & healthy.

REWARD = \$100⁰⁰

[REDACTED]
w/ your message,
[REDACTED]

THANK YOU KINDLY

NOV. 2014

THE AMERICAN INSTITUTE OF ENGINEERS INC IS ADVOCATING
THE FOLLOWING PROPOSALS:

- BANNING RESALE OF CIGARETTES, LIQUOR, BEER, PISTOLS AND AMMUNITION.
- MAKING DIVORCE ILLEGAL
- REQUIRING ANNUAL PHYSICAL EXAMINATIONS.
- LOWERING PROPERTY TAX RATES AND SALES TAX RATE BY 35%.
- CREATING VOLUNTEER BEAUTIFICATION PROJECTS IN CITIES.
- ELIMINATING THE LIFE OF DEATH ROW INMATES WHO HAVE LIVED THERE FOR TWO OR MORE YEARS VIA SELF-ADMINISTERED CYANIDE POISON.
- ADDING BOY AND GIRL SCOUTS TO PUBLIC EDUCATION CURRICULUM WITHOUT ADDITIONAL FUNDING.
- PROVIDING SINGLE PAPER HEALTHCARE SERVICES VIA THE IBM CORPORATION HEADQUARTERS IN ARMONK, NEW YORK.
- RESTRUCTURING AND MODERNIZING GOVERNMENT BUILDING GEOGRAPHIC COORDINATES AND CREATING THE CARE FOR SERVICE AND ADMINISTRATIVE AGENCIES.
- REFINING TAKING FOR PAYING THE COURSE "HOW TO GET AND STAY MARRIED" AS A MARRIAGE LICENSE IS ISSUED AT A COURSE FEE OF \$250 PER PERSON.
- INCREASE SUPPORT FOR THE UNITED NATIONS FOR UNITED NATIONS DISARMED.
- ELECT A DEMOCRATIC PRESIDENT IN 2016.
- ELIMINATE LOCAL CRIME BY ADDING THE TWENTY TEST.
- LIMIT THE SALARY OF PUBLIC EMPLOYEES TO BE 5% PERCENT OF THE SALARY OF THE U.S. PRESIDENT.
- ELIMINATE BIRTH INSURANCE AND RETIREMENT PROGRAMS FOR ALL EMPLOYEES.

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Mr. John Espinoza &
42 Bailey

SAN DIEGO CA 92161

1514 FINE MOUNT ST



NEHA Agarwal New

1417 Hilltop Ln STE 900

San Diego CA 92108-4340

9210834301



From: Silva Harr [REDACTED]
Sent: Monday, November 24, 2014 8:54 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Concord Naval Weapons Station Re-use Proposals

I am a long time Concord resident since 1971. I STRONGLY believe that the best plan for the former NWS property is to NOT develop it. It should be cleaned up and left as open undeveloped space, NOT crammed full of low end housing as this city sees fit to do with every possible scrap remaining open land. I lost the open space behind my home a few years ago when 24 units of cheap housing was squeezed into a former railway right of way. There wasn't even enough space to build a proper street, so they built a little alley way called "Silverleaf Lane" to access the homes. They have no street parking, as there's no actual street. I sadly had to witness thousands of california quail in a mass migration through our backyards to I don't know where when the heavy equipment arrived. we ALL lost our herd of tule elk some year ago Heavy dense unchecked growth is NOT in Concord's best interest.

The proposed developement will only increase stress on an already over burdened infrastructure. Our streets are in serious need of repair. Shopping centers are neglected and many stores are vacant. Our city leaders appear to be using Oakland's squallor and poverty as the model for Concord's future. I know what I'm saying, I have also been an Oakland resident since 1978. This is not what we want for our city. The parking for the proposed "villages" is completely inadequate. BART riders will be parking in those neighborhoods, as there isn't enough parking at BART. There isn't adequate bus service so that people must drive to get to the trains. I sincerely believe ANY development of the base is ill conceived and I do not support it. Our wildlife deserve to keep their existing habitat which the base has offered for a long time. Thank you.

Silva Harr
 [REDACTED]

0013-1

As noted in the EIS, the purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

0013-1

Alternative 1 (the Preferred Alternative) is reuse of the surplus property consistent with the City of Concord's Area Plan, as adopted. As discussed in Chapter 1, the Area Plan upon which Alternative 1 is based was the result of an extensive reuse planning process that took place between 2008 and 2012 undertaken by the City of Concord, during which seven alternatives were evaluated. All seven of the alternatives were variations on mixed-use development. In accordance with NEPA, the Navy is also evaluating an alternative to the proposed action, Alternative 2 (Intensified Reuse), which is also consistent with the policies developed by the City of Concord during the reuse planning process but represents a higher intensity of use overall.

Please see the EIS for a discussion of socioeconomics, wildlife/natural resources, and traffic and transportation (Sections 4.3, 4.5, and 4.11, respectively).



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November 25, 2014

Via E-Mail

Attn: Erica Spinelli, NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, California 92108-4310
erica.spinelli@navy.mil

Re: East Bay Regional Park District Comments on Navy Draft EIS for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord

Dear Ms. Spinelli:

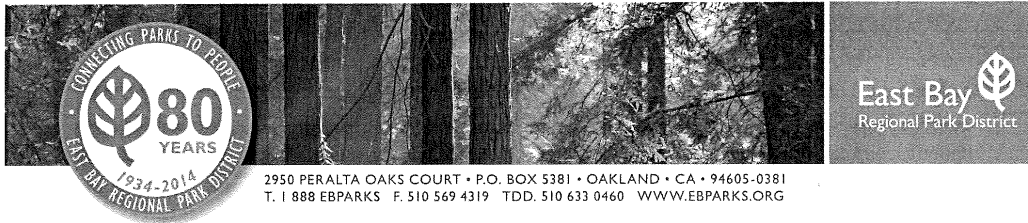
Thank you for the opportunity to provide comments on the draft Environmental Impact Statement (EIS) for the disposal and reuse of the Naval Weapons Station Detachment, Concord, California.

The East Bay Regional Park District (District) is the nation's largest regional park district managing 65 regional parks, recreation areas, wilderness, shorelines, and preserves encompassing over 114,000 acres within Alameda and Contra Costa County. The District manages 29 regional trails connecting East Bay cities to over 1,200 miles of natural surface trails within parklands. Additionally, the District offers 235 family campsites, 42 youth camping areas, numerous picnic grounds, and 10 interpretive and education centers. The District had a budget of over \$228 million in 2014 with an equivalent of 739 full time employees.

The District has had a long-term interest in establishing a new regional park on the lands of the former Concord Naval Weapons Station (CNWS). The District's Master Plan identifies the Concord Hills Regional Park on the CNWS lands consistent with the Area Plan adopted by the City of Concord Local Reuse Authority.

In November, 2008, voters in Alameda and Contra Costa County approved Measure WW, the Regional Open Space, Wildlife, Shoreline, and Parks Bond Extension. The CNWS was identified as a major priority in Measure WW with \$16 million allocated to work in partnership with Concord and the National Park Service to acquire, restore, and develop a major new regional park that would protect open space and wildlife habitat while developing a range of recreation, interpretive, and education facilities in the area.

On October 28, 2009, President Obama approved H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, that contained provisions for the Port Chicago Naval Magazine National Memorial to be administered as a unit by the National Park Service (NPS).



The Port Chicago Naval Magazine National Memorial is located within the active tidal area of Military Ocean Terminal Concord (MOTCO) operated by the U.S. Army and public access remains restricted. The authorizing legislation authorized NPS to work in partnership with the City of Concord and the District to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial. The District has been working with NPS in planning for such a facility on the closed inland area of the former CNWS.

The City of Concord, acting as the Local Reuse Authority, initiated a multi-year community planning process following closure of the CNWS in 2008 culminating in the adoption of a Reuse Plan in 2010. This plan was further refined and integrated into Concord's General Plan through the adoption of the Concord Reuse Project Area Plan in January 2012.

The adopted Area Plan includes the new regional park of 2,540 acres located on the eastern portion of the site to be conveyed to the District through a public benefit conveyance. The Area Plan designates the Regional Park area as "Conservation Open Space" and describes the area as including hiking trails and trailheads, bicycle paths, picnic areas, overlooks, and an interpretive center, and other recreation and education facilities as appropriate with the area's conservation goals. The Area Plan explains that the regional park "will add to the region's rich network of publicly accessible parkland while maintaining and enhancing the site's habitat value." (Concord Reuse Project Area Plan, p. 68, Section 3.4A.)

The District Board of Directors authorized submittal of an application for a public benefit conveyance (PBC) through the National Park Service Federal Lands to Parks program on September 3rd, 2013. On May 8, 2014, NPS informed the District and the Navy that the PBC application for 2,540 acres of the former CNWS was approved and that they will grant a public benefit allowance of 100 percent of the fair market value of the property to be conveyed.

The District envisions a world class regional park that balances public access and recreation with natural and cultural resource protection. Conceptual plans have developed incorporating information and community input received during the development of the Reuse Plan and Area Plan, as well as the City's Trails Master Plan and the aforementioned enabling legislation for the Port Chicago Naval Magazine National Memorial.

The District is initiating a Land Use Plan that will guide implementation of the Concord Hills Regional Park. The Land Use Plan will identify recreational and educational facilities, trails, and operational support facilities that will be developed in coordination with the City of Concord consistent with the habitat preservation requirements identified in the Area Plan and to be further developed through consultation with state and federal resource agencies.



Specific Comments on the Draft EIS

Executive Summary:

There is only one sentence in the Executive Summary that mentions the District's role in the proposed action, and that language does not appear until page ES-5. The language provides: "The land within [the Conservation Open Space District] is anticipated to be designated for open space and regional park uses and would be managed by the East Bay Regional Park District (EBRPD)." Please add the following language regarding the District on page ES-1:

The District submitted an application for a public benefit conveyance (PBC) through the National Park Service Federal Lands to Parks program on September 3, 2013. On May 8, 2014, the National Park Service informed the District and the Navy that the PBC application for 2,540 acres of the former Concord Naval Weapons Station was approved.

Chapter 1:

On page 1-2 of the EIS, the statement of Purpose and Need for the proposed action recognizes the need to provide the local community with "the opportunity for economic development and job creation," but does not state any purpose or need related to the proposed regional park on the PBC portion of the property. This paragraph should be revised to state the additional purpose and need of providing a large regional park and open space for the local community.

Chapter 2:

The description of "Conservation Open Space" on page 2-12 of the EIS is incomplete. The District requests that the Navy insert the following suggested language, which is consistent with the Area Plan and with the District's 2013 Public Benefit Conveyance Application approved by NPS in 2014:

The Conservation Open Space District consists of a large regional open space occupying approximately 2,537 acres, which would be located on the eastern portion of the former NWS Concord. The land within the district is anticipated to be designated for open space and regional park uses and would be managed by the East Bay Regional Park District (EBRPD). The EBRPD will be developing a Land Use Plan that will identify future land uses within the Conservation Open Space area in a manner that balances public access and recreational and educational facility development with natural and cultural resource conservation. This Regional Park would include conversion of rails to trails, development of new regional trail connections, development of a jointly managed visitor center for the Port Chicago Naval Magazine National Memorial, and passive recreational and environmental education facilities including picnic areas, interpretive displays, and other limited intensity uses consistent with resource protection goals. Access, infrastructure, and parking will be accommodated within existing developed areas to the maximum extent feasible, to be evaluated through the development of a Land Use Plan.

0014-1

Comment noted. Information on the public benefit conveyances has instead been added to a new FEIS Section, Section 2.2.3.4 Property Conveyances. This section briefly describes the Navy's transfer process and includes information on the types of conveyance mechanisms to be used for the former NWS Concord, with discussion of the associated sponsoring agencies for the public benefit conveyances. An abbreviated summary of this discussion has also been included under ES.4.1 Alternative 1.

0014-1

0014-2

The purpose and need of the proposed action is related solely to the BRAC action. The proposed action is disposal and reuse of the former NWS Concord in accordance with the City's Area Plan, which includes reuse of the former NWS Concord for conservation/open space. In addition, as stated in Section 1.2, the Navy's disposal of the surplus former NWS Concord property into non-federal ownership and the subsequent reuse of the property following disposal by the Navy is the focus of the EIS.

0014-2

0014-3

Comment noted. As mentioned in FEIS Section 1.10, additional detail is not included in the EIS regarding the specific components of the Concord Hills Regional Park Land Use Plan, because the Area Plan has not been amended, and the process established by the City of Concord for implementation of the Area Plan has not changed. The proposed action evaluated in this EIS remains reuse of the property in a manner consistent with the City of Concord's Area Plan.

0014-3



On page 2-13 of the EIS, the second full paragraph describes the PBC conveyance to the District as uncertain. This language should be revised to reflect that NPS approved the District's PBC application on May 8, 2014.

Some facilities may ~~will~~ be developed and operated by agencies other than the City of Concord, such as the Contra Costa County Sheriff, MDUSD, and the EBRPD. Some sites may be transferred through public benefit conveyances. Uses that have been introduced through the public benefit conveyance (PBC) request process and that may be developed on the site include a sheriff's, fire department, and firstresponder training center, and large, open-space areas for habitat protection, regional park, restoration, and recreational opportunities. On May 8, 2014, the National Park Service informed the District and the Navy that it approved the EBRPD's PBC application for 2,540 acres of the former Concord Naval Weapons Station for development of a regional park. Should the proposed conservation open space area be conveyed to the EBRPD for regional park uses, future planning and design efforts for the regional park will be completed in accordance with the EBRPD Master Plan and could include conversion of rails to trails, development of new regional trail connections, development of a visitor center developed collaboratively with the National Park Service, and passive recreational and environmental education facilities including picnic areas, interpretive displays, and other limited intensity uses consistent with resource protection goals. ~~an interpretive center within the proposed regional park developed collaboratively with the U.S. National Park Service.~~

Chapter 3: Section 3.2 Land Use and Zoning

On page 3-11, Section 3.2.4.1, the EIS enumerates some of EBRPD's policies that are applicable to the development of regional parks. The District requests that EIS be revised to include the additional EBRPD policies enumerated in **Attachment A** to this letter.

Chapter 3: Section 3.8 Hazards and Hazardous Substances

As provided on page 3-97, the EIS provides that the Navy contemplates leaving certain residual contamination (for example, residual pesticide contamination, TCE contained in soil vapor near buildings, PCB-containing oils contained in electrical equipment) on the CNWS property. The District's view is that this residual contamination should be remediated prior to transfer of the Property. Thus, the District requests that the Navy add the following language to page 3-97 to acknowledge the limitations of the Navy's ER Program:

Certain residual contamination (for example, residual pesticide contamination, TCE contained in soil vapor near buildings, PCB-containing oils contained in electrical equipment) may remain at the former CNWS property. To the extent that it is not remediated pre-transfer, that contamination may remain at the NWS Concord property for extended periods of time, particularly on the PBC parcel, before such contamination is addressed in connection with development of the PBC.

On page 3-100, at the end of Section 3.8.2.1, the District requests that the Navy add the same language suggested above for page 3-97.

0014-3 cont'd

Additionally, the requested revision was not incorporated as requested because information on the public benefit conveyances has now been moved to a new subsection of the FEIS, Section 2.2.3.4 Property Conveyances, which briefly describes the Navy's transfer process, and includes information on the types of conveyance mechanisms to be used for the former NWS Concord, with discussion of the associated sponsoring agencies for the public benefit conveyances. An abbreviated summary of this discussion has also been included under ES.4.1 Alternative 1. The RTC requesting that the Navy include this information in the EIS has also been revised.

0014-3
Continued

0014-4

Section 3.2.4.1 of the FEIS has been revised to include the suggested language.

0014-5

As explained in Section 3.8.2.3., the Navy is required to prepare a Finding of Suitability to Transfer (FOST) or Finding of Suitability for Early Transfer (FOSET) prior to property transfer.

0014-4

A FOST provides a summary of the environmental conditions and notifications for hazardous substances. The notifications as well as restrictions of certain activities are intended to ensure that post-transfer use of the FOST Parcel is consistent with protection of human health and the environment. These notices and restrictions in a FOST will address sites with institutional controls, asbestos-containing material, lead-based paint, polychlorinated biphenyl (PCB)-containing equipment, pesticides, petroleum, and munitions and explosives of concern.

0014-5

Deed notices and restrictions are intended to provide the future property owner with information regarding the environmental conditions at the time of transfer.

No changes are required to Section 3.8.2.1 .

0014-6

Please see Response to Comment 14-5.

0014-6



On page 3-100, in the first sentence of Section 3.8.2.2, no evidence is provided for the statement that the Navy “has complied with other regulations” as stated. The District requests that the Navy provide the following substitute language:

In addition to the requirements of the ER Program, the Navy is subject to other regulations for hazardous wastes and materials during ownership and occupancy of the former NWS Concord property.

On page 3-102, in the first paragraph of Section 3.8.2.3, the current text implies that all contamination will be remediated prior to transfer. The District requests that the Navy add the following sentence at the end of the first paragraph to clarify this point:

Prior to conveyance, not all hazardous materials will be addressed or cleaned up to standards consistent with reasonably anticipated future land uses, particularly on the PBC.

On page 3-123, in Section 3.8.3.3.1, the discussion of Building 93 indicates that TCE was detected in groundwater, but does not address soil vapor and vapor intrusion issues. The District requests that the Navy add the following sentence at the end of that paragraph:

Soil vapor samples for TCE were not collected to determine whether TCE may pose vapor intrusion issues at Building 93.

On page 3-134, in Section 3.8.6.6, the discussion indicates that transformer oils containing PCBs at levels greater than 5 mg/L will be left in the equipment. This section also indicates that light ballasts manufactured before 1979 likely contain PCBs. The District requests that the Navy add the following text to that section:

Oils containing PCBs above the California threshold for categorization as a hazardous waste (5 mg/L) may remain in electrical equipment for extended periods of time, particularly on the PBC property, before that property can be redeveloped. In addition, PCB-containing light ballasts may remain in buildings for an extended period of time, particularly on the PBC property, before redevelopment takes place.

Chapter 4: Section 4.5 Biological Resources

The Biological Resources impact analysis contains internal inconsistencies with regard to the assumptions governing the level of development and proposed uses of the PBC parcel that will be developed into a regional park. The District requests that the Navy provide introductory language in Section 4.5 explaining the extent of disturbance and development on the Conservation/Open Space parcel, in particular, that the regional park will include conversion of rails to trails, development of new regional trail connections, development of a visitor center developed collaboratively with NPS, and passive recreational and environmental education

0014-7

The intent of the first sentence of Section 3.8.2.2 is to indicate that the Navy has complied with regulations for hazardous wastes, USTs, ASTs, and other associated plans and codes while under Navy ownership.

A FOST or FOSET to be issued prior to transfer will provide additional information about site and media-specific compliance.

0014-7

No changes are required to Section 3.8.2.2.

0014-8

As stated, FOSTs summarize how the requirements and notifications for hazardous substances, petroleum products, and other regulated materials have been satisfied. A FOST provides a summary of current environmental conditions, and any restrictions, notifications, or deed covenants related to hazardous materials that may remain at transfer.

0014-8

No changes are required to Section 3.8.2.3.

0014-9

0014-9

Building 93 (SWMU 24) has been investigated several times since 1997 including a RCRA Facility Assessment (RFA), geophysical investigation, explosive hazard investigation, and an Area of Potential Interest (AOPI) Site Inspection (SI). No further action (NFA) was recommended for Building 93 in 2013 based on the results of an AOPI SI and previous investigations. The Department of Toxic Substances Control (DTSC) provided a concurrence letter on November 4, 2015. No additional investigation is warranted.

0014-10

No changes are required to the discussion of Building 93 in Section 3.8.3.3.1.

0014-11

0014-10

Section 3.8.6.6 has been updated to include results from a recent base-wide PCB inventory and inspection that was conducted between 2013 and 2015 in preparation for property transfer of the former NWS Concord. Of the 207 pieces of oil-filled electrical equipment remaining at the installation, all contain either no PCBs or PCBs below the EPA limit (50 ppm). Some of those pieces may contain PCBs above 5 ppm, which is the level at which the California DTSC requires PCB-containing liquids to be

managed as a hazardous waste (22 CCR Division 4, Chapter 11, Article 3), when those liquids are disposed of.

Section 3.8.6.6 has been updated to further clarify that light ballasts that do not have a "Contains no PCBs" label, were manufactured prior to 1979, and for which the manufacturer cannot confirm the PCB content could be considered to potentially contain PCBs. Section 4.8.2.4.6 has been updated to clarify that old fluorescent light fixtures that are removed by future owners of the property could contain PCB-containing ballasts that would require disposal as a hazardous waste if the PCB content could exceed DTSC hazardous waste standards.

The FOST will contain a summary of current environmental conditions, and any restrictions, notifications, or deed covenants related to hazardous materials that may remain at transfer. The transferee assumes responsibility at time of transfer and shall comply with existing federal, state, and local laws and regulations independent of the time when construction/demolition activities are conducted.

0014-11

The impact analyses provided in the DEIS were based on the conceptual plans for the conservation/open space parcel that were available at the time of DEIS publication and are considered adequate for a NEPA-level analysis. Since development of the Draft EIS, additional details are available on the conversion of rails to trails, development of new regional trail connections, development of a visitors center and other limited uses. The FEIS has been updated where appropriate and relevant to reflect the information available at the time of FEIS publication.



facilities including picnic areas, interpretive displays, and other limited intensity uses consistent with resource protection goals.

On page 4-47, the second paragraph states that only five percent of the Conservation Open Space district would be disturbed during construction. The District requests that this paragraph be revised as follows:

Reuse of the former NWS Concord would disturb up to 2,540 acres of land, based on the assumption that 5 percent of the Conservation Open Space development district would be disturbed during construction, and all land within the other development districts would be disturbed during construction. However, acreage of disturbance from construction on the Conservation Open Space development district is unknown and may be greater than five percent. The actual extent of disturbance will be evaluated in EBRPD's Land Use Plan and associated environmental review documents. Construction activities would result in disturbance of soils, erosion, and other impacts.

On page 4-52, the EIS concludes that the loss of 353 acres of ruderal habitat (75%) is less than significant but provides no support for this conclusion. The District suggests that the following language be added to the impact discussion regarding ruderal habitat. A similar revision is suggested for the impact discussion regarding orchards and plantations, found at pages 4-52 and 4-53 of the EIS.

Ruderal/Urban

Under Alternative I, the majority of the ruderal habitat type, 353 acres (76 percent), would be permanently removed. Ruderal habitat would be removed from within all the development districts, with the majority being removed within the Village Neighborhood and First Responder Training Center development districts. Approximately 467 acres (9 percent of the site) are developed with urban and industrial areas, including roadways, parking lots, runways, railroad yards, and asphalt aprons surrounding buildings. Such areas often contain patches of ruderal vegetation as well as landscaped trees and shrubs. Ruderal vegetation also exists on the roofs of bunkers, which are covered with soil and provide some grassland habitat. As much of the ruderal habitat is within existing developed areas and the associated maintained landscaped vegetation communities on the former NWS Concord, the loss of 353 acres of ruderal habitat would not be significant because future project proponents would be required to avoid, minimize, and/or compensate for impacts to ruderal habitat.

On page 4-53, the EIS states that all fencing will be removed. This statement is not accurate, as some fencing will need to remain on site. The District requests that this statement be revised as follows:

Under Alternative I, in consultation with U.S. Fish & Wildlife Service, where necessary this fencing would be removed from the former NWS Concord, thus alleviating to alleviate these constraints to wildlife movement into the future conservation area.

0014-12

Comment noted. Section 4.5.5.1 has not been revised to incorporate the requested change because the Area Plan has not been amended, and the process established by the City of Concord for implementation of the Area Plan has not changed. The proposed action evaluated in this EIS remains reuse of the property in a manner consistent with the City of Concord's Area Plan. However, as stated in Chapter 1.10 of the FEIS, Sections 2, 3, and 4 of the FEIS have been revised to recognize that the EBRPD has begun development of the Concord Hills Regional Park Land Use Plan, and relevant conservation measures from the BO have been incorporated into the proposed action. Also as noted in the FEIS, the EBRPD will be responsible for completing environmental review of Concord Hills Regional Park Land Use Plan as required under CEQA, and any implementation of the Land Use Plan involving construction projects will require further review and permitting from a variety of agencies.

0014-12

0014-13

0014-13

Section 4.5.1.1 has been revised to better clarify that the loss of ruderal habitat and orchards and plantations are not significant. Statements regarding avoidance and mitigation were not included as there are no statutory requirements applicable to protection of ruderal habitats, plantations, or orchards. In addition, these habitats are not particularly valuable to wildlife because ruderal habitats are frequently dominated by hardscape and other developed features, and the ruderal habitats, plantations, and orchards on the installation are dominated by non-native vegetation.

0014-14

The commenter is correct that not all of the existing fencing will be removed and that some fencing will need to remain on the site. Some fencing may need to remain in place for safety reasons or in association with cattle-grazing. Some, but not all portions of the existing fence, would be removed in association with the development of conservation measures to benefit listed species based on consultations with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

0014-14

Sections 4.5.1.2 and 4.5.2.2 of the FEIS have been modified to more accurately describe wildlife movement and the approach to removal of fencing.



Chapter 4: Section 4.8 Hazards and Hazardous Substances

On page 4-76, Section 4.8.1.1 states that the future developer will complete the remediation at NWS Concord and that there will be no reasonably foreseeable impacts after completion of the Navy's portion of the cleanup. The District requests that the Navy add the following text to this section:

Residual pesticides in soil, TCE in soil vapor, ACM in buildings and transformer oil containing PCBs at levels above the California threshold for categorization as a hazardous waste (5 mg/L) may remain in place at the property, particularly the PBC property, for an extended period of time before redevelopment takes place.

On page 4-77, Section 4.8.2.1 describes the ER Program. The District requests that the Navy consider adding the same language suggested for Page 3-97 at the end of Section 4.8.2.1 (pasted again below).

Certain residual contamination (for example, residual pesticide contamination, TCE contained in soil vapor near buildings, PCB-containing oils contained in electrical equipment) may remain at the former CNWS property. To the extent that it is not remediated pre-transfer, that contamination may remain at the NWS Concord property for extended periods of time, particularly on the PBC parcel, before such contamination is addressed in connection with development of the PBC.

On page 4-78, Section 4.8.2.1 states that the City of Concord will require a developer to have an approved remediation plan in place. The District requests that the Navy add the following language near the end of that section concerning impacts of remediation on the PBC parcel:

Depending on the scope and extent of additional remediation necessary on the PBC parcel, the implementation of such further remediation may prevent or delay for extended periods of time the redevelopment of portions of the PBC.

On page 4-81 of the EIS, Table 4.8-1 lists the status for various ER Program sites. In light of the new guidance regarding TCE from Region 9 of the U.S. Environmental Protection Agency, the District requests that all locations on the PBC parcel be further investigated for TCE contamination, including for vapor intrusion. In particular, Building 81, Building 93 and buildings located at SWMUs 12, 20, 23, 24, 25, 29 and 54 should be investigated for vapor intrusion risks.

On page 4-81 of the EIS, Table 4.8-1 lists the status for various UXO-impacted sites. The District requests that surface soils at UXO sites IRP Site 24A, UXO 0010, UXO 0012, UXO 0013 be sampled by the Navy for chemicals of concern, using Method 8330B and other appropriate analytical methods.

0014-15

The 2nd to last paragraph of Section 4.8.1.1 is intended to document that the Navy is responsible under CERCLA to complete the remedial action and the future property owner is responsible for adhering to the local, state, and federal regulations for redevelopment activities.

No changes are required to Section 4.8.1.1.

0014-15 0014-16

Please see response to Comment 14-5. As well, Section 4.8.2.1 refers to the impact assessment methodology in Section 4.8.1.1, which has been updated to refer to the FOST/FOSET that the Navy will prepare.

0014-17

0014-16 As discussed in the response to Comment 11-14, Section 4.8.2.1. has been updated to clarify that the City will require a Remediation Plan only in the event of an Early Transfer.

0014-18

The Navy is currently conducting a soil vapor and groundwater investigation at IR Site 42 (Building 81) and a Site Investigation at IR Site 41 (1A-100). Building 93 and SWMU sites within the EBRPD Public Benefit Conveyance (PBC) property have obtained NFA by the regulatory agencies. No further evaluation is required at these sites.

0014-17

0014-19

The Navy is currently conducting CERCLA investigations at UXO 1A (IR Site 24A, Pistol Firing Range), UXO 10 (Eagle's Nest EOD), UXO 12 (Bermed Area), and UXO 13 (Rocket Practice Area). The fieldwork is being conducted under the oversight of the environmental regulatory agencies under regulator-approved work plans. In accordance with the CERCLA process, chemicals of concern are based on results of previous investigations conducted at each site. The Navy has used EPA Method 8330B at some sites as appropriate. Based upon site-specific conditions, it is not always preferred.

0014-18

0014-19



On page 4-95, Section 4.8.2.4.4 discusses asbestos and states that future developers will remediate the asbestos. The circumstances governing both development of the EDC Parcel, and funding for asbestos removal on the EDC parcel, differ markedly from those on the PBC parcel. For this reason, the District requests that the Navy add the following sentence to this section:

At the PBC, where redevelopment of the various buildings may not occur in the near future, ACM not removed by the Navy may remain in place for extended periods of time.

On page 4-96, Section 4.8.2.4.5 discusses lead-based paint and states that future developers will remediate the lead-based paint. As provided above, the circumstances governing both development of the EDC Parcel, and funding for removal of lead-based paint on the EDC parcel, differ markedly from those on the PBC parcel. For this reason, the District requests that the Navy add the following sentence to this section:

At the PBC, where redevelopment of the various buildings may not occur in the near future, LBP not removed by the Navy may remain in place for extended periods of time.

On page 4-97, Section 4.8.3.1 states that the City of Concord would ensure that future redevelopment activities were compatible with prior remediation activities of the Navy. The District requests that the Navy add the same language suggested for Page 3-97 to Section 4.8.3.1 (pasted again below).

Certain residual contamination (for example, residual pesticide contamination, TCE contained in soil vapor near buildings, PCB-containing oils contained in electrical equipment) may remain at the former CNWS property. To the extent that it is not remediated pre-transfer, that contamination may remain at the NWS Concord property for extended periods of time, particularly on the PBC parcel, before such contamination is addressed in connection with development of the PBC.

Chapter 4: Section 4.10 Public Services

On pages 4-115, the District requests that the Navy revise the last paragraph, as provided below, to provide a more accurate assessment of how EBRPD's police services will be funded.

Similarly, EBRPD police services are primarily funded by property tax revenue (EBRPD 2013a, 2014d), and increases in service costs would be partially offset by increased tax revenues.

0014-20

Sections 3.8.6.4 and 4.8.2.4.4 have been updated to reflect the completion of the final basewide asbestos study, which describes the conditions at each of the structures surveyed.

As described in Section 4.8.2.4.4, the transferee assumes responsibility for management of asbestos at the time of transfer and shall comply with existing federal, state, and local laws and regulations independent of the time when construction/demolition activities are conducted.

0014-21

As described in Section 4.8.2.4.5, the transferee assumes responsibility for management of lead-based paint at the time of transfer and shall comply with existing federal, state, and local laws and regulations independent of the time when construction/demolition activities are conducted.

No changes are required to text in Section 4.8.2.4.5.

0014-22

Also please see responses to Comments 14-5 and 14-16. As explained in Section 3.8.2.3, the Navy is required to prepare a FOST (or a FOSET, for Early Transfer) prior to property transfer.

A FOST provides a summary of the environmental conditions and notifications for hazardous substances. The notifications as well as restrictions of certain activities are intended to ensure that post-transfer use of the FOST Parcel is consistent with protection of human health and the environment. These notices and restrictions in the FOST address sites with institutional controls, asbestos-containing material, lead-based paint, PCB-containing equipment, pesticides, petroleum, and munitions and explosives of concern.

Deed notices and restrictions are intended to provide the future property owner with information regarding the environmental conditions at the time of transfer.

The transferee assumes responsibility for management at the time of transfer and shall comply with existing federal, state, and local laws and regulations independent of the time when construction/demolition activities are conducted.

No changes are required to Section 4.8.3.1.

0014-23

Section 4.10 of the FEIS has been revised as suggested.



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Thank you again for the opportunity to comment on draft EIS. We look forward to continuing to work with the Navy, the City of Concord, and other stakeholders to create a world class regional park on the former CNWS. Please feel free to contact me at (510) 544-2623 or bholt@ebparks.org should you have any questions.

Brian Holt
Senior Planner

cc: Bob Nisbet, Assistant General Manager (EBRPD)
Kristina Kelchner, Assistant District Counsel (EBRPD)
David Siegenthaler, Federal Lands to Parks Program (NPS)
Tom Leatherman, Superintendent (NPS)
Gretchen Stromberg, Chief of Planning and Administration (NPS)
Michael Wright, Reuse Project Director (City of Concord)

Enclosure

ATTACHMENT "A"**EBRPD POLICIES APPLICABLE TO DEVELOPMENT OF REGIONAL PARKS****I. NATURAL RESOURCE MANAGEMENT (NRM)**

NRM1: The District will maintain, manage, conserve, enhance, and restore park wildland resources to protect essential plant and animal habitat within viable, sustainable ecosystems.

NRM1b: To help mitigate the effects of climate change, the District will endeavor to conserve and connect habitat for native species through its acquisition and planning processes.

NRM2: Plant and animal pest species will be controlled by using integrated pest management (IPM) procedures and practices adopted by the Board of Directors. The District will employ integrated pest management practices to minimize the impact of undesirable species on natural resources and to reduce pest-related health and safety risks to the public within developed facilities and/or high-use recreational areas.

NRM3: The District will manage park wildlands using modern resource management practices based on scientific principles supported by available research. New scientific information will be incorporated into the planning and implementation of District wildland management programs as it becomes available. The District will coordinate with other agencies and organizations in a concerted effort to inventory, evaluate, and manage natural resources and to maintain and enhance the biodiversity of the region.

NRM4: The District will identify, evaluate, conserve, enhance, and restore rare, threatened, endangered, or locally important species of plants and animals and their habitats, using scientific research, field experience, and other proven methodologies. Populations of listed species will be monitored through periodic observations of their condition, size, habitat, reproduction, and distribution. Conservation of rare, threatened, and endangered species of plants and animals and their supporting habitats will take precedence over other activities, if the District determines that the other uses and activities would have a significant adverse effect on these natural resources.

NRM5: The District will maintain and manage vegetation to conserve, enhance, and restore natural plant communities; to preserve and protect populations of rare, threatened, endangered, and sensitive plant species and their habitats; and, where possible, to protect biodiversity and to achieve a high representation of native plants and animals.

NRM8: The District will conserve, enhance and restore biological resources to promote naturally functioning ecosystems. Conservation efforts may involve using managed grazing in accordance with the District's Wildland Management Policies and Guidelines, prescribed burning, mechanical treatments, integrated pest management and/or habitat protection and restoration. Restoration activities may involve the removal of invasive plants and animals or the reintroduction of native or naturalized species adapted to or representative of a given site.

NRM12: The District will manage riparian and other wetland environments and their buffer zones to preserve and enhance the natural and beneficial values of these important resources and to prevent the destruction, loss, or degradation of habitat. The District will participate in the preservation, restoration and management of riparian and wetland areas of regional significance and will not initiate any action that could result in a net decrease in park wetlands. The District will encourage public

access to the Bay/Delta shoreline, but will control access to riparian and wetland areas, when necessary, to protect natural resources.

2. CULTURAL RESOURCE MANAGEMENT (CRM)

CRM1: The District will manage, conserve and, when practical restore parkland cultural and historic resources and sites, to preserve the heritage of the people who occupied this land before the District was established.

CRM2: The District may acquire cultural and historic resource sites when they are within lands that meet parkland acquisition criteria, and will maintain an active archive of its institutional history and the history of its parklands and trails.

CRM3: The District will maintain a current map and written inventory of all cultural features and sites found on park land and will preserve and protect these cultural features and sites “in situ” in accordance with Board policy. The District will evaluate significant cultural and historic sites to determine if they should be nominated for State Historic Landmark status or for the National Register of Historic Places.

CRM4: The District will determine the level of public access to cultural and historic resources using procedures and practices adopted by the Board of Directors. The District will employ generally accepted best management practices to minimize the impact of public use and access on these resources, and to appropriately interpret the significance of these resources on a regional scale.

CRM5: The District will include Native American and other culturally associated peoples in discussions regarding the preservation and land use planning of sites and landscapes significant to their culture.

CRM6: The District will try to accommodate requests by historic preservation groups, Native Americans and other culturally affiliated groups to help maintain and use cultural sites and to play an active volunteer role in their preservation and interpretation.

3. RECREATIONAL FACILITIES AND AREAS (RFA)

RFA2: The District will provide a diverse system of trails to accommodate a variety of recreational users including hikers and joggers, dog owners, bicyclists and equestrians. Both wide and narrow trails will be designed and individually designated to accommodate either single-or multiple users, as appropriate, based on location, recreational intensity, environmental and safety considerations.

RFA4: The District will expand its unpaved multi-use trail system as additional acreage and new parks are added. The District will continue to provide multi-use trails to link parks and to provide access to park visitor destinations.

RFA5: The District will continue to plan for and expand the system of paved, multi-use regional trails connecting parklands and major population centers.

RFA6: The District will continue to develop group and family picnic facilities throughout the parks system and will continue to improve the reservation system.

RFA10: The District will continue to provide special recreational facilities throughout the parklands to broaden the range of opportunities in the parks and to take advantage of existing resources. The

District will ensure that these facilities are compatible with the District's vision and mission, with other parkland resources and priorities, and with public needs and demands.

4. PLANNING FOR REGIONAL PARKS AND TRAILS

PRPT12: To protect park resources while providing for regional recreational use and access, the District will prepare plans (Land Use Plans or System-wide Plans) that describe:

- the various levels of resource protection and recreational intensity in the parks
- development projects and land management strategies for trails and parks.
- planning efforts will include consideration of proposals from the public. The District will strive to create and maintain up-to-date information about each of its parks. Significant changes or amendments to adopted plans will require further public comment and Board action.

PRPT13: Land Use Plans will identify future resource management strategies and recreational use for entire parks and establish appropriate Land Use Designations. The District will continue to prepare Land Use Plans for new parks and will amend existing Land Use Plans as needed to accommodate growth and change.

PRPT17: Where trail alignment is not predetermined by a relationship to established corridors such as roads, railroad rights-of-way, canals, utility corridors, or similar facilities, the District will prepare a study or a plan for the trail, taking into account any factors it deems relevant to alignment and feasibility. After determining a feasible trail alignment, the District will seek to acquire the necessary land tenure and develop the trail for public use. The District may acquire a wider corridor for a proposed trail to provide an enhanced environment for the trail before determining the final alignment for the trail.

PRPT24: The District will seek to locate facilities in a manner that preserves open space whenever possible. The District will design proposed facilities so that their color, scale, style and materials will blend with the natural environment. Park improvements will be designed to avoid or minimize impacts on wildlife habitats, plant populations and other resources.

PRPT27: The District will fully comply with the requirements of the California Environmental Quality Act (CEQA) for the development of new facilities. Evidence of CEQA compliance will be provided in the planning document or separately as a project-specific CEQA document. The District will also comply, when appropriate, with National Environmental Policy Act (NEPA).

From: Hope Johnson [REDACTED]
Sent: Tuesday, November 25, 2014 11:54 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Comments on DEIS re Concord NWS

Hello Ms. Spinelli:

Please find below my comments on the Navy's draft EIS report for the Concord Naval Weapons Station.

Thank you for your attention to this matter. I would appreciate receiving a reply to this email confirming that my comments have been received.

Regards,
 Hope Johnson
 Sun Terrace area resident

COMMENTS

NOTICE

The Navy should have provided mailed notices of the draft EIS and comment meeting on November 13, 2014, to residents within one mile of the Concord Naval Weapons Station ("CNWS"). Notices to residents within 500 feet is ridiculously inadequate, only covering a few blocks of homes. The areas around the CNWS are heavily residential and include at least one nearby elementary school in the Sun Terrace area. My neighbors and I will be permanently affected by the noise, traffic, pollution, construction, and hazardous contaminants associated with this project. We deserve mailed notice because that is the most likely to reach us. I live approximately one mile from the North Concord BART station (a distance of 5280 feet) and walk to BART to commute to work. My environment and health are without question subject to being affected by the project but I live ten times the distance that the Navy considers adequate notice. At the very least, the Navy should mail out periodic paper notices to nearby areas informing residents and schools of where they can get more information or sign up for email lists. Residents new to the area would then also be able to learn about the project. Costs of notice can be minimized by the use of postcards and should be considered during the budget process. Costs of mailing occasional postcards (maybe one or two per year) could be shared with the City of Concord and would considerably less than lawsuits arising from misunderstandings with or deception toward the public. Outreach to the neighborhood groups alone is not effective. I am on the email list for the Sun Terrace Neighborhood Partnership and did not receive any notices of the draft or comment meeting. Many of my neighbors stated they also did not know about the draft or meeting. The Navy should also consider placing signs in public spaces or partnering with the North Concord BART station to place notice signs at the entrance to the station.

DRAFT EIS COMMENT MEETING

More than one meeting on the draft EIS should have been planned so that people who were not available on the one meeting day could attend. It is not reasonable to assume everyone would be available on one single day. Further, the Navy should have held at least one meeting that briefly explains what the draft EIS is and the type of comments that are appropriate from the public. For example, I have encountered many people who believe that the Navy can choose Alternative 1, 2, or 3. They do not understand that the No Action Alternative is

0015-1

As noted in the EIS, the NEPA process incorporates public involvement at several points. With respect to public notices, the Navy's mailing and e-mail list comprised approximately 4,000 residents, elected officials, non-governmental organizations, and other stakeholders. The public was notified during the scoping process and after the DEIS was completed. Notifications also were placed in local publications as prominently located display advertisements for several days prior to each meeting, as well as in the Federal Register. Documentation was also provided to the California State Clearinghouse prior to scoping and following DEIS publication. The Navy sent e-mail notification of availability to stakeholders, including the City, which posted documents on their respective web sites for review and comment.

0015-2

The Navy selected meeting dates that were advertised well in advance and selected a meeting location that was familiar and easily accessible to the public. The open house meetings were held over a period of several hours and afforded attendees the opportunity to speak with the project team. Poster displays described the EIS process, how to comment, and impacts. Documents were also available for review on line and at local repositories, and the DEIS contained an executive summary to provide an abbreviated overview of the proposed action and impacts. Attendees could provide written comments at the meeting and also during the comment periods via mail, e-mail, and fax.

0015-1

0015-2

merely a comparison and that the Navy is just demonstrating that Concord's preferred plan is consistent with legal requirements for the Navy to transfer the property to the city. The draft EIS is 948 pages long and uses terminology with which many residents may not be readily familiar. The Navy could have assisted by providing a brief overview of how to read it.

REVISED DRAFT EIS

I do not understand why there is not a revised draft EIS planned prior to the release of the final report and decision so that members of the public can view and comment on the Navy's responses to comments made by the public, interested groups, and government agencies. The Navy provided a revised draft EIS for the Hunters Point Shipyard in San Francisco and should do the same for the CNWS.

VIEWING COMMENTS

Copies of the original submitted comments on the draft EIS should be made available for viewing by the public. The public should be able to compare the Navy's summary and interpretation of comments with the originals to properly analyze the final report. This is reason to issue a revised draft EIS as well. Private information can easily be redacted from the records. Although contact information and other personal information is private, the content of the comments related to the project is public once it is sent to the Navy.

HAZARDOUS MATERIALS REPORT

The hazardous materials report will not be out until after the draft EIS is finalized. There are still 41 sites that need to be investigated for radiological materials; however, the city of Concord can apply for early transfer of the site once the draft EIS is finalized even though this investigation will not be finished. This seems backwards. The Navy will be reporting its decision on human and environmental consequences of the transfer and build out without knowing exactly what hazardous materials are on the property and exactly where. If the city of Concord were to request early transfer and that transfer were granted, then the cleanup of the property would become the responsibility of whatever developer Concord chose instead of the Navy. This could happen prior to the finalization of the hazardous materials report. Unfortunately, developers are not as accountable to the public as the Navy and not subject to the same federal laws regulating clean up as the Navy. The hazardous materials report should be closer to finished before the draft EIS is finalized. My earlier suggestion that there be a revised draft EIS for people to review would help resolve this problem by allowing people time to comment on a revised draft EIS while having more knowledge of what hazardous materials are found in that investigation and the potential for long term diseases. Also, the city of Concord's web site does not address the possibility of early transfer so, again, a meeting held by the Navy that included a brief overview of the draft EIS would help get information out to the public.

WATER

The draft EIS needs to be revised to more adequately take the drought into consideration when assessing whether or not there is enough water supply in the area to accommodate 12,000 new residences. The CCWD report that declared there will be enough water was done in 2010 prior to the drought becoming so drastic.

0015-2

Continued

0015-2 cont'd

Continued from previous page.

0015-3

0015-3

Where a federal agency makes substantial changes to the proposed action that are relevant to its environmental concerns, or where there are significant new circumstances or information relevant to the environmental effects that have bearing on the proposed action or its impacts, a supplement to a draft EIS (DEIS) or final EIS (FEIS) may be prepared. If an agency decides to supplement its DEIS, as in the case of the Navy's supplemental DEIS for the Disposal and Reuse of Hunters Point Shipyard, the agency must prepare, circulate, and file the supplemental DEIS in the same manner as the DEIS. This includes announcing a Notice of Availability and establishment of a public comment period including a public meeting/hearing, response to public comments, and preparation of a supplemental FEIS. With respect to the 2014 Concord BRAC DEIS, there have been no substantial changes to the proposed action or significant new circumstances that would necessitate a supplemental DEIS; thus, an additional comment period is not warranted.

0015-4

0015-5

0015-4

Public comments submitted on the DEIS, and the Navy's responses, can be viewed in Appendix K of the FEIS. Private information is redacted from the public record.

0015-5

As explained in Section 3.8.2.3, the Navy is required to prepare a FOST or FOSET prior to property transfer.

The Navy issued the Draft Final FOST supporting Phase I transfer on June 30, 2016 (TriEco-Tt 2016c). The purpose of the FOST document is to summarize how the requirements and notifications for hazardous substances, petroleum products, and other regulated materials have been satisfied for former NWS Concord for the property to be conveyed in a Phase I transfer under EDC or PBC (Navy August 2016). Section 3.8 (Hazards and Hazardous Substances) of the EIS provides the existing site conditions with respect to the ER Program and compliance programs for hazardous waste and materials for former NWS Concord and has been updated to include information from

current environmental program documents and the current FOST.

Early Transfer Authority (TA) has been granted to state governors or a governor and the U.S. EPA administrator for sites listed on the NPL for property transfer prior to completion of all environmental remediation at bases (Navy August 2006). Under an Early Transfer, property can be conveyed by deed prior to all necessary remediation having been completed, and the Navy or the transferee can conduct the necessary cleanup actions following transfer. A FOSET, similar to a FOST, would be required to document the environmental condition of property including documentation of previous investigations conducted at the sites.

If an Early Transfer was contemplated, an established process would be adhered to that includes public participation prior to review/approval by the governor and U.S. EPA administrator (Navy August 2006). Cleanup actions conducted under CERCLA require oversight and approval by applicable federal and state environmental regulatory agencies.

Regarding investigations for radiological materials, the Navy has conducted fieldwork at 48 sites and is in the process of documenting the findings in Site Inspection (SI)/Scoping Survey reports. The Navy will coordinate with the appropriate federal and state agencies regarding final recommendations for these sites.

Section 3.8.5 has been updated to include the current information above concerning the radiological investigations.

Obviously, the CCWD report needs to be updated. In the last year, the drought has taken on much more significance than this report reflects. In addition, the draft EIS states that, when the amounts that were anticipated for the new build out were calculated, they had to take into consideration that there was less used in 2013 because of the drought; however, it does not go on to make any statements about how a continuing drought would change this analysis. Further, although the draft EIS claims there is an adequate water supply, it goes on to state that conservation methods could reduce the need for water by newly planned communities. We are already struggling to conserve water and face an unknown future about our water supply. This must be addressed in a revised draft EIS.

TOD

The draft EIS fails to analyze whether or not TOD development and “smart growth” actually encourages pedestrian traffic and use of public transportation over vehicular traffic. There appears to be little evidence that TOD development works. The TOD areas of the Walnut Creek and Pleasant Hill BART stations have just created a lot more vehicular traffic and not much more pedestrian traffic. The cities of New York and San Francisco have much better public transportation systems and people there still try to use their cars. A better analysis of this is required in the draft EIS considering the Sun Terrace area is already having problems with overflow parking in their neighborhood when the North Concord BART parking lot is full. In fact, a meeting took place about that parking situation at the same time as the Navy’s meeting to comment on the draft EIS. This is unfortunate since the planned build out will only increase those same traffic and parking issues.

MITIGATION ISSUES

Some of the mitigation proposed by the city of Concord is not thoroughly analyzed in the draft EIS. The document is 948 pages on so it is difficult for one individual to review and comment on all the mitigation issues. One example of an item that needs to be further assessed in the report is the widening of Panoramic Drive and Port Chicago Highway to accommodate the what the reports admits will be horrific traffic. There is no analysis of whether or not residents would lose their homes in order to widen these roadways.

IRREPLACABLE VIEWS

Views from the Sun Terrace neighborhood closest to the North Concord BART station are some of the only remaining full views of Mt. Diablo in Concord. The draft EIS hints that these views will be broken up by the high density TOD planned near only the entrance to the North Concord BART station. It does not treat the loss of these views as detrimental, just as something that will occur. Maintaining these irreplaceable views will make the development desirable to people rather than just creating another set of ugly square buildings. The evaluation of placing height limits in this area should be included in this draft EIS to maintain irreplaceable views; especially considering that Concord already has a number of high-rise office buildings in downtown that it can’t even currently fill.

0015-6

0015-6

The Navy's EIS was prepared to assess the environmental impacts related to the reuse of NWS Concord. The Contra Costa Water District (CCWD) has responsibility and authority over the delivery and acquisition of water to the County, including the City of Concord. The CCWD has considered the Area Plan in its future projections and would continue to account for future needs, including during periods of drought. In addition, the CCWD recently completed the expansion of the Los Vacqueros Reservoir, which will significantly increase the storage capacity in the district. This information was added to Section 4.12.1.1 of the FEIS to more fully describe water supplies.

0015-7

0015-7

As stated in Section 1.2, the Navy's disposal of the surplus former NWS Concord property into non-federal ownership and the subsequent reuse of the property by the local community is the focus of the EIS. The purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord during reuse planning that took place between 2008 and 2012. The disposal of surplus property at the former NWS Concord is the responsibility of the Navy, and the EIS evaluated transportation- and traffic-related impacts. As the LRA, the City of Concord is responsible for the implementation of its reuse plan. The City is proposing a number of measures to encourage use of alternate transport modes, including financial, system, and demand incentives. As stated in the Concord Reuse Project Area Plan Climate Action Plan (Climate Action Plan) the City's application of the VMT Reduction Strategies is projected to achieve a 21 percent reduction in transportation-related GHG emissions, which was prepared in response to state and regional targets. The Climate Action Plan elaborates on the planned VMT Reduction Strategies including land use strategies, connected multi-modal transportation networks, parking management, and transportation demand management. The Climate Action Plan also states that VMT strategies are most effective when applied together to impact travel behavior.

0015-8

0015-9

The Specific Plan process and CEQA review that will be required of the LRA for entitlement of the property will address traffic mitigation at more appropriate levels of detail.

0015-8

The City has no plans to use private property to support widening or alignment modifications for Panoramic Drive or Port Chicago Highway. However, as noted in the previous comment response, the Specific Plan process and CEQA review that will be required of the LRA for entitlement of the property will address traffic mitigation at more appropriate levels of detail.

0015-9

The EIS is intended to provide an objective view of potential impacts, both positive and adverse, on resources within the Project Area. As noted in the EIS, disposal and redevelopment of the former NWS Concord will change the current visual condition of the installation to include a variety of urban uses and park and recreational facilities, as well as maintaining existing open spaces. A transitional green buffer of varying distances would be developed around the majority of the site, and a network of green corridors are proposed in strategic locations (ridgelines, between districts/villages) that offer opportunities for view corridors from existing neighborhoods and viewpoints around the City of Concord toward Mount Diablo and the Los Medanos Hills. In addition, redevelopment of the site would maintain open space areas that help minimize view obstruction and maintain the existing visual character of parts of the site, particularly east of Mt. Diablo Creek and south of Bailey Road.

Panoramic Drive in the Sun Terrace neighborhood is described as a Key Observation Point (KOP 5). From KOP 5, views of the former NWS Concord would include the Central Greenway, North Concord TOD Neighborhood, and North Concord TOD Core districts. As indicated in the EIS, development of Alternative 1 would be highly visible because it would take place in the middle ground, is at and above eye level, and would take place over a prolonged period of time. The Central greenway would be developed in the middle ground to provide a connection between the North Concord/Martinez BART Station, TOD districts, village neighborhoods, and the adjoining existing communities. The North Concord TOD Core is anticipated to include a combination of mid-rise, mixed-use office, retail, and multi-unit housing development (from five to seven stories in height). The scale of buildings would step down adjacent to the Sun Terrace neighborhood, in the vicinity of KOP 5. Due to the nature and the heights of the proposed development, views of the Los Medanos Hills and ridgelines may be seen above some of the rooflines, in between buildings at roadways, and above and in between vegetative plantings in the Central greenway.

The heights of the buildings in the North Concord TOD Core district in the middle ground would be lower than five to seven stories in order to provide a transition to the Sun Terrace neighborhood. However, the EIS acknowledges that taller buildings in the distance may modify or obscure views of the Los Medanos Hills and ridgelines. Overall contrast between current conditions and Alternative 1 would be moderate to strong for KOP 5.

In accordance with mitigation measures in the Area Plan, future developers of the former NWS Concord will be required by the City of Concord to incorporate design best management practices (BMPs) into site development plans that would minimize impacts on views from State Route 4 (KOP 3) and the Sun Terrace neighborhood (KOP 5). Through the implementation of design BMPs, potential impacts would be mitigated, and views from KOP 3 and KOP 5 would be significantly altered but not substantially degraded, and no significant long-term adverse impacts would result.

The Specific Plan process and CEQA review that will be required of the LRA for entitlement of the property will address visual impacts at more appropriate levels of detail.

From: John Keibel [REDACTED]
Sent: Wednesday, November 26, 2014 12:50 AM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: NWS Concord EIS Comments

Nov 25, 2014

Director, NAVFAC HQ, BRAC PMO West, c/o Erica Spinelli, NEPA Project Manager:

I was pleased to attend the Nov 13, 2014, public meeting regarding the draft environmental impact statement (DEIS) for the disposal and reuse of the former Naval Weapons Station Seal Beach, Detachment Concord. I appreciate the opportunity now to share comments on this draft document. My comments are offered both as a private citizen and as a member of the Concord Historical Society.

The DEIS clearly represents a great deal of research and careful thought and attention to detail. In its final form it should prove to be a reliable and valuable resource and guide as the disposal and reuse of this former weapons station proceeds.

I will leave specific comments regarding the traffic flow and such to others more qualified. I am familiar with the site's natural and cultural resources. A great deal of study and documentation has been conducted in these areas, as this statement summarizes well. While I would have liked to see the stone cistern (P-07-00860, referenced on page 3-62) classified "NRHP qualified," I differ to the judgment presented in the DEIS. I hope this stone cistern and its immediate surroundings (i.e., nearby pond, "NRHP qualified" bedrock milling facility, nearby pine tree test grove, surrounding magazines and Building 97) might be preserved as an environmental and site history interpretive area.

In short, I have no criticisms, only compliments. *May I request a hard copy of the **Final EIS** when available?* I would like to place it in the holdings of the Concord Historical Society.

May I note a spelling error? My last name is misspelled four times on pages 3-62, 3-65 and 9-15.

Yours truly,

John Keibel
 [REDACTED]

P.S. Please keep me on your mailing list. As for my name and address, you need not keep these private.

*Jesus come to obey every commandment we broke.
 He came to suffer for every sin we committed.
 He came to die the death we deserve.
 He received our hell.
 He gives us heaven.*

0016-1

As described in Section 3.6, P-07-00860 (the stone cistern) was not identified as eligible for listing in the NRHP (Roland-Nawi 2014) in consultation with the CA SHPO and other consulting parties such as the Concord Historical Society and the East Bay Regional Park District.

With respect to the proposed preservation of the stone cistern, the EBRPD will be developing a Land Use Plan that will identify future land uses within the Conservation Open Space Area.

0016-2

All interested parties who requested a copy of the FEIS have received one.

0016-3

Table 3.6-1, Section 3.6.3.1, and Chapter 9 have been revised as suggested.

0016-1

0016-2

0016-3

From: Sylvia Lundy [REDACTED]
Sent: Saturday, November 22, 2014 3:51 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Concord Naval Weapons Station

0017-1
Comment noted.

Our family's preference is Alternative 3, the no action alternative.

Best regards,
Sylvia Lundy
[REDACTED]

| 0017-1

FRIENDS OF
PORT CHICAGO
NATIONAL
MEMORIAL

portchicagomemorial.org



November 25, 2014

Director, NAVFAC BRAC PMO West
Attn: Ms. Erica Spinelli, NEPA Project Manager
1455 Frazee Road, Suite 900,
San Diego, California 92108-4310
Telephone: 619-532-0980, fax: 619-532-099
erica.spinelli@navy.mil

**RE: Draft Environmental Impact Statement (DEIS) for the Reuse of the Naval Weapons
Station Seal Beach Detachment Concord, CA (ER 14/658)**

Dear Ms. Spinelli:

I write to you on behalf of the Friends of Port Chicago National Memorial. We appreciate the opportunity to review and comment on the "Draft Environmental Impact Statement (EIS) for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California," dated October 2014. We support both Alternative 1 (the preferred alternative) and Alternative 2. Each of these alternatives provides for 2,537 acres of open space to be owned and managed by the East Bay Regional Park District (EBRPD).

The Port Chicago Naval Magazine National Memorial's enabling legislation allows for a joint visitor center to be established in partnership with EBRPD for the purposes of providing interpretation and education of the Port Chicago disaster and its aftermath to a broad audience. We are excited about the potential for this visitor center to be established on lands conveyed to the EBRPD as part of this planning process. As soon as the Navy conveys this land to EBRPD, we will work with the National Park Service (NPS) and EBRPD in the planning effort for this visitor center.

Sincerely,

Rev. Diana McDaniel
President of the Friends of Port Chicago National Memorial

	Page #	Para-graph #	Com-mentor	Comment
1	N/A	N/A	GMS	OVERALL COMMENT: In an effort to maximize the use and relevancy of the new regional park, and in an effort to expose as many people as possible to the nationally significant history of the Port Chicago Naval Magazine National Memorial, we concur with the NPS' specific recommendation for the City of Concord and the future developers of the western portion of the land being conveyed. Although it will be important to provide public transportation and parking areas for privately owned vehicles to access the regional park, in order to maximize use of the regional park by future residents including children, adults, and people with mobility issues, it will be <i>especially</i> important to design for safe and pleasant access from within the future residential area to the regional park by walking, cycling or other self-propelled methods.
2	ES-5	6	GMS	Conservation Open Space Alternative 1: Please edit last sentence of paragraph to read: "This district would include some limited recreational uses, including trails, shaded seating areas, and interpretive areas including a new visitor center to be co-managed by EBRPD and the National Park Service."
3	ES-6	1	GMS	Please clarify how the Conservation area along the ridgeline of the Los Medanos Hills would be managed under Alternative 2. Currently the text in the Executive Summary says it will be "similar" to Alternative 1. If it is in fact intended to mean identical, not just similar, please state. If there are some differences between the future EBRPD conservation land across the two action alternatives, please specify.
4	ES-6	1	GMS	Conservation Open Space Alternative 2: Similar to comment for Alternative 1: Please include language such as: "This district would include some limited recreational uses, including trails, shaded seating areas, and interpretive areas including a new visitor center to be co-managed by EBRPD and the National Park Service."
7	2-2	2	GMS	Recommend that EBRPD is also recognized (in addition to City of Concord) as responsible for implementing the reuse of this land.
8	2-12	7	GMS	Same comment as Comment Number 2
9	2-15	2	GMS	Same comment as Comment Number 3

0018-1

Comment noted.

0018-1

0018-2

Comment noted. The requested change has not been incorporated because the Area Plan has not been amended; the proposed action evaluated in this EIS remains reuse of the property in a manner consistent with the City of Concord's Area Plan.

Chapter 1.10 of the FEIS, however, indicates that Sections 2, 3, and 4 of the FEIS have been revised to recognize that the EBRPD has begun development of the Concord Hills Regional Park Land Use Plan and will be responsible for completing environmental review as required under CEQA.

0018-3

0018-2

The Executive Summary has been revised to provide clarification that the Conservation area along the ridgeline of the Los Medanos Hills would be managed as proposed in Alternative 1.

0018-3

0018-4

Please see response to comment 0018-2.

0018-5

0018-4

The Navy acknowledges that the EBRPD, as a future property owner and manager of the conservation open space area/regional park, would be implementing reuse of the property. However, the intent of this paragraph is to differentiate between Navy and City responsibilities, specifically in regard to the City's role as the Local Reuse Authority and the party responsible for implementation of the Area Plan. Section 2.1 of the FEIS has been revised to clarify this.

0018-5

0018-6

0018-6

Please see response to comment 0018-2.

0018-7

0018-7

Please see response to comment 0018-3.

0019-1
Comment noted.

From: Michael McDermott [REDACTED]
Sent: Sunday, November 23, 2014 12:21 AM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: CNWS EIS Feedback

Hi Erica,

I understand you are looking for feedback on the Concord Naval Weapons Station Project options.

I am a 32 year resident of Concord and I have raised my family here. I want to see Concord grow and prosper, with top quality housing for families, good jobs, and recreational opportunities.

My preference is Alternative 1, which I believe has been called the "Clustered Villages" option. This includes 12,200 new housing units and 6.1 million square feet of commercial space.

I am very happy with the extensive community input and the decision making process the City of Concord has used thus far. The "Clustered Villages" plan, selected by a diverse and representative task force from our city, provides the best balance of interests and will hopefully be a wonderful addition to Concord.

Thanks!!!
Mike McDermott
[REDACTED]

0019-1

From: Pinasco, Jim [REDACTED]
Sent: Tuesday, November 25, 2014 1:21 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO; Anderson, Scott D CIV NAVFACHQ, BRAC PMO; michael.wright@cityofconcord.org; Lee, Alan K CIV NAVFACHQ, BRAC PMO
Cc: Shrum, Noel@DTSC; Madali, Kristina A CIV NAVFAC SW
Subject: Review and Comment of Draft Environmental Impact Statement (EIS) for the Former Naval Weapons Station Seal Beach

Dear Ms. Spinelli, et. all:

The Department of Toxic Substances Control (DTSC) has reviewed the Document entitled "Draft Environmental Impact Statement (EIS) for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord (NWS Concord), Concord California" dated October 2014. The EIS presents an analysis of the U.S. Department of the Navy's (Navy's) disposal of surplus property at the former NWS Concord, and the subsequent reuse of the property by the local community. EIS sections 3.8 and 4.8 discuss the release of hazardous waste at NWS Concord, and describe the Navy's actions to remediate these releases.

The EIS notes the former NWS Concord was placed on the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) National Priorities List on December 16, 1994. On June 12, 2001, the Navy entered into a Federal Facility Agreement (FFA) with EPA Region 9, the San Francisco Bay Regional Water Quality Control Board (Water Board), and DTSC. The FFA requires that the Navy investigate and remediate actual or threatened releases of hazardous substances, pollutants, and contaminants at the former NWS Concord. The FFA listed the areas and sites considered to be areas of contamination, established goals and responsibilities among the Navy and the regulatory agencies, and set enforceable cleanup schedules for the sites.

DTSC will continue to work with the Water Board, EPA Region 9, the Navy, and all interested parties to ensure protection of human health and the environment whenever the Navy transfers property. Please contact me with any questions at (916) 255-9719 or jim.pinasco@dtsc.ca.gov.

Respectfully,
 Jim Pinasco
 project manager
 Cleanup Program, Sacramento Office
 California Environmental Protection Agency
 Department of Toxic Substances Control

0020-1
 Comment noted.

0020-2
 The Navy concurs. Navy and the environmental regulators are responsible for ensuring protection of human health and the environment prior to and after transfer of the property.

No changes have been made in the EIS text.

0020-1

0020-2

From: Millan, Savannah <savannah_millan@ios.doi.gov>
Sent: Tuesday, November 25, 2014 2:09 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Cc: Patricia Port; Loretta Sutton; Gretchen Stromberg; Alan Schmierer; David Siegenthaler; Thomas Leatherman
Subject: ER 14/0658 Comment Letter
Attachments: ER_14_0658_CommentLetter.docx

Hello,

Please find attached the Comment Letter for **ER 14/0658** - *Review of the Draft Environmental Impact Statement (DEIS) for the Reuse of the Naval Weapons Station Seal Beach Detachment Concord, CA.*

Thank you,

--

Savannah Millan
Regional Environmental Intern, Region IX
United States Department of the Interior
Office of Environmental Policy and Compliance
333 Bush St., Suite 515
San Francisco, CA 94104
(415) 296-3356



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 14/0658)

Filed Electronically

25 November 2014

Ms. Erica Spinelli
NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Reuse of the Naval Weapons Station Seal Beach Detachment Concord, CA

Dear Ms. Spinelli:

Thank you for the opportunity to comment on the Review of the Draft Environmental Impact Statement (DEIS) for the Reuse of the Naval Weapons Station Seal Beach Detachment Concord, CA. We have the following comments to assist your preparation of the Final EIS.

The Department of Interior supports both Alternative 1 (the preferred alternative) and Alternative 2. Each of these alternatives provides for 2,537 acres of open space to be owned and managed by the East Bay Regional Park District (EBRPD)--an element of the plan the Interior has shown support for as demonstrated in the Spring of 2014 when it recommended the Public Benefit Conveyance of these lands to the EBRPD through the Federal Lands to Parks program.

The conveyance of these lands to the EBRPD is supported not just by the larger NPS organization, but also by the managers of the Port Chicago Naval Magazine National Memorial, a local unit within the national park system. The Port Chicago Naval Magazine National Memorial's enabling legislation allows for a joint visitor center to be established in partnership with EBRPD for the purposes of providing interpretation and education of the Port Chicago disaster and its aftermath to a broad audience. We are excited about the potential for this visitor center to be established on lands conveyed to the EBRPD as part of this planning process. As soon as the NPS Federal Lands to Parks program conveys this land to EBRPD, the NPS and EBRPD will be able to move forward with the planning effort for this visitor center.

In addition to expressing our general support of the preferred alternative, the Interior would like to provide a few specific ideas and editorial comments for your consideration. These are included in the attached table. If you have any questions about these comments please contact

0021-1

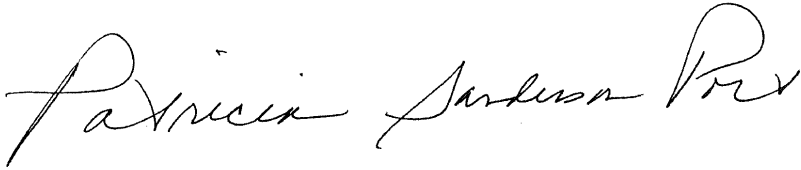
Please see comment letter 18, which contains responses to comments 1 - 9 in the attached table. With respect to comment 10 in the table, Section 3.6.4 of the FEIS has been corrected per the comment. With respect to comment 11 in the attached table, Table 2.4 notes that Native American resources were not identified through tribal consultation and, as noted in the comment, Section 3.6.4 documents the Navy's finding that Site CA-CCO-680 is eligible for the National Register of Historic Places (NRHP) and that the site "carries religious and cultural significance with regard to contemporary ethnographic perspectives about death and burial." To clarify, these two statements are referring to different categories and definitions of resources and their significance. Despite the NRHP eligibility and significance of Site CA-CCO-680 to contemporary Native American people, consultation with Native American tribes (Federally Recognized Indian Tribes) has not revealed "Native American Resources" such as those meeting the Department of Defense's definition of "Protected Tribal Resources": "Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources."

0021-1

Gretchen Stromberg, Chief of Planning and Administration, gretchen_stromberg@nps.gov or 510-232-1542 x6302.

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Sanderson Port". The signature is written in black ink and is positioned above the printed name and title.

Patricia Sanderson Port
Regional Environmental Officer

cc:

Gretchen Stromberg, Chief of Planning and Administration, gretchen_stromberg@nps.gov
OEPC Staff Contact: Loretta B. Sutton, (202) 208-7565; Loretta_Sutton@ios.doi.gov

	Page #	Para-graph #	Com-mentor	Comment
1	N/A	N/A	GMS	<p>OVERALL COMMENT:</p> <p>In an effort to maximize the use and relevancy of the new regional park, and in an effort to expose as many people as possible to the nationally significant history of the Port Chicago Naval Magazine National Memorial, the NPS has a specific recommendation for the City of Concord and the future developers of the western portion of the land being conveyed. Although it will be important to provide public transportation and parking areas for privately owned vehicles to access the regional park, in order to maximize use of the regional park by future residents including children, adults, and people with mobility issues, it will be <i>especially</i> important to design for safe and pleasant access from within the future residential area to the regional park by walking, cycling or other self-propelled methods.</p>
2	ES-5	6	GMS	Conservation Open Space Alternative 1: Please edit last sentence of paragraph to read: "This district would include some limited recreational uses, including trails, shaded seating areas, and interpretive areas including a new visitor center to be co-managed by EBRPD and the National Park Service."
3	ES-6	1	GMS	Please clarify how the Conservation area along the ridgeline of the Los Medanos Hills would be managed under Alternative 2. Currently the text in the Executive Summary says it will be "similar" to Alternative 1. If it is in fact intended to mean identical, not just similar, please state. If there are some differences between the future EBRPD conservation land across the two action alternatives, please specify.
4	ES-6	1	GMS	Conservation Open Space Alternative 2: Similar to comment for Alternative 1: Please include language such as: "This district would include some limited recreational uses, including trails, shaded seating areas, and interpretive areas including a new visitor center to be co-managed by EBRPD and the National Park Service."
7	2-2	2	GMS	Recommend that EBRPD is also recognized (in addition to City of Concord) as responsible for implementing the reuse of this land.
8	2-12	7	GMS	Same comment as Comment Number 2
9	2-15	2	GMS	Same comment as Comment Number 3
10	3-66	4	GMS	Elsewhere in the document CA-CCO-680 and P-07-00861 were described as eligible for the NRHP, with SHPO concurrence. In this paragraph they are described both as eligible and potentially eligible. Please clarify--the NPS assumes that the word "potentially" should be deleted.

11	3-81	2	GMS	Site CA-CCO-680: In this paragraph, it is acknowledged that "the site carries religious and cultural significance with regard to contemporary ethnographic perspectives about death and burial" however in Table 2.4, page ES-14, it is stated that there are no "Native American Resources" identified. Please clarify
----	------	---	-----	---

From: rick r [REDACTED]
Sent: Saturday, November 22, 2014 7:25 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Concord Naval Weapons Base.

0022-1
Comment noted.

On Claycord you asked which alternative the reader preferred. I have lived in Concord since 1975 and in the bay area for 65 years. My preference is Alternative 3. I would prefer the Base be cleaned up and left as Open Space. I would like it available for the public to hike around but it should be left pretty much as it is....Charles Rickenbacher

0022-1

From: Jennifer Stokes [REDACTED]
Sent: Sunday, November 23, 2014 2:40 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Subject: Naval weapons station option #3 please

Please leave it alone! We don't need 12-15 thousand more housing units that will bring in another 50,000+ ppl to Concord! Crime would go up, values would go down. Concord cannot absorb all those ppl!
 And I'm a realtor! I know it cld increase my business but the trade off isn't worth it.

Jennifer

Sent from my iPhone

0023-1

Comment noted.

As noted in the EIS, the purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

Alternative 1 (the Preferred Alternative) is reuse of the surplus property consistent with the City of Concord's Area Plan, as adopted. As discussed in Chapter 1, the Area Plan upon which Alternative 1 is based was the result of an extensive reuse planning process that took place between 2008 and 2012 undertaken by the City of Concord, during which seven alternatives were evaluated. All seven of the alternatives were variations on mixed-use development. In accordance with NEPA, the Navy is also evaluating an alternative to the proposed action, Alternative 2 (Intensified Reuse), which is also consistent with the policies developed by the City of Concord during the reuse planning process but represents a higher intensity of use overall.

Please see the EIS for a discussion of socioeconomic impacts (Section 4.3).

0023-1

From: Griffin, Sue Anne <Sue.Griffin@cityofconcord.org>
Sent: Tuesday, November 25, 2014 1:46 PM
To: Spinelli, Erica L CIV NAVFACHQ, BRAC PMO
Cc: Wright, Michael; Laperchia, Pamela
Subject: L-Spinelli IES Comments 11-25-14_FINAL
Attachments: L-Spinelli EIS Comments 11-25-14_FINAL.pdf

Dear Ms. Spinelli:

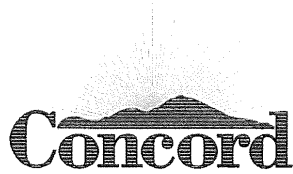
Please find attached a letter regarding the Concord Community Reuse Project Draft Environmental Impact Statement Review from Michael Wright, Executive Director, Local Reuse Authority.

Best regards,

Sue Anne
Sue Anne Griffin
Confidential Secretary
City Manager's Office
1950 Parkside Drive, M/S 01A
Concord, CA 94519
(925) 671-3150 or 3490 (vm)
(925) 798-0636 - fax
sue.griffin@cityofconcord.org

CITY OF CONCORD
1950 Parkside Drive
Concord, California 94519-2578
FAX: (925) 671-3218

Telephone: (925) 671-3019



CITY COUNCIL
Timothy S. Grayson, Mayor
Ronald E. Leone, Vice Mayor
Edi E. Birsan
Daniel C. Helix
Laura M. Hoffmeister

Thomas J. Wentling, City Treasurer
Valerie J. Barone, City Manager

November 25, 2014

Director
NAVFAC BRAC PMO West
Attention: Ms. Erica Spinelli
NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310

Subject: Concord Community Reuse Project Draft Environmental Impact Statement Review

Dear Ms. Spinelli:

Thank you for the opportunity to comment on the "Draft Environmental Impact Statement (EIS) for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California (October 2014)" (DEIS) prepared by the Department of the Navy (Navy). This letter presents the City of Concord's comments on the DEIS, and continued support for the Navy's disposition of the Inland Area of the Former Naval Weapons Station, which is addressed in more detail in Section 1.4.

Section 1 - Introduction

Section 1.1 - Base Closure

As described in the DEIS, in 2008, the Navy closed the former Naval Weapons Station Seal Beach Detachment Concord (NWS Concord), located in the City of Concord, in accordance with the Defense Base Closure and Realignment (BRAC) Act of 1990, as amended (BRAC Law). Approximately 7,000 acres (60 percent of the land area) was transferred to other Department of Defense and federal agencies. The remaining 5,028 acres were determined surplus to the needs of the federal government (72 Federal Register [FR] 9935). The Navy, in accordance with the BRAC Law is now considering how to dispose of the surplus property.

Ms. Erica Spinelli
November 25, 2014
Page 2

The BRAC process includes multiple steps from base closure to the ultimate final disposal (conveyance) of federal surplus property from federal ownership. Following the closure decision, BRAC provides for a reuse and disposal planning phase. This phase consists of the local community's reuse planning, identification of the needs of the homeless, environmental impact analysis, and the identification of potential disposal options.

Section 1.2 - Reuse and Disposal Planning

As part of this base reuse and disposal planning phase, in 2005 the City of Concord was designated the Local Reuse Authority (LRA) to plan for the reuse of the surplus property at the former NWS Concord (71 FR 6274). Commencing in the spring of 2006, the City conducted a comprehensive community planning process and evaluated seven alternatives for reuse of the surplus property. These alternatives for reuse of the former NWS Concord were evaluated in an Environmental Impact Report (EIR), conducted in compliance with the California Environmental Quality Act (CEQA) that was certified by the City of Concord in 2010 (Final EIR or FEIR).

In 2012, the City of Concord refined the reuse plan into an area plan, adopted the Concord Reuse Project (CRP) Area Plan (the "Area Plan" or "CRP Area Plan"), certified an Addendum to the Final EIR (EIR Addendum), and amended Concord's citywide Concord 2030 General Plan to include the Area Plan. By incorporating the Area Plan into the General Plan, a document required by the State of California and designated by the courts as the "constitution for future development" in California jurisdictions, the City indicated its policy guidance for reuse of the former NWS Concord.¹ As part of the Area Plan approval process, the City adopted a Mitigation Monitoring and Report Plan (MMRP) that incorporates all of the mitigation measures contained in the certified Final EIR and its Addendum. As such, the local reuse planning and environmental impact analysis have been done, and it will be the responsibility of future developers or owners of the property under the direction of the City of Concord to implement the Area Plan and MMRP-required environmental mitigation measures. These mitigation measures and Area Plan policies are integral components of the Area Plan and will be implemented regardless of whether they are addressed in the Navy's EIS.

Section 1.3 - Site-Wide Resource Planning and Permitting

The Area Plan encourages the City to obtain site-wide permits from State and federal resource agencies and to adopt a site-wide plan that addresses the conservation and restoration of sensitive biological resources. [See CRP Area Plan, Wetlands Conservation Policies (Policy C-7.2), Special Status Species Policies (Policy C-8.7)]. In an effort to implement the Area Plan's policies, the City applied to the U.S. Army Corps of Engineers (ACOE) for an individual Clean Water Act (CWA) permit that would authorize the fill of certain waters of the United States

¹ Since the former NWS Concord is located entirely within the City of Concord, the City's General Plan applies to the entire site. The County of Contra Costa has land use authority over land located outside of the City, in unincorporated areas of Contra Costa County, and its general plan therefore does not apply to the site.

Ms. Erica Spinelli
November 25, 2014
Page 3

("jurisdictional waters") in connection with the development and creek restoration/flood control activities identified in the CRP Area Plan. The ACOE's issuance of a CWA permit is subject to the federal Endangered Species Act (ESA) and the ACOE is currently consulting with the United States Fish and Wildlife Service (USFWS) to ensure that its permitting action will not jeopardize the continued existence of any species listed as "threatened" or "endangered" under the ESA (50 CFR 402.14(a)).² The USFWS's Biological Opinion and associated Incidental Take Statement, which will address the effects of the ACOE's permitting action and the interrelated CRP Area Plan actions, will cover the entire Area Plan and address both CRP Area Plan development and creation, enhancement, and preservation of endangered species' habitats. To further facilitate a site-wide conservation program, the City also intends to process State permits that address both CRP Area Plan development, and site-wide State endangered species, and aquatic resource creation, enhancement, and preservation.

Section 1.4 - Disposal Action

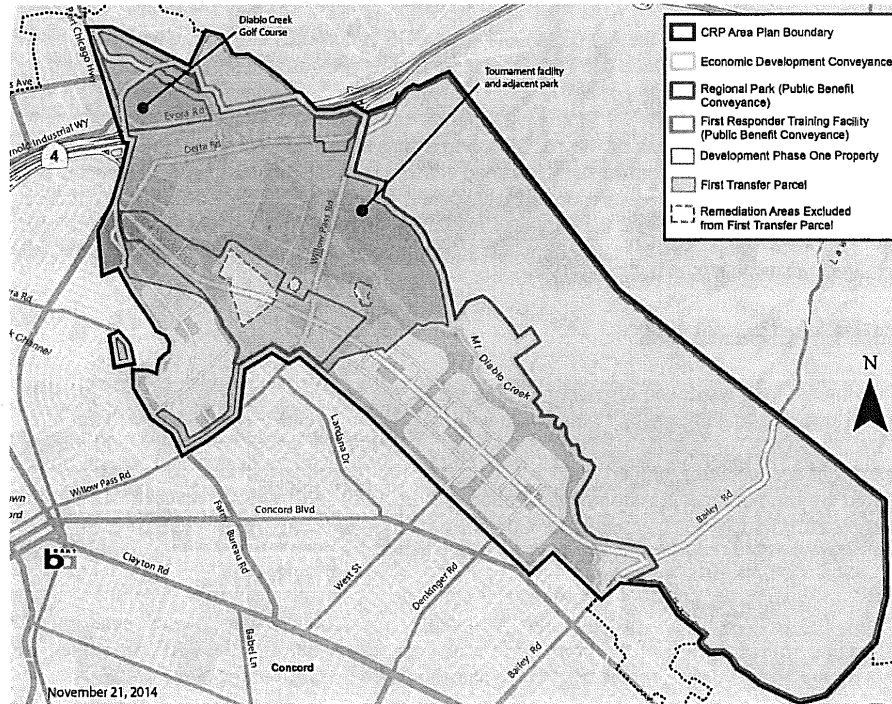
Following the base reuse and disposal planning phase, the Navy entered into a surplus property disposal decision-making phase. This phase will include the issuance of a "Disposal Record of Decision" (ROD), or similar decision document. During this phase, the Navy will review applications for receiving property and will complete the federal environmental review process required by the National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code [U.S.C.] 4321 *et seq*); the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508); and Navy procedures for implementing NEPA (32 CFR 775). The Navy's final Environmental Impact Statement (EIS), evaluating the potential environmental consequences of disposal from federal ownership of the former NWS Concord and the reasonably foreseeable environmental consequences associated with the reuse of the property in a manner consistent with the CRP Area Plan, will support the Navy's decision-making process and should be included in the Navy's ROD.

The BRAC property disposal action is comprised of three distinct parcels: (1) the Economic Development Conveyance area, (2) the Regional Park/Open Space Area, and (3) the County Sheriff/Fire Training and Command area. (Figure 1) The Navy's DEIS covers all three primary transfers.

² Section 7 of the ESA provides that each federal agency must ensure, in consultation with the Secretary of Interior or Commerce, that any actions authorized, funded, or carried out by the agency are "not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of lands determined to be critical habitat." 16 U.S.C. § 1536(a)(2). The term "agency action" is broadly defined in a manner that includes nearly all actions taken by federal agencies as well as actions by private parties which require federal agency permits. 50 C.F.R. § 402.02 (2003).

Ms. Erica Spinelli
November 25, 2014
Page 4

Figure 1: Disposal Areas



In accordance with the BRAC Law and process, the City of Concord will submit an Application to Acquire Surplus Federal Property through an Economic Development Conveyance for the City development area. The footprint of the City's anticipated Economic Development Conveyance request (the "EDC Footprint") is outlined in yellow in Figure 1, above. The area includes the land within the CRP Area Plan "Planning Area Boundary," excluding the Regional Park outlined in green and the First Responder Training Facility outlined in blue.

The East Bay Regional Park District (EBRPD) submitted an application to the U.S. Department of the Interior to acquire surplus federal property through a Public Benefit Conveyance for the Regional Park area, and that application is under review by the National Park Service. The park would include interpretive and recreational facilities, including trails, passive outdoor recreation facilities, and interpretive centers. Additionally, the site would support extensive habitat restoration and environmental enhancement that will provide mitigation for the development envisioned by the CRP Area Plan within the EDC Footprint.

Ms. Erica Spinelli
November 25, 2014
Page 5

The Contra Costa County Sheriff's Department and the Contra Costa County Fire Protection District are applying for a Public Benefit Conveyance to construct a joint training facility for first responders. This application has been submitted to the U.S. Department of Homeland Security and will be evaluated by the Federal Emergency Management Agency. The facility would include space for a communications and operations center, as well as administrative offices.

After the Navy has issued its final disposal decision, completing the decision-making phase, the Navy will dispose of the property. The Navy may dispose of the surplus property as one conveyance or convey the property in multiple parcels. Any Public Benefit Conveyance, which includes a federal sponsoring agency other than the Navy, will also require the sponsoring federal agency's approval.

Section 2 - Remediation

Under the BRAC Law, the Navy is responsible for remediating hazardous materials from the site in connection with its disposal action. The EIS should make it clear that the Navy, under BRAC Law, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 *et seq*) (CERCLA), and other federal environmental statutes, such as the Resource Conservation and Recovery Act (42 U.S.C Section 6901 *et seq*) (RCRA), is solely responsible for all hazardous substances remediation associated with the Navy's current and former activities at the site, even if the remediation occurs, or becomes necessary, after the Navy has conveyed the property out of federal ownership.

The fourth paragraph of DEIS, 4-75 (Section 4.8.1.1), which explains the contents of Section 120(h) of CERCLA, should disclose that this covenant also requires the Navy to remediate newly discovered hazardous substances found after transfer, if such contamination can be attributed to the Navy. This is the primary reason access is reserved.

The fifth paragraph of DEIS, 4-75 (Section 4.8.1.1), refers to a Memorandum of Agreement (MOA) with the California Department of Toxic Substances Control (DTSC) regarding the implementation of land use or institutional controls. The Navy's Finding of Suitability for Transfer (FOST) or Finding of Suitability for Early Transfer (FOSET) will describe the clean-up actions, characterizing the efforts made to identify hazardous substances and the reports that disclose and assess the nature and extent of those substances, including the various categories of hazardous substances (pesticides, petroleum products, munitions and explosives of concern, polychlorinated biphenyls, etc., and related constituents) that may have been, or continue to be, on a particular site. In addition, the FOST or FOSET will address the covenants, notices, land use restrictions, and institutional controls that should be included in the transfer deed(s). Therefore, an MOA may not be necessary.

The third paragraph on DEIS, 4-77 (Section 4.8.2.1), states the Navy will complete its investigation and remediation activities prior to transfer. This will not be the case if the Navy utilizes CERCLA's "early transfer" process.

0024-1

CERCLA § 120(h)(3)(A)(ii) and (B) require that a deed covenant be provided to the future property owner warranting that "all remedial action necessary to protect human health and the environment" and "any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States."

Section 3.8.2.1 describes key CERCLA requirements pertaining to Navy responsibilities for site cleanup before and after property transfer. Additional clarifying information regarding CERCLA requirements for property deed covenants has been included in Section 3.8.2.3 (Finding of Suitability to Transfer).

0024-2

Paragraph 4 under Section 4.8.1.1 is intended to indicate that the implementation and enforcement of Institutional Controls (ICs) are legal mechanisms to ensure that human health and the environment are protected from hazardous substances at a site. In this context, Navy retains access rights in order to ensure the ICs can be enforced through inspections over time.

Per Comment 24-1, Section 3.8.2.3 has been updated to more thoroughly describe CERCLA covenants. No revisions have been made to Section 4.8.1.1. to address this comment.

0024-1

0024-2

0024-3

To clarify, the 2000 Navy/DTSC MOA referenced in Section 4.8.1.1. is a programmatic-level agreement between the agencies about how to implement CERCLA ICs.

In accordance with the 2000 Navy/DTSC MOA, the Navy intends that CERCLA ICs will be implemented via restrictive covenants in Navy deeds and in Navy/DTSC Covenants to Restrict Use of Property (CRUPs). No additional negotiation or execution of an MOA is necessary to implement a CERCLA IC at NWS Concord.

No changes have been made in the EIS text.

0024-3

0024-4

0024-4

The following text has been added to the third paragraph of Section 4.8.2.1 and the second paragraph of Section 4.8.3.1. to account for the potential for an early transfer in both Alternatives 1 and 2:

"Additionally, investigation and remediation activities and

regulatory concurrences could be completed under the Early Transfer process discussed in Section 3.8.2.1.”

Ms. Erica Spinelli
November 25, 2014
Page 6

The “remediation plan” (MMRP Hazardous Materials 4) was included in the MMRP only in the event the property was subject to an early transfer. In that case, the property owner or developer would have to prepare a hazardous material remediation plan, to ensure the property is fit for the intended land use. If the property is transferred under a FOST, the Navy will be required to complete remediation before conveying the property. For example, the Navy will be responsible (either financially or for performing the necessary work needed) for remediation of Site 22 to accommodate residential land uses before completing the conveyance through a FOST. If the Navy makes an early conveyance, through a FOSET, and the clean-up is privatized and addressed through an “Environmental Services Cooperative Agreement” (ESCA), the ESCA will contain a remediation plan that the Navy will pay for and the City will implement. An early transfer with an ESCA will not affect the Navy’s obligation or responsibilities under CERCLA (or otherwise affect the application of CERCLA to the site) to complete the clean-up, and the Environmental Protection Agency and other agencies with regulatory authority over hazardous substances will address the required level of clean-up.

Section 4.8.2.4.5 (DEIS, 4-96) states that lead in soil beneath Building IA-25 will not be addressed under the Navy’s Environmental Restoration (ER) Program because it is not a release under CERCLA. Lead in the soil is considered a release under CERCLA, and the EIS should be revised accordingly.

Section 3 - Site-Wide and Future Resource Permitting

If the City is able to secure site-wide permits from the ACOE, RWQCB, USFWS, and California Department of Fish and Wildlife as described in Section 1.3, it will streamline future development and conservation activities on the site. As explained in the MMRP, Mitigation Measure Biological Resources 1, if the City has adopted a site-wide plan for conservation and restoration of sensitive biological resources, each remedial action plan or development application will be reviewed for consistency with the plan. If, however, the City does not secure site-wide permits, future property owners or developers would be responsible for securing any necessary State or federal resource permits, and would have to demonstrate to the City that impacts to wetlands, creeks, riparian habitat, and listed species or their habitat have been avoided to the extent practicable (MMRP, Biological Resources Mitigation Measures Biological Resources 1-4).

Although the DEIS acknowledges the City of Concord’s site-wide permitting effort, and generally presumes the City will secure such permits, the DEIS also concludes that the City will “coordinate” with the ACOE and the Regional Water Quality Control Board (RWQCB) “regarding specific mitigation requirements” and to “identify applicable permits/approvals” during the City’s “review and approval of development applications.” (See, e.g., Table 7-1, Water Resources.) As explained above, the City has a CWA permit application pending with the ACOE, which if issued and certified by the RWQCB,³ will specify the required mitigation

³ Any permit issued by the ACOE will be subject to certification by the RWQCB that it complies with State water quality standards. 33 U.S.C. § 1341.

0024-5

This comment clarifies the City’s commitment regarding a Remediation Plan. As discussed in the Response to EPA Comment 11-14, Section 4.8.2.1 of the EIS has been updated to clarify that the City will require a Remediation Plan only in the event of an Early Transfer.

0024-5

As described in Section 3.8.2.3., the Navy may transfer property after the completion of environmental cleanup and a FOST, or through an Early Transfer and FOSET.

No decisions about an Early Transfer have been made concerning IR Site 22 or other open ER Program sites at the former NWS Concord. In particular, an approach to the cleanup of Site 22 will be identified as the Navy moves through the CERCLA process toward ROD. Should the City of Concord formally request an Early Transfer, the Navy will consider this request in the context of discussions/negotiations regarding the Economic Development Conveyance.

0024-6

0024-6

The third paragraph of Section 4.8.2.4.5 has been updated with the following text:

“Lead from LBP reported to be in soil beneath Building IA-25 (IRP Site 29) is being addressed under the ER Program, as discussed in Section 3.8.3.1.1”

Ms. Erica Spinelli
November 25, 2014
Page 7

measures, and the City will make all applicable conditions of a site-wide CWA permit (and any other site-wide permits issued to the City) conditions of all City-issued development approvals. However, the City would not coordinate further with these agencies while processing site-specific land use applications on the appropriate mitigation measures, since those measures will be specified in a site-wide permit. Alternatively, if the City does not receive a site-wide permit, the property owner or developer will be required to identify and secure any necessary project-specific permits from those agencies, without involvement by the City.

The DEIS also concludes that “future developers” will be required to minimize impacts to jurisdictional waters “to the maximum extent practicable” under Sections 404 and 401 of the CWA and Section 1600 of the California Fish and Game Code.⁴ To be clear, the ACOE in evaluating the City’s permit application will evaluate alternatives to the proposed project and will only issue a permit for the least environmentally damaging practicable alternative. This analysis will be conducted as part of the City’s CWA permitting process and would only apply to future developers if the ACOE does not issue a site-wide permit to the City and instead considers permits on an as needed, project-by-project basis.

For clarity, the City recommends that the DEIS eliminate any statements suggesting further coordination by the City with the USACE, RWQCB, or other resource agencies regarding project-specific mitigation requirements or other permits/approvals during the City’s land use review and approval process. As explained above, the City will either secure site-wide permits and will make compliance with those permits’ applicable conditions of any development the City subsequently approves, or in the alternative, future property owners or developers will be responsible for identifying the need for, and securing, any necessary permits from those agencies.

Section 4 - Biological Resources

Section 4.1 - Wetlands and Other Waters

The DEIS notes that there are differences in the acreages presented within the DEIS and from the City’s EIR, due to differences in how the site has been mapped. Some of the discrepancies and internal differences may be the result of different mapping techniques or GIS systems, such as modest differences in the size of the golf course or the acreage of various habitats that may be affected by reuse. However, the DEIS-stated acreages for jurisdictional and non-jurisdictional wetlands and other waters appear substantially different, and well beyond differences in mapping techniques or GIS systems. Moreover, the acreages of jurisdictional waters are inconsistent with the ACOE’s jurisdictional determination.

On November 8, 2011, the ACOE issued a jurisdictional determination for 23.67 acres of jurisdictional wetlands and 12.83 acres of other jurisdictional waters, for a total of 36.50 acres of CWA jurisdictional waters on the site. In addition, H.T. Harvey & Associates has mapped an

⁴ The DEIS repeatedly refers to the “CDFG Code”, which presumably refers to the California Fish and Game Code.

0024-7

Section 4.5.1.1 was revised to clarify the City’s intent to obtain a site-wide Individual Permit and to indicate that in the absence of this permit, future property owners or developers will be responsible for identifying the need for and securing any necessary permits for impacts on wetlands and/or non-wetlands waters.

0024-8

This section has been revised to reflect updated information regarding impacts to wetlands and other Waters of the U.S. In June of 2016, the USACE issued a Public Notice announcing their review of an application for an Individual Permit for the Area Plan to address Clean Water Act requirements related to the Project. Section 3.14 and 4.14 have been revised to present water resources data that is consistent with the data used in the USACE Public Notice for the Section 404 Permitting Process. Other sections of the FEIS have been updated for consistency with the Public Notice where appropriate.

0024-7

0024-8

Ms. Erica Spinelli
November 25, 2014
Page 8

additional 12.18 acres of non-jurisdictional waters on the site, which include the golf course ponds and canals. The City has applied to the ACOE to fill up to 11 acres of jurisdictional waters (up to 8.75 acres of wetlands and 2.25 acres of other jurisdictional waters). The actual amount of fill that may be attributable to the Area Plan may be less, in part, because the site remediation the Navy is responsible for under CERCLA will likely result in the loss of some jurisdictional waters, particularly in "Bunker City."

The DEIS reports 35.9 acres jurisdictional and 8.4 acres non-jurisdictional waters on the site, for a total of 44.3 acres of jurisdictional and non-jurisdictional waters (DEIS Table 3.14-1).⁵ The DEIS concludes the Area Plan would impact/result in the permanent loss of 22 acres of jurisdictional and non-jurisdictional waters (DEIS, 4-52),⁶ and reports that the Area Plan would result in the loss of 16.1 acres of jurisdictional wetlands and 6.1 acres of non-jurisdictional wetlands (DEIS, Tables 2-4 and 4.14-2, and DEIS, 4-174).

Please revise the DEIS to disclose the presence of 36.50 acres of jurisdictional waters and that the City has applied to the ACOE for a permit authorizing the loss of up to 11 acres of jurisdictional waters, including up to 8.75 acres of wetlands and 2.25 acres of other waters. Further, the DEIS should acknowledge that the Area Plan could cause the loss of fewer jurisdictional waters since the site remediation the Navy is responsible for under CERCLA (and which is not attributable to the Area Plan) may result in the permanent loss of jurisdictional wetlands and other waters.

Section 4.2 - California Tiger Salamander

The City concurs with the DEIS' conclusion (Table 3.5-3) that no suitable habitat for California tiger salamanders is present northwest of Willow Pass Road. The City would add that California tiger salamanders are thought to be absent from the area northwest of Willow Pass Road due to the absence of the species during intensive larval surveys conducted on several occasions since the 1980s (most recently in 2011) and during intensive upland surveys in selected areas as part of the Navy's planning for remediation. Those surveys, and their negative results, provide substantial evidence of the species' absence from the area northwest of Willow Pass Road.

Section 4.3 - Eagle Habitat

Tables ES-1 and 2-4 suggest that potential impacts to bald and golden eagles could occur due to "loss or disturbance of an active nest" and that "any future reuse would be required to avoid and minimize potential impacts to eagles and compensate for impacts to the species' habitat per the

⁵ Elsewhere, the DEIS reports approximately 48.9 acres of wetlands and other waters on the site (DEIS, Table 3.5-2).

⁶ According to Tables ES-2 and 2-4, the Area Plan would result in the loss of approximately 22.1 acres of wetlands and impact 8,408 linear feet of jurisdictional waters.

0024-8 cont'd

The FEIS has been revised to present the avoidance and minimization measures, as well as fill estimates for the development related to the Area Plan, as described in the USACE Public Notice, published in June of 2016. Mitigation as discussed in the USACE Public Notice, has also been presented to demonstrate that any adverse impacts will be adequately mitigated through the Section 404 permitting process. The FEIS has also been revised to indicate that if the City does not attain a site-wide Individual Permit, that future developers or property owners will be responsible for identifying the need for and securing any necessary permits to fill waters of the US. These changes have been added to Sections 3.5, 3.14, 4.5, and 4.14, and Chapters 6 and 7.

0024-8
Continued

0024-9

Comment noted

0024-9

protections afforded by the MBTA, BGEPA, and CDFG Codes.”⁷ As discussed in the DEIS, no known bald eagle nests are located in the vicinity of the site, and only one immature bald eagle has ever been detected on the site, in 1982 (DEIS, 4-59). A breeding pair of golden eagles nests along the eastern boundary of the site, in the Regional Park/Open Space Area that will be owned and controlled by the EBRPD (see Section 1.4). The EBRPD will be responsible for ensuring that its recreational or other activities do not disturb eagles or their nests, not the City as Table 7-1 suggests. Given the substantial distance, varied topography between the EDC Footprint and the eastern site boundary, development activities would not result in any golden eagle disturbance, nest destruction, or other action requiring a special permit under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act.

Section 5 - Greenhouse Gas Emissions

The CRP Area Plan includes Book Three: Climate Action Plan and other mitigation measures to reduce greenhouse gas (GHG) emissions. (See, e.g., MMRP Mitigation Measure Air Quality 1 and Mitigation Measure Air Quality 3). The Climate Action Plan was reviewed by the Bay Area Air Quality Management District and is a “Qualified Greenhouse Gas Plan” under CEQA, and all future Area Plan development within the EDC Footprint will be subject to the Climate Action Plan and MMRP mitigation measures.

The discussion of both Alternatives in the DEIS concludes that each of them would meet target greenhouse gas (GHG) emissions and would not have a significant contribution to cumulative impacts related to GHG emissions (DEIS, 4-36, 39, 43). The City agrees with this conclusion.

However, the DEIS’s cumulative impacts summary, in Table 5-2, indicates that new growth in the CRP Area is likely to contribute to a significant cumulative impact on GHG emissions. There is no analysis in the chapter supporting why “yes” was indicated in this table, and this conclusion seems to be inconsistent with the DEIS’s other findings — namely, that neither Alternative would make a significant contribution to cumulative GHG emissions. Based on the analysis in the DEIS, we believe the conclusion in Table 5-2 should be “no.”

Section 6 - Job and Population Projections

The DEIS provides job and population figures that are inconsistent both internally and with the City’s EIR. As noted in Table 4.11-2 of the DEIS, the Transportation, Traffic, and Circulation section uses different figures from the other portions of the document.

Describing the predicted Area Plan-generated population, DEIS Tables 4.3-3 and 4.3-5 estimate a larger buildout population but fewer residential units and jobs than the CRP Area Plan EIR Addendum (see Table 1, below). The discussion of transportation, traffic, and circulation

⁷ The discussion on DEIS, 4-59-4-60 does not identify any development, recreational, or other activity that is likely to trigger the need for any eagle-specific permitting or compensatory mitigation, and the City is not aware of any activity that would the need for an eagle permit.

0024-10

Table 7-1 in the FEIS has been revised to additionally indicate EBRPD’s responsibility for ensuring that its activities avoid and minimize disturbance of golden eagles or nests or other species covered by the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.

0024-11

Implementation of the Area Plan is not likely to contribute to a significant cumulative impact. The typographical error in Table 5-2 under GHG emissions was corrected to “no.”

0024-10

0024-12

As described in Section 4.1 of the Final EIS, in accordance with NEPA, the Navy conducted a separate evaluation of the potential environmental and socioeconomic impacts of reuse of the former NWS Concord as the reuse of the former Navy facility is a reasonably foreseeable consequence of the Navy’s disposal action. This analysis was conducted independently of the City’s analysis and is not meant to be consistent with the FEIR or the FEIR Addendum on all points. Updated demographic information, minor revisions to the proposed redevelopment plan that reflected further refinements to the plan, and the development of Alternative 2 and the No Action Alternative all resulted in differences in population and employment estimations between the FEIS and the FEIR and the FEIR Addendum.

0024-11

Both the socioeconomic analysis in Section 4.3 and the traffic/transportation analysis in Section 4.11 rely on the most current data available at the time of writing. In the case of the socioeconomic analysis, the most up-to-date demographic data available for the City of Concord were from the U.S. Bureau of the Census’s 2012 American Community Survey. For the traffic/transportation analysis the most up-to-date model available at the time of writing was the CCTA Countywide Travel Demand Model, updated in 2012, and the associated Technical Procedures, which were adopted by CCTA in early 2013. The forecasts used for the build-out conditions in the updated traffic model incorporated the latest land use and population projections developed by the Association of Bay Area Governments (ABAG), which were published in 2009. These projections included future development throughout the region through 2040, including estimations for the potential reuse of the former NWS Concord.

0024-12

By utilizing the most current available data, and thus utilizing different data sources for each of these resource areas, some minor inconsistencies are present when comparing the two sections in terms of population and job creation estimates.

However, given the larger conceptual nature of the proposed redevelopment plan and the EIS, and the fact that these estimates differ by approximately only 7% - 11%, the overall impact of these differences on the EIS impact analysis is negligible. The level of magnitude of the potential socioeconomic and traffic/transportation impacts and the potential significance of these impacts are not affected by the differences caused by utilizing different data sources. Therefore, it was deemed appropriate to utilize the most current data possible for each resource area.

Ms. Erica Spinelli
November 25, 2014
Page 10

impacts in the Section 4.11 of the DEIS discloses different population estimates from those provided in Section 4.3, and those predictions are virtually the same as the CRP Area Plan EIR Addendum population estimates. It is clear that the numbers in Section 4.11 are based on those in the City's EIR, while the other sections of the EIS used information from the American Community Survey in 2012 to derive population (DEIS, 4-20) and from the U.S. Bureau of Economic Analysis in 2013 to derive employment (DEIS, 4-18). The DEIS, however, does not provide an explanation as to why it is acceptable to use these different figures or the effects the different population projections have on the environmental consequences.

Table 1: Summary of Population Estimates — DEIS and CRP Area Plan EIR Addendum

Topic	CRP EIR Addendum Table 1	DEIS Table 4.11-2 Transportation - Alternative 1	DEIS Tables 4.3-3 and 4.3-5 Alternative 1
Residential units	12,270	N/A	12,200
Population	28,800	28,861	32,387
Employment	26,380	26,531	24,594

Section 7 - Traffic Impacts

The DEIS reached some substantially different conclusions than the City's CEQA analysis regarding the Area Plan's potential effects on traffic and physical roadway improvements beyond those planned in the City's capital improvement program that are contrary to City policy actions. The differences in the traffic analysis are noted below, and conflicts with the City of Concord's traffic and transportation policies are also addressed. For the reasons discussed below, the EIS should not presume the City will implement any physical roadway improvements, and the physical improvements included in the DEIS should be eliminated from the final EIS.

Section 7.1 - Projected Levels of Service

Despite using population and employment numbers for CRP Area Plan buildout that are generally consistent with the CRP Area Plan EIR Addendum (as explained in Section 6), the DEIS reached substantially different conclusions regarding the level of service (LOS) at several intersections than the CRP Area Plan Final EIR Addendum. For instance, the DEIS concludes the northbound off-ramp from I-680 at Ygnacio Valley Road intersection will experience an LOS A under the Area Plan, compared to the CRP Area Plan Final EIR Addendum's conclusion that the intersection will experience LOS F conditions. Conversely, the DEIS concludes the Area Plan will cause the San Marco Boulevard — Willow Pass Road/SR 4 eastbound ramps intersection to experience LOS F conditions in the AM peak and PM peak travel periods, whereas the Reuse Plan Final EIR concludes the intersection will experience LOS C and E conditions during the AM peak and PM peak travel periods. There may be explanations for these differences, including the possibility that additional volume was forecast, physical

0024-12 cont'd

Comment and response continued from previous page.

0024-13

0024-12
Continued

The differences in the LOS results between the EIS and the Reuse Plan EIR and the Area Plan EIR Addendum are shown in a new appendix to the FEIS, H-2, and discussed in Section 4.11.1 of the FEIS, which discusses the methodology used to conduct the traffic analysis. The differences in LOS results can be largely attributed to differences in the baseline conditions and the models used to forecast the traffic on area roadways and highways over the approximately 7-year period between when the analysis was completed for the Reuse Plan EIR and when the analysis was completed for the EIS.

Specifically, the differences in the baseline conditions and the models include:

-New Traffic Counts. Baseline (existing) traffic conditions in the Reuse Plan EIR were based on traffic counts in 2007; baseline traffic conditions in the EIS were based on traffic counts in 2013. The 2013 counts represent an overall decrease in volumes at the analysis intersections when compared with the 2007 counts for the same intersections, with a few exceptions where the total intersection volumes increased in 2013. A table presenting the total volumes at intersections during the AM and PM peak hours in 2007 and 2013 has been included in Section 3.11.3 of the FEIS. The decrease in traffic volumes between 2007 and 2013 appears to be primarily related to the economic conditions in these time periods. The 2007 counts precede the economic downturn associated with the recession. While the recovery appears to have been complete by 2013 in other parts of the region, particularly, San Francisco and Silicon Valley, the 2013 counts used for the EIS indicate that the local economy had not fully returned to pre-recession conditions. Therefore, the lower traffic counts in 2013 appear related to fewer worker commutes due to lower employment. The discussion of the differences in the traffic counts between the Reuse Plan EIR and the EIS has been clarified in Section 3.11.3.

-Updated Highway Capacity Manual Methodologies. For the roadway, freeway mainline, and ramp analysis, the EIR used the 2000 Highway Capacity Manual methodologies while the EIS used the 2010 Highway Capacity Manual methodologies.

-Updated CCTA Countywide Travel Model. The CCTA Countywide Travel Model was updated after the traffic analysis was completed for the Reuse Plan EIR. In the updated model, the horizon year for the forecasted growth projections is 2040,

0024-13

whereas in the previous model, the horizon year was 2030. In addition, the updated model incorporates the new land use and socioeconomic assumptions for background growth for the forecast year, which are based on a more recent Association of Bay Area Governments (ABAG) growth projection that reflects the region's 2013 Sustainable Communities Strategy (SCS). This updated model represented the best tool available for forecasting traffic volumes at the county level at the time of the EIS analysis. Updates to the model reflect not only the changes in the inputs, such as land use and socio-economic data from ABAG and transportation networks from the most recent Countywide Transportation Plan, but also include revisions to the model processes that attempt to better represent travel behavior, specifically making the model more sensitive to transit-oriented development and pedestrian-oriented streetscapes.

-Roadway Improvements. At a few locations (6 intersections, 11 freeway mainline, and 4 ramps), the geometric assumptions differed between the EIR and EIS, which also contributed to the differences in the LOS results.

Overall, these differences between the EIR and EIS analysis resulted in several locations where the LOS improved primarily due to the decrease in either baseline (existing) counts and/or forecast future volumes. However, there are a few locations where the LOS degraded when compared with the EIR results. Generally, the LOS at locations to the west of the project site in Walnut Creek and portions of Concord improved due to lower future traffic volumes when compared with the 2030 volumes in the EIR. At a few locations to the east towards Pittsburg, the future volumes increased when compared with the 2030 volumes in the EIR. For example, notable increases in future volumes occurred at the intersections of Willow Pass Road/Evora Road (west) (AM), Willow Pass Road/SR-4 WB ramps (AM), Willow Pass Road/Evora Road (East CC) (AM), San Marco Boulevard/Willow Pass Road (AM and PM), and San Marco Boulevard/W. Leland Road (AM and PM), when compared with the EIR 2030 volumes. This increase can be attributed to roadway network improvements that provide access to the planned growth at the Pittsburg-Bay Point BART station with an estimated 1,800 additional households and 2,000 jobs, as reflected in the ABAG growth projections.

In response to the City comments regarding LOS results at specific locations:

-Intersection of the I-680 northbound off-ramp and Ygnacio Valley Road: The LOS A result was due to a reporting error. The LOS and v/c were analyzed correctly as shown in the LOS

calculations in the Transportation Impact Study (TIS) (see Appendix 2 in the TIS), but were not reported correctly in Table 20 of the TIS. The correct result is LOS F with 1.00 v/c during both the AM and PM peak hours for Alternative 1 and 2. The correct result for the No Action Alternative is LOS F with 1.00 v/c during the AM peak hour and LOS F with 1.02 v/c during the PM peak hour. A second reporting error at the intersection of San Marco Boulevard and West Leland Road was also found. The LOS and v/c were analyzed correctly as shown in the LOS calculations in the TIS (see Appendix 2 in the TIS) but were not reported correctly in Table 20 of the TIS. The correct result for Alternative 1 is LOS D with 0.89 v/c in the AM peak hour and LOS D with 0.85 v/c in the PM peak hour. The correct result for Alternative 2 is LOS D with 0.87 v/c in the AM peak hour and LOS D with 0.89 v/c in the PM peak hour. The correct result for the No Action alternative is LOS D with 0.84 v/c in the AM peak hour and LOS C with 0.72 v/c in the PM peak hour. These results have been updated in Table 4.11-9 in the FEIS, with appropriate text edits to reflect the corrected results. In addition, the TIS has been included as Appendix H to the FEIS; the results were updated in Table 20.

-Intersection of San Marco Boulevard and Willow Pass Road/SR 4 eastbound ramps: The total baseline count in 2013 was higher than in 2007 by 20 percent in the AM and 21 percent in the PM, while the future volumes were also higher by 33 percent in the AM and 37 percent in the PM. These increases in the future volumes can be attributed to the future roadway connection of Leland Road to Avila Road, which results in increased volumes on San Marco Boulevard, as well as the planned Priority Development Areas around the Pittsburg-Bay Point BART station from the Plan Bay Area. Thus, the LOS at this location degraded to LOS F, when compared to the EIR.

Ms. Erica Spinelli
November 25, 2014
Page 11

geometry was changed, or the LOS thresholds were changed. However, the DEIS does not explain the substantial differences in the anticipated levels of service.

Section 7.2 - Physical Roadway Improvements

DEIS Tables 4-11.9 through 4-11.12 list physical traffic improvements the DEIS expects the City will implement at specific locations to mitigate traffic impacts, even though the “city plans to mitigate transportation impacts through implementation of design standards in the Action Plan and other TDM [transportation demand management] strategies to reduce VMT [vehicle miles traveled]...” The DEIS acknowledges the City policy presented in the MMRP (see, e.g., measures Transportation 3 and 4) to undertake TDM to mitigate transportation impacts, rather than capacity-increasing physical improvements. Through the MMRP, the City also committed to monitoring the roadway network to understand how TDM was performing as mitigation. This approach is described in the FEIR on page 4-114: “as a policy matter, the City will implement TDM measures rather than roadway widening, as wider roads in residential neighborhoods and urban locations would encourage the use of automobile travel and discourage walking by increasing exposure of pedestrians during crossings.”

The City adopted a Statement of Overriding Considerations in conjunction with certification of the Reuse Plan FEIR. The Statement of Overriding Considerations identifies significant and unavoidable impacts to transportation (freeway segments, freeway ramps, roadway segments, intersections, and the performance of regional routes), but found that these impacts were outweighed by the benefits to the community of the Preferred Alternative.⁸

Despite these past City policy actions, the DEIS includes specific capacity-increasing physical traffic improvements. For example, DEIS Table 7-1 states that the City of Concord will implement a mitigation measure (Mitigation Measure TT-1) to “[e]nsure that roadway or traffic-flow improvements are incorporated as needed into development proposals to mitigate the impacts of the increase in traffic volume on level of service (LOS). These improvements would be coordinated with appropriate local and regional traffic and transportation planning agencies, **and may include widening roadways to provide dedicated turning lanes, widening roadways to provide dedicated receiving lanes for through traffic, and other similar projects**” (emphasis added). Table 7-1 assumes the City will take steps to place these projects on “improvement program lists and/or identif[y] needed mitigation measures on final permits and authorizations as a condition of approval by the city.”

“Mitigation Measure TT-1” should be removed from Table 7-1. The mitigation measure columns in Tables 4-11.9 through 4-11.12 should also be removed from the final EIS.

⁸ The Concentration and Conservation alternative defined in the Reuse Plan FEIR.

0024-14

As stated in the City of Concord's comment, the EIS acknowledges the City of Concord policy presented in the 2010 Mitigation Monitoring and Reporting Program (MMRP) to undertake TDM strategies to reduce vehicle miles traveled (VMT) to mitigate transportation impacts, rather than capacity-increasing physical improvements. Section 4.11 of the FEIS has been updated to include additional language describing the City of Concord's approach to TDM, the associated planning process, the monitoring process planned over time, and the coordination that will occur with the appropriate jurisdictions.

0024-14

As originally stated in the City of Concord's Response to Comments on the August 2009 Draft Revised Environmental Impact Report (2010 RTC) it remains too early to identify specific physical or operational traffic mitigation measures at individual locations for implementation since the project is still in an early planning phase. As such, Section 4.11 of the FEIS and Tables 4-11.9 through 4-11.12 identify capacity-increasing physical improvement measures that may be considered by the City of Concord if future conditions warrant. The mitigation language has been modified in the FEIS to clarify that intent without removing the mitigation measure column as requested by the comment. The mitigation measure headings of Tables 4-11.9 through 4-11.12 have been revised to “Physical Improvement Measures that May Be Considered in Accordance with the Adopted MMRP.” Likewise, Table 7-1 has been revised to incorporate additional detail on TDM strategies and the coordination with affected jurisdictions that will be required as part of the adopted MMRP process addressing physical roadway improvements. The City of Concord may consider physical improvement measures such as those identified in the EIS after more detailed planning studies, design and engineering are conducted in conjunction with the master developer, and coordination with affected jurisdictions is completed. This approach is in alignment with the transportation actions outlined in the MMRP.

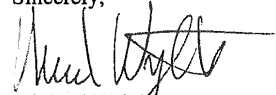
Future coordination with affected jurisdictions will be required to reach agreement on specific capacity-increasing physical improvements. As stated in the 2010 Concord Community Reuse Plan Final Environmental Impact Report and the 2010 MMRP, the City of Concord has committed to coordinate with “affected jurisdictions prior to the approval of a specific development with the goal of reaching agreement on the appropriate mitigation measures to address impacts in the respective agencies’ jurisdiction. The City of Concord will work collaboratively with affected jurisdictions to identify specific performance criteria to mitigate the impact. Mitigation measures may include capacity

increases, Transportation Demand Management (TDM) measures, arterial traffic management tools, and adaptive timing technology upgrades.” The City of Concord will confirm required mitigation measures and identify specific performance criteria with affected jurisdictions each time the City of Concord approves a development plan or discretionary entitlement (MMRP 2010).

Ms. Erica Spinelli
November 25, 2014
Page 12

The City appreciates the Navy's consideration of its comments in the preparation of its EIS, and will continue to work with the Navy to convey the NWS Concord from federal ownership.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Wright", with a horizontal line extending from the end of the signature.

Michael Wright
Executive Director
Local Reuse Authority

cc: Mayor and City Council
Valerie Barone, City Manager
Mark Coon, City Attorney
Ms. Jane Hicks, U.S. Army Corps of Engineers
Shawn Zovod, Ebbin Moser + Skaggs
David S. Knisely, Garrity and Knisely



NWS Concord EIS

Comment Sheet

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- (4) fax comments to (619) 532-0995, ATTN: Concord EIS

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Review of Quality of Life & Development plans do not address "Green Building"
During initial town Hall meeting Green Building was placed as a high priority.
The City must require all commercial construction be Green and that new housing developments use solar power and be a requirement for developers to receive approval.

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name Benhard Grossen
2. Address [REDACTED]
3. Email [REDACTED]
4. Please check here ☐ if you would **NOT** like to be on the mailing list
5. Please check here ☐ if you would like your name/address kept private
6. Would you like to receive a hard copy ☐ or CD ☐ of the **FINAL EIS** when available?

Please drop this form into one of the comment boxes here today or mail to:

Director, NAVFAC HQ, BRAC PMO West
Attn.: Ms. Erica Spinelli, NEPA Project Manager
1455 Frazee Road, Suite 900 • San Diego, CA 92108-4310

YOUR INPUT MATTERS

0025-1

The purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord during reuse planning that took place between 2008 and 2012. The need for the proposed action is to provide the local community the opportunity for economic development and job creation. As mentioned in the EIS, as the LRA, the City of Concord is responsible for the implementation of its reuse plan. The future developer or owner of the property will be responsible for acquiring applicable building permits, development approvals, and environmental permits for development of the property.

0025-1



NWS Concord EIS

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ALTERNATIVE 1 IS WONDERFUL! SUFFICIENT NUMBER OF RESIDENCES
WITH OPEN SPACE THAT THE WHOLE BAY AREA WILL ENVY. IN CLEANING UP SITE
USE ENVIRONMENTALLY FRIENDLY METHODS. TRAFFIC CONSIDERATIONS - CURRENTLY
HIGHWAY 4 IS CLOGGED. THE ADDITION OF 12,000+ RESIDENCES WILL CLOG MORE. INFRA
STRUCTURE AROUND DEVELOPMENT NEEDS TO BE CONSIDERED AND BUILT PRIOR TO THIS
PROJECT ROLLING OUT. WITH THE REMOVAL OF LARGE AMOUNTS OF NATURAL HABITAT
CONSIDERATION SHOULD BE GIVEN TO PRESERVING AND REPLACING WITH LOCAL PLANTS AS
MUCH AS POSSIBLE. LIVING WAGE JOBS SHOULD BE THE GOAL IN EVERY STEP OF (OVER)

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name Sue Guest
2. Address [REDACTED]
3. Email [REDACTED]
4. Please check here ☐ if you would **NOT** like to be on the mailing list
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YOUR INPUT MATTERS

PLEASE PRINT

THIS DEVELOPMENT. AND last but not least perhaps in the long run we
can bring back the tule elk that were taken away.

Please make sure all trails + bike paths connect!

Respect + honor the people who live in concord who will live next
to this large development.

LOVE ALTERNATIVE #1

0026-1

0026-1

As mentioned in the EIS, Alternative 1 is the reuse of the property in a manner consistent with the City of Concord's Area Plan. Please see the EIS for discussions of socioeconomic, biological resources, hazardous materials and remediation, and traffic and transportation (Sections 4.3, 4.5, 4.8, and 4.11, respectively).

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YOUR INPUT MATTERS



NWS Concord EIS

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SAVE MOUNT DIABLO SUPPORTS ALTERNATIVE 1, THE
PREFERRED ALTERNATIVE

0027-1

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name SETH ADAMS
2. Address SAVE MOUNT DIABLO, [REDACTED]
3. Email [REDACTED]
4. Please check here ☐ if you would **NOT** like to be on the mailing list
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NWS Concord EIS

Comment Sheet

0028-1
Comment noted.

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OF THE TWO CHOICES GIVEN; I, AS A NEARBY RESIDENT,
PREFER ALTERNATIVE #1.

0028-1

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1. Name [REDACTED]
2. Address [REDACTED]
3. Email [REDACTED]
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NWS Concord EIS

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Why isn't the Navy making a formal presentation? Why isn't the Navy overlapping the City of Concord's ^{certified programmatic} EIR over the Navy's draft EIS? I request that such a presentation be made during the public comment period.

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

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2. Address [REDACTED]
3. Email [REDACTED]
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YOUR INPUT MATTERS

0029-1

The Navy finds that the open house format (as utilized for the November 2014 public meeting) effectively allows the Navy to 1) share information about our NEPA EIS analysis and 2) engage with members of the public at individual poster stations to address questions and hear feedback. Alternative 1 in the Navy's EIS includes reuse of the property in a manner consistent with the City of Concord's Area Plan, for which the City certified an EIR. The Navy considered the City's certified EIR and EIR addendum in its independent NEPA analysis documented in the EIS. As relevant and appropriate, the FEIS identifies and explains substantive differences between the EIR and the EIS.

0029-1



NWS Concord EIS

Comment Sheet

0030-1

Comment noted.

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We are strongly in support of Alternative 1.

0030-1

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name *Margaret Hanlon-Gadie, Exec. Dir.*

2. Address *Contra Costa Labor Council*

3. Email

4. Please check here ☒ if you would **NOT** like to be on the mailing list

5. Please check here ☐ if you would like your name/address kept private

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DEFINATELY PREFER ALTERNATIVE #1

WILLOW PASS ROAD IS ALREADY HEAVILY
TRAFFICED THE ROAD WILL NEED HUGE
EXPANSION

0031-1

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name [REDACTED]
2. Address [REDACTED]
3. Email [REDACTED]
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Details, although limited at this time need to be developed under the traffic studies. Such as possibilities of widening Pennington and West. The impact to existing roads is important to the local citizens.

0032-1

PLEASE PRINT * ADDITIONAL ROOM IS PROVIDED ON BACK

1. Name ROSANNE NIETO
2. Address [REDACTED]
3. Email [REDACTED]
4. Please check here ☐ if you would **NOT** like to be on the mailing list
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YOUR INPUT MATTERS

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



Serious Drought.
Help save water!

November 24, 2014

CCVAR018
CC-4-680-242-VAR
SCH# 2013032045

Ms. Erica Spinelli
Department of the Navy (DOD)
1455 Frazee Road, Suite 900
San Diego, CA 92108

Dear Ms. Spinelli:

**Disposal and Reuse of the Former NWS Seal Beach, Detachment Concord, Concord, CA
– Draft Environmental Impact Statement (DEIS)**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIS and have the following comments to offer.

Forecasting

Page ES-3 and ES-5 states that Alternative 1 and 2 contain 30% mixed-use and 70% conservation of parks or recreation land uses. Page ES-19 shows the proposed Alternative 1 and 2 projects 203 and 205 have 229,301 daily trips respectively to the new and existing road network. Page 4-128 / Table 4.11-5 indicates 252,760 daily person trips under Alternative 1 versus 287,374 daily person trips under Alternative 2. Based upon information mentioned above, Caltrans believes either alternative 1 or 2 would likely cause significant traffic impacts upon the surrounding Interstate (I-) 680, State Route (SR) 4, and SR 242. Please investigate and document ways to mitigate the impacts your project will have on the State Highway System (SHS).

Caltrans recommends the traffic impact study should include AM and PM turning movement traffic per study intersection, queuing length, and other traffic operation parameters under Existing, Project Only, 2035 Cumulative and 2035+Project Conditions.

Traffic Operations

Please include in your analysis of project trips traveling to the west and south of I-680/ SR 24 interchange, and to the east of SR 4. A detailed analysis / evaluation of impacts are needed in order to discuss respective mitigation or fair share for the SHS.

0033-1

The Transportation Impact Study (TIS) for the Navy's 2014 DEIS is included as Appendix H of the FEIS. The TIS examines the current transportation network and addresses the environmental effects on the future circulation system from implementing the three alternatives of the proposed action (Action) for the former NWS Concord. The Caltrans comments are primarily technical in nature and the TIS provides the technical background for the EIS transportation analysis.

This comment requests an analysis of the State Highway System (SHS) and documentation of associated mitigation in the EIS. The analysis presented in the EIS and in TIS Sections 3.4.3 and 3.4.4 covered impacts on the SHS, specifically, 12 mainline segments—6 segments on I-680, 1 segment on SR 242, and 5 segments on SR 4—as well as 21 ramps - 3 ramps on I-680, 3 ramps on SR 242, and 15 ramps on SR 4. The analysis found impacts at 4 freeway segments and 16 ramps; however, many of these locations would experience substandard operations under the No Action Alternative as shown in Tables 4-11.1 and 4.11-12 of the FEIS. To mitigate these impacts on the SHS, TDM programs have been adopted through an amendment to the Concord 2030 General Plan that will reduce the use of automobiles and lessen traffic impacts. As stated in the MMRP, the City of Concord will coordinate with affected jurisdictions on specific mitigation measures prior to the approval of a development plan or discretionary entitlement. The goal of coordination is to address the traffic impacts in the respective agencies' jurisdiction through appropriate mitigation measures, which may include TDM measures and physical roadway improvements that increase capacity. In addition, the City of Concord will require developers to contribute to the TRANSPAC Subregional Transportation Mitigation Fee Program to fund transportation improvements.

0033-1

Table 7-1 has been revised to incorporate additional detail on TDM strategies and the coordination with affected jurisdictions that will be required as part of the City of Concord's adopted MMRP process addressing physical roadway improvements. The DEIS references the City of Concord's traffic impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program in Section 4.11.2 and Table 7-1.

0033-2

0033-3

0033-2

This comment is related to turning movement traffic. The TIS provides intersection turning movements for the AM and PM peak for Existing, 2040 No Action, 2040 Alternative 1 project, and

2040 Alternative 2 project. Turning movements were not provided for Project-only trips due to the nature of the approach, which was not additive. Rather, the updated CCTA Countywide Model was used to capture not only the trips generated by the Project, but also the interaction between the Project and its local context by capturing trips from adjacent land uses and travel patterns that reflect the capacity of the roadway. Intersection lane configurations and turning movement diagrams are provided in Appendix 1 of the TIS.

Queue lengths were not reported since the performance metric to determine significance was level of service (LOS). The length of the ramps was input as part of the analysis. Given the programmatic nature of the Proposed Action and long build-out horizon year, detailed queue analysis, which is more appropriate for project-level analysis, was not conducted as part of the EIS. Freeway ramp analysis worksheets are provided in Appendix 4 of the TIS.

0033-3

This comment is related to trip distribution. The trip distribution as shown in Table 18 of the TIS shows where trips are going to and coming from based on the model during the AM and PM peak hours, which are the time periods for which the analyses were conducted. The trip distribution includes trips traveling to the west and south of the I-680/SR 24 interchange as well as to the east of SR 4. The project trip generation is also shown in Figure 4.11-2 of the FEIS. This trip distribution shows vehicle trips on the roadway network but does not include the trips to employment centers in the west or south that are accessed via transit, specifically, BART.

Specific mitigation measures and fair share contributions will be determined as part of specific project-level analyses. As indicated in the response to comment 0024-14, FEIS Table 7-1 has been revised to incorporate additional detail on TDM strategies and the coordination with affected jurisdictions that will be required as part of the City of Concord's adopted MMRP process addressing physical roadway improvements. In the 2010 MMRP, the City of Concord committed to conducting a Nexus Study, required pursuant to the Mitigation Fee Act, for the entire former NWS Concord site to establish an equitable traffic impact-fee rate for each land use category to ensure that future development projects will contribute a fair share of the unfunded costs of planned improvements and mitigation measures. In the MMRP, the City of Concord also committed to requiring future developers to contribute a traffic impact fee in accordance with the

TRANSPAC Subregional Transportation Mitigation Fee Program requirements of the Central County Action Plan for Routes of Regional Significance. The FEIS references the City of Concord's Nexus Study and the traffic impact fee in accordance with the TRANSPAC Subregional Transportation Mitigation Fee Program in Section 4.11.2 and Table 7-1.

Ms. Erica Spinelli, Department of the Navy (DOD)
November 24, 2014
Page 2

On page 3-151, Table 3.11-2 Study Locations, the Ygnacio Valley corridor should be included in the DEIS, specifically, near / I-680 at the SR 24 / I-680 interchange. There is currently no indication of project trip generation directed towards employment centers in the west or south. Note that in Figure 4.11-2 Trip Distribution, it does not indicate south or west project trip generation. Delay Index is not sufficient for use for the SHS or on adjacent intersections.

With over 200,000 project trips generated per day (Alternative 1 & 2), all ramps should be included in Traffic Impact Study (TIS). Low capacity facilities should be included since a low demand could still have an impact such as SR 242 / Grant Street and Olivera Road ramps. Local intersections directly impacting operations of off-ramps with the risk of potential back-up onto mainline need to be included in the TIS. Also, mainline segments to be included are I-680 from SR 24 to SR 4, SR 4 from I-680 to the Railroad Interchange, and the SR 242 corridor.

P 3-157, Table 3.11-4 Traffic Volumes, please use Caltrans census volumes received from the Caltrans Census Unit for mainline and ramps. Volumes used on SR 4 seem very high (i.e. WB at 8,733 vehicles per hour). Please provide tables and calculations used in analysis. Please explain how your analysis was conducted for Table 3.11-9 (level-of-service). For more information on Caltrans Census volumes please contact Ron Kyutoku, Branch Chief at 510-286-4640.

Should you have any questions regarding this letter, please call Keith Wayne of my staff at 510-286-5737 or keith_wayne@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

0033-4

This comment is related to study locations, trip distribution, and the Delay Index measurement. Study locations were identified based on the comments received from the scoping meeting as well as findings from previous studies performed for the City of Concord for this site. The analysis included the following intersections on Ygnacio Valley Road: I-680 NB Off- Ramp, Bancroft Road-Walnut Ave, Oak Grove Road, and Ayers Road. The intersection of Ygnacio Valley Road at the I-680 NB Off-Ramp is at the SR 24/I-680 interchange and was selected as a critical intersection in this area based on the findings from previous studies for the former NWS Concord site. A detailed description of the selection process is provided in Section 3.2 of the TIS and Section 3.11.2 of the FEIS.

The project trip generation as shown in the Final Figure 4.11-2 shows smaller percentages of project vehicle trips to and from the south and west (to and from the City of Concord and to and from Central Contra Costa County). This trip distribution shows vehicle trips on the roadway network but does not include the trips to employment centers in the west or south that are accessed via transit, specifically, BART. Table 18 in the TIS provides additional detail on trip distribution and shows where vehicle trips would go during the AM and PM peak hours, which are the time periods for which the analyses were conducted.

The Delay Index was calculated per the Multimodal Transportation Service Objectives (MTSO) from the adopted Central and East County Action Plans (2009) for the freeways that are Routes of Regional Significance. Therefore, the Delay Index is applied for the purposes of analyzing the MTSOs. A detailed description of MTSOs and the Delay Index is provided in Section 3.4.5 of the TIS. In addition, the Highway Capacity Manual methodologies were used for the freeway mainline and ramps as well as the intersections to determine the level of service (LOS), per Caltrans traffic impact study guidelines.

0033-5

This comment is related to trip generation and the inclusion of ramps and mainline segments in the TIS. The EIS and TIS covered 21 ramps on I-680, SR 242, and SR 4. For local intersections that directly impact operations of off-ramps, the analysis intersections were selected based on the previous studies that have been conducted for the former NWS Concord site. The selection of ramp locations was based on a subset of the 40 ramps analyzed in the 2010 Final Reuse Plan EIR, which were found to exceed performance thresholds. Low capacity

facilities where impacts were not identified in the 2010 Final Reuse Plan EIR were screened out through this selection process. Mainline segments included I-680 from south of Monument Boulevard to SR 4, SR 242, and SR 4 from SR 242 to east of Railroad Avenue. A detailed description of the selection process is provided in Section 3.2 of the TIS and Section 3.11.2 of the EIS. Please see responses to comments 0033-1 and 0033-4 for additional information regarding impacts on the State Highway System and study locations.

0033-6

This comment is related to traffic volume sources and the analysis provided in the TIS. The freeway counts were compiled from a number of sources, including the SR 4/SR242 Ramp Metering Study as well as Caltrans' Performance Measurement System (PeMS) data, as documented in the TIS Section 3.3. Further documentation of the count sources and assumptions used to develop the peak hour volumes are provided in the TIS footnotes in Section 3.3. At the time of the analysis, this was the best available data from Caltrans. The freeway volumes and ramp volumes used for the ramp analysis are provided in Appendix 4 of the TIS. The methodology for calculating the freeway mainline LOS shown in the FEIS Table 3.11-9 is described in Section 3.4.3 of the TIS.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

0034-1
Comment noted.

November 25, 2014

Erica Spinelli
Department of the Navy (DOD)
1455 Frazee Road, Suite 900
San Diego, CA 92108

Subject: Disposal and Reuse of the Naval Weapons Station Seal Beach Detachment Concord
SCH#: 2013032045

Dear Erica Spinelli:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. The review period closed on November 24, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

0034-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

0034

SCH# 2013032045
Project Title Disposal and Reuse of the Naval Weapons Station Seal Beach Detachment Concord
Lead Agency U.S. Navy

Type EIS Draft EIS

Description This Draft EIS presents an analysis of the Navy's disposal of surplus property at the former NWS Seal Beach, Detachment Concord, in the City of Concord, Contra Costa County, CA, and the subsequent redevelopment of the property by the local community. The Navy has declared approx. 5,028 acres of property at the former NWS Concord to be surplus to the needs of the federal government. The EIS examines the potential human and natural environmental consequences of the proposed action and any impacts associated with the reasonably foreseeable reuse of the property. Two redevelopment alternatives and a No Action Alternative were considered. Alternative 1 (Preferred Alternative) is the disposal of the surplus property and reused in accordance with the Concord Reuse Project Area Plan as adopted by the City of Concord. Alternative 2 (Intensified Reuse) represents a higher intensity of use overall. The No Action Alternative is the retention of the surplus property in caretaker status.

Lead Agency Contact

Name	Erica Spinelli	
Agency	Department of the Navy (DOD)	
Phone	619 532 0980	Fax
email		
Address	1455 Frazee Road, Suite 900	
City	San Diego	State CA Zip 92108

Project Location

County	Contra Costa
City	Concord
Region	
Lat / Long	
Cross Streets	Port Chicago Highway and SR 4
Parcel No.	
Township	
Range	
Section	
Base	

Proximity to:

Highways	SR 4, SR 242
Airports	Buchanan
Railways	BART
Waterways	Suisun Bay, Mt. Diablo Creek, Clayton Canal
Schools	Monte Gardens ES
Land Use	GP: Public/Quasi-Public-Concord Naval Weapons Station-Inland Area; Zoning: S

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Resources Agency; California Coastal Commission; Caltrans, Division of Aeronautics

Document Details Report
State Clearinghouse Data Base

0034

Date Received	10/10/2014	Start of Review	10/10/2014	End of Review	11/24/2014
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Appendix L Public Notification for Draft EIS

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site at www.navyf35cwestcoasteis.com, along with the Final EIS U.S. Navy F-35C West Coast Homebasing, dated May 2014 and supporting documents. Single copies of the ROD are available upon request by contacting: U.S. Navy F-35C EIS Project Manager, Naval Facilities Engineering Command Southwest, Attn: Code EV21.AK, 1220 Pacific Highway, Building 1, 5th Floor, San Diego, California 92132.

Dated: October 6, 2014.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014-24224 Filed 10-9-14; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing for the Draft Environmental Impact Statement for the Disposal and Reuse of Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190, 42 United States Code [U.S.C.] 4321-4347), as implemented by the Council on Environmental Quality Regulations implementing NEPA (40 Code of Federal Regulations [CFR] parts 1500-1508), the Department of the Navy (DoN) has prepared and filed the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental consequences associated with the disposal of the former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California (NWS Concord), and its subsequent reuse by the local community. The DoN is initiating a 45-day public comment period to provide the community an opportunity to comment on the Draft EIS. Federal, state, and local elected officials and agencies and the public are encouraged to provide written comments. A public meeting will also be held to provide information and receive written comments on the Draft EIS.

Dates and Addresses: An open house public meeting will be held at the location listed below and will allow individuals to review and comment on the information presented in the Draft EIS. DoN representatives will be available during the open house to

clarify information presented in the Draft EIS as necessary. There will not be a formal presentation.

Thursday, November 13, 2014 (4:00 p.m. to 8:00 p.m.), Concord Senior Citizens Center (Wisteria Room), 2727 Parkside Circle, Concord, California 94519.

FOR FURTHER INFORMATION CONTACT:

Director, NAVFAC BRAC PMO West, Attn: Ms. Erica Spinelli, NEPA Project Manager, 1455 Frazee Road, Suite 900, San Diego, California 92108-4310, telephone: 619-532-0980, fax: 619-532-0995; email: erica.spinelli@navy.mil.

For more information on the NWS Concord EIS, visit the Navy BRAC PMO Web site (<http://www.bracpmo.navy.mil/>).

SUPPLEMENTARY INFORMATION: The DoN has prepared the Draft EIS for the Disposal and Reuse of the Former NWS Concord in accordance with the requirements of NEPA (42 U.S.C. Sections 4321-4347) and its implementing regulations (40 CFR Parts 1500-1508). A Notice of Intent (NOI) to prepare this Draft EIS was published in the *Federal Register* on March 14, 2013 (*Federal Register*, Vol. 78, No. 50/ Friday, March 14, 2013/Notices). The DoN is the lead agency for the proposed action, with the U.S. Army Corps of Engineers serving as a cooperating agency for the preparation of this EIS.

The DoN closed the former NWS Concord on September 30, 2008, in accordance with Public Law (Pub. L.) 101-510, the Defense Base Closure and Realignment Act (DBCRA) of 1990, as amended in 2005. The DBCRA exempts the decision-making process of the Defense Base Closure and Realignment Commission from the requirements of NEPA. The DBCRA also relieves the DoN from the NEPA requirements to consider the need for closing, realigning, or transferring functions and from looking at alternative installations to close or realign. However, in accordance with NEPA, before disposing of any real property, the DoN must analyze the environmental effects of the disposal.

The purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord during reuse planning that took place between 2008 and 2012. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

The Draft EIS has considered two redevelopment alternatives for the disposal and reuse of NWS Concord.

Both redevelopment alternatives would be generally consistent with the policies developed by the City of Concord during the reuse planning process that took place between 2008 and 2012. Both alternatives focus on the preservation of a significant amount of open space and conservation areas, and sustainable development characterized by walkable neighborhoods, transit-oriented development, and "complete streets" that balance multiple types of transportation. Under both alternatives, most installation facilities would be demolished, and the western side of the property would be developed as a series of mixed-use "development districts," with a higher concentration of development at the north end, near State Route 4 and the North Concord/Martinez Bay Area Rapid Transit Station. Redevelopment under either alternative would include parks and open spaces, best management practices for stormwater management, and green and sustainable design and planning principles. Full build-out under either alternative would be implemented over a 25-year period. A No Action alternative was also considered, as required by NEPA and to provide a point of comparison for assessing impacts of the redevelopment alternatives.

Alternative 1 includes the disposal of the former NWS Concord by the DoN and its reuse in a manner consistent with the adopted Concord Reuse Project (CRP) Area Plan. This alternative has been identified as the Preferred Alternative by the DoN. Under this alternative, redevelopment of approximately 2,500 acres of the former installation property would take place and would include a mix of land use types and densities. This alternative would also result in the preservation of a significant area of open space and conservation areas. The redevelopment would include approximately 6.1 million square feet of commercial floor space and up to 12,272 residential housing units.

Alternative 2 provides for the disposal of the former installation property by the DoN and its reuse in a manner similar to the Area Plan but with a higher density of residential development than under Alternative 1 and within a smaller footprint. Under this alternative, redevelopment of approximately 2,200 acres of the former installation property with a mix of land use types and densities would take place. This alternative would also include the preservation of a significant amount of open space and conservation areas. The alternative calls for approximately 6.1 million square feet of

commercial building space and up to 15,872 residential housing units. Alternative 2 as presented in the Draft EIS is different from Alternative 2 as presented in the NOI circulated during the public scoping period in March and April 2013. Alternative 2 was revised by the DoN in response to comments received during the public scoping period to be more consistent with the land use planning policies adopted by the City of Concord as well as known and foreseeable market conditions. Comments on Alternative 2 received during the scoping period addressed the smaller area designated for conservation and open space in this alternative, as well as concerns regarding higher levels of traffic, noise, and air impacts. Accordingly, the revised Alternative 2 is more similar to the adopted policies of the City of Concord as expressed in the CRP Area Plan, reflecting a similar but slightly smaller development footprint and representing a realistic reuse scenario.

The No Action Alternative is also analyzed in the Draft EIS, as required by NEPA. Under this alternative, NWS Concord would be retained by the U.S. government in caretaker status. No reuse or redevelopment would occur.

The Draft EIS addresses potential environmental impacts under each alternative associated with land use and zoning; socioeconomic and environmental justice; air quality and greenhouse gases; biological resources; cultural resources; topography, geology, and soils; hazards and hazardous substances; noise; public services; transportation, traffic, and circulation; utilities and infrastructure; visual resources and aesthetics; and water resources. The analysis addresses direct and indirect impacts, and accounts for

cumulative impacts from other foreseeable federal, state, or local activities at and around the former NWS Concord property. The DoN conducted a scoping process to identify community concerns and local issues that should be addressed in the EIS. The DoN considered the comments provided, which identified specific issues or topics of environmental concern, in determining the scope of the EIS. The Draft EIS identifies significant adverse impacts to air quality and traffic, and significant beneficial impacts to socioeconomic and public services. The Draft EIS has been distributed to various federal, state, and local agencies, as well as other interested individuals and organizations.

Federal, state, and local agencies, as well as interested members of the public, are invited and encouraged to review and comment on the Draft EIS. The Draft EIS is available for viewing at the following locations:

Concord Library, 2900 Salvio Street, Concord, CA 94519

Pittsburg Library, 80 Power Avenue, Pittsburg, CA 94565

Pleasant Hill Library, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523

An electronic version of the Draft EIS can be viewed or downloaded at the following Web site: <http://www.bracpmo.navy.mil>. A limited number of hard copies are available by contacting the DoN's Base Realignment and Closure Program Management Office (BRAC PMO) at the address in this notice.

Comments can be made in the following ways: (1) Written statements can be submitted to a DoN representative at the public meeting; (2) written comments can be mailed to Director, NAVFAC BRAC PMO West,

Attn: Ms. Erica Spinelli, NEPA Project Manager, 1455 Frazee Road, Suite 900, San Diego, California 92108-4310; (3) written comments can be emailed to erica.spinelli@navy.mil; or (4) comments can be faxed to 619-532-0995, Attn: Ms. Erica Spinelli. Comments may be submitted without attending the public meeting. All comments postmarked or emailed no later than midnight, November 25, 2014, will become part of the public record and will be responded to in the Final EIS.

Requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids for the scheduled public meeting must be sent by mail or email to Ms. Jone Guerin, Ecology and Environment, Inc., 368 Pleasant View Drive, Lancaster, NY 14086, telephone: 716-684-8060, email: jguerin@ene.com no later than October 30, 2014.

Dated: October 6, 2014.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014-24286 Filed 10-9-14; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

[96-77-NG, 14-66-NG, 14-68-LNG, et al.]

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, Vacating Prior Authority and Approving Change in Control of Authorization Allowing Exports of Liquefied Natural Gas During July 2014

	FE Docket Nos.
GAZ METROPOLITAIN AND COMPANY LIMITED PARTNERSHIP	96-77-NG
DEVON CANADA MARKETING CORPORATION	13-143-NG
NEXEN ENERGY MARKETING U.S.A. INC	14-66-NG
CHEVRON U.S.A. INC	14-68-LNG
MARATHON OIL COMPANY	14-69-NG
SEMPRA LNG MARKETING, LLC	14-74-LNG
SUMMITT ENERGY LP	14-75-NG
J. ARON & COMPANY	14-76-NG
UNION GAS LIMITED	14-77-NG
BP ENERGY COMPANY	14-78-LNG
ST. LAWRENCE GAS COMPANY, INC	14-81-NG
BP CANADA ENERGY MARKETING CORP	14-82-NG
STABILIS ENERGY SERVICES LLC	14-84-LNG
ANNOVA LNG COMMON INFRASTRUCTURE, LLC (for 13-140-LNG)	14-004-CIC
LNG DEVELOPMENT COMPANY, LLC (d/b/a OREGON LNG)	12-77-LNG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives

are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: PCBs, Consolidated Reporting and Record Keeping Requirements.

ICR number: EPA ICR No. 1446.11.

OMB control number: OMB Control No. 2070-0112.

ICR status: This ICR is currently scheduled to expire on August 31, 2015. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 USC 2605(e), directs EPA to regulate the marking and disposal of polychlorinated biphenyls (PCBs). Section 6(e)(2) bans the manufacturing, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. Section 6(e)(3) establishes a process for obtaining exemptions from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs. Since 1978, EPA has promulgated numerous rules addressing all aspects of the life cycle of PCBs as required by the statute. The regulations are intended to prevent the improper handling and disposal of PCBs and to minimize the exposure of human beings or the environment to PCBs. These regulations have been codified in the various subparts of 40 CFR 761. There are approximately 100 specific reporting, third-party reporting, and recordkeeping requirements covered by 40 CFR 761.

To meet its statutory obligations to regulate PCBs, EPA must obtain sufficient information to conclude that specified activities do not result in an

unreasonable risk of injury to health or the environment. EPA uses the information collected under the 40 CFR 761 requirements to ensure that PCBs are managed in an environmentally safe manner and that activities are being conducted in compliance with the PCB regulations. The information collected by these requirements will update the Agency's knowledge of ongoing PCB activities, ensure that individuals using or disposing of PCBs are held accountable for their activities, and demonstrate compliance with the PCB regulations. Specific uses of the information collected include determining the efficacy of a disposal technology; evaluating exemption requests and exclusion notices; targeting compliance inspections; and ensuring adequate storage capacity for PCB waste. This collection addresses the several information reporting requirements found in the PCB regulations.

Responses to the collection of information are mandatory (see 40 CFR part 761). Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.36 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities:

Entities potentially affected by this ICR are persons who currently possess PCB items, PCB-contaminated equipment, or other PCB waste.

Estimated total number of potential respondents: 548,298.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.0.

Estimated total annual burden hours: 745,926 hours.

Estimated total annual costs: \$29,778,544. This includes an estimated burden cost of \$29,778,544 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is an increase of 60,591 hours in the total estimated respondent burden compared with that identified in

the ICR currently approved by OMB. This increase reflects EPA's revisions to the estimated total number of respondents, resulting from new data gathered for this ICR effort as well as another recent PCB regulatory analysis, plus updated Agency data regarding total numbers of regulated entities. The ICR supporting statement provides a detailed analysis of the change in burden estimate. This change is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et. seq.*

Dated: October 1, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2014-24149 Filed 10-9-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9017-4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 09/29/2014 Through 10/03/2014 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20140289, Draft EIS, USN, CA, Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Comment Period Ends: 11/25/2014, Contact: Erica Spinelli, 619-532-0980.

EIS No. 20140290, Draft EIS, BR, CA,
Long-Term Water Transfers, Comment
Period Ends: 12/01/2014, Contact:
Brad Hubbard, 916-978-5204

EIS No. 20140291, Draft EIS,
CALTRANS, CA, High Desert Corridor
Project, Comment Period Ends: 12/02/
2014, Contact: Ron Kosinski, 213-
897-0703.

EIS No. 20140292, Final EIS, NOAA, 00,
ADOPTION—Programmatic-
Deepwater Horizon Oil Spill: Phase III
Early Restoration Plan, Review
Contact: David G. Westerholm, 301-
713-2989. The U.S. Department of
Commerce's National Oceanic and
Atmospheric Administration (NOAA)
has adopted the U.S. Department of
the Interior's FEIS # 20140182, filed
with the USEPA 06/20/2014. The
NOAA was a cooperating agency for
this project. Recirculation of the
document is not necessary under
Section 1306.3(c) of CEQ Regulations.

EIS No. 20140293, Draft EIS, NMFS, 00,
Omnibus Essential Fish Habitat
Amendment 2, Comment Period Ends:
12/09/2014, Contact: John K. Bullard,
978-281-9315.

EIS No. 20140294, Draft EIS, USACE,
SC, Charleston Harbor Post 45,
Comment Period Ends: 11/24/2014,
Contact: Mark Messersmith, 843-329-
8162.

EIS No. 20140295, Final EIS, NPS, VA,
Dyke Marsh Wetland Restoration and
Long-term Management Plan, Review
Period Ends: 11/10/2014, Contact:
Brent Steury, 703-289-2500.

EIS No. 20140296, Final EIS, FHWA, IL,
75th Street Corridor Improvement
Project, Review Contact: Catherine A.
Batey, 217-492-4600. Under MAP-21
section 1319, FTA has issued a single
FEIS and ROD. Therefore, the 30-day
wait/review period under NEPA does
not apply to this action.

EIS No. 20140297, Draft EIS, USFS, OR,
Kahler Dry, Forest Restoration Project,
Comment Period Ends: 11/24/2014,
Contact: John Evans, 541-278-3869.

EIS No. 20140298, Draft EIS, USACE,
WA, Puget Sound Nearshore
Ecosystem Restoration, Comment
Period Ends: 11/24/2014, Contact:
Nancy C. Gleason, 206-764-6577.

EIS No. 20140299, Final EIS, DOE, TX,
ADOPTION—Freeport LNG
Liquefaction Project and Phase II
Modification Project, Contact: John
Anderson, 202-586-0521. The U.S.
Department of Energy has adopted the
Federal Energy Regulatory
Commission's FEIS #20140178 filed
with the USEPA 6/17/2014. DOE was
a cooperating agency for this project.
Recirculation of the document is not
necessary under Section 1306.3(c) of
CEQ Regulations.

EIS No. 20140300, Draft EIS, BLM, NV,
Las Vegas and Pahrump Field Offices
Draft, Resource Management Plan,
Comment Period Ends: 01/07/2015,
Contact: Lee Kirk, 702-515-5026.

Dated: October 7, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office
of Federal Activities.

[FR Doc. 2014-24255 Filed 10-9-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2014-0673; FRL-9916-61]

Cancellation of Pesticides for Non- Payment of Year 2014 Registration Maintenance Fees; Summary of Orders Issued

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: Under the Federal Insecticide,
Fungicide, and Rodenticide Act
(FIFRA), the payment of an annual
maintenance fee is required to keep
pesticide registrations in effect. The fee
due last January 15, 2014, has gone
unpaid for 199 registrations. If the fee is
not paid, the EPA Administrator may
cancel these registrations by order and
without a hearing; orders to cancel these
registrations have been issued.

FOR FURTHER INFORMATION CONTACT:
Mick Yanchulis, Information
Technology and Resources Management
Division (7502P), Office of Pesticide
Programs, Environmental Protection
Agency, 1200 Pennsylvania Ave. NW.,
Washington, DC 20460-0001; telephone
number: (703) 347-0237; email address:
yanchulis.michael@epa.gov.

Product-specific status inquiries may
be made by calling toll-free, 1-800-444-
7255.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public
in general. Although this action may be
of particular interest to persons who
produce or use pesticides, the Agency
has not attempted to describe all the
specific entities that may be affected by
this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified
by docket identification (ID) number
EPA-HQ-OPP-2014-0673, is available
at <http://www.regulations.gov> or at the
Office of Pesticide Programs Regulatory

Public Docket (OPP Docket) in the
Environmental Protection Agency
Docket Center (EPA/DC), West William
Jefferson Clinton Bldg., Rm. 3334, 1301
Constitution Ave. NW., Washington, DC
20460-0001. The Public Reading Room
is open from 8:30 a.m. to 4:30 p.m.,
Monday through Friday, excluding legal
holidays. The telephone number for the
Public Reading Room is (202) 566-1744,
and the telephone number for the OPP
Docket is (703) 305-5805. Please review
the visitor instructions and additional
information about the docket available
at <http://www.epa.gov/dockets>.

Complete lists of registrations
canceled for non-payment of the
maintenance fee are also available for
reference in the OPP Docket.

II. Background

Section 4(i)(5) of FIFRA (7 U.S.C.
136a-1(i)(5)) requires that all pesticide
registrants pay an annual registration
maintenance fee, due by January 15 of
each year, to keep their registrations in
effect. This requirement applies to all
registrations granted under FIFRA
section 3 as well as those granted under
FIFRA section 24(c) to meet special
local needs. Registrations for which the
fee is not paid are subject to
cancellation by order and without a
hearing.

Under FIFRA, the EPA Administrator
may reduce or waive maintenance fees
for minor agricultural use pesticides
when it is determined that the fee
would be likely to cause significant
impact on the availability of the
pesticide for the use.

In fiscal year 2014, maintenance fees
were collected in one billing cycle. In
late November of 2013, all holders of
either FIFRA section 3 registrations or
FIFRA section 24(c) registrations were
sent lists of their active registrations,
along with forms and instructions for
responding. They were asked to identify
which of their registrations they wished
to maintain in effect, and to calculate
and remit the appropriate maintenance
fees. Most responses were received by
the statutory deadline of January 15. A
notice of intent to cancel was sent in
April of 2014 to companies who did not
respond and to companies who
responded, but paid for less than all of
their registrations. Since mailing the
notices of intent to cancel, EPA has
maintained a toll-free inquiry number
through which the questions of affected
registrants have been answered.

In fiscal year 2014, the Agency has
waived the fee for 266 minor
agricultural use registrations at the
request of the registrants. Maintenance
fees have been paid for about 15,999
FIFRA section 3 registrations, or about



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE
1455 FRAZEE RD., SUITE 900
SAN DIEGO, CA 92108-4310

Notice of Public Meeting for the Draft Environmental Impact Statement for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California

AGENCY: Department of the Navy, DoD

ACTION: Notice

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190, 42 United States Code [U.S.C.] 4321-4347), as implemented by the Council on Environmental Quality Regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), the Department of the Navy (DoN) has prepared and filed the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental consequences associated with the disposal of the former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California (NWS Concord), and its subsequent reuse by the local community. The DoN is initiating a 45-day public comment period to provide the community an opportunity to comment on the Draft EIS. Federal, state, and local elected officials and agencies and the public are encouraged to provide written comments. A public meeting will also be held to provide information and receive written comments on the Draft EIS.

DATES AND ADDRESSES: An open house public meeting will be held at the location listed below and will allow individuals to review and comment on the information presented in the Draft EIS. DoN representatives will be available during the open house to clarify information presented in the Draft EIS as necessary. There will not be a formal presentation.

Concord Senior Citizens Center (Wisteria Room)
2727 Parkside Circle
Concord, California 94519

Thursday, November 13, 2014 (4:00 p.m. to 8:00 p.m.)

FOR FURTHER INFORMATION, CONTACT:

Director, NAVFAC BRAC PMO West, Attn: Ms. Erica Spinelli, NEPA Project Manager,
1455 Frazee Road, Suite 900, San Diego, California, 92108-4310, telephone: 619-532-0980,
fax: 619-532-0995; e-mail: erica.spinelli@navy.mil

For more information on the NWS Concord EIS, visit the Navy BRAC PMO Website (<http://www.bracpmo.navy.mil/>).

SUPPLEMENTARY INFORMATION: The DoN has prepared the Draft EIS for the Disposal and Reuse of the Former NWS Concord in accordance with the requirements of NEPA (42 U.S.C. Sections 4321-4347) and its implementing regulations (40 CFR Parts 1500-1508). A Notice of Intent (NOI) to prepare this Draft EIS was published in the *Federal Register* on March 14, 2013 (*Federal Register*, Vol. 78, No. 50/Friday, March 14, 2013/Notices). The DoN is the lead agency for the proposed action, with the U.S. Army Corps of Engineers (USACE) serving as a cooperating agency for the preparation of this EIS.

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The purpose of the proposed action is to dispose of surplus property at the former NWS Concord for subsequent reuse in a manner consistent with the policies adopted by the City of Concord during reuse planning that took place between 2008 and 2012. The need for the proposed action is to provide the local community the opportunity for economic development and job creation.

The Draft EIS has considered two redevelopment alternatives for the disposal and reuse of NWS Concord. Both redevelopment alternatives would be generally consistent with the policies developed by the City of Concord during the reuse planning process that took place between 2008 and 2012. Both alternatives focus on the preservation of a significant amount of open space and conservation areas, and sustainable development characterized by walkable neighborhoods, transit-oriented development, and “complete streets” that balance multiple types of transportation. Under both alternatives, most installation facilities would be demolished, and the western side of the property would be developed as a series of mixed-use “development districts,” with a higher concentration of development at the north end, near State Route 4 and the North Concord/Martinez Bay Area Rapid Transit (BART) Station. Redevelopment under either alternative would include parks and open spaces, best management practices for stormwater management, and green and sustainable design and planning principles. Full build-out under either alternative would be implemented over a 25-year period. A No Action alternative was also considered, as required by NEPA and to provide a point of comparison for assessing impacts of the redevelopment alternatives.

Alternative 1 includes the disposal of the former NWS Concord by the DoN and its reuse in a manner consistent with the adopted *Concord Reuse Project (CRP) Area Plan*. This alternative has been identified as the Preferred Alternative by the DoN. Under this alternative, redevelopment of approximately 2,500 acres of the former installation property would take place and would include a mix of land use types and densities. This alternative would also result in the preservation of a significant area of open space and conservation areas. The redevelopment would include approximately 6.1 million square feet of commercial floor space and up to 12,272 residential housing units.

Alternative 2 provides for the disposal of the former installation property by the DoN and its reuse in a manner similar to the Area Plan but with a higher density of residential development than under Alternative 1 and within a smaller footprint. Under this alternative, redevelopment of approximately 2,200 acres of the former installation property with a mix of land use types and densities would take place. This alternative would also include the preservation of a significant amount of open space and conservation areas. The alternative calls for approximately 6.1 million square feet of commercial building space and up to 15,872 residential housing units. Alternative 2 as presented in the Draft EIS is different from Alternative 2 as presented in the NOI circulated during the public scoping period in March and April 2013. Alternative 2 was revised by the DoN in response to comments received during the public scoping period to be more consistent with the land use planning policies adopted by the City of Concord as well as known and foreseeable market conditions. Comments on Alternative 2 received during the scoping period addressed the

smaller area designated for conservation and open space in this alternative, as well as concerns regarding higher levels of traffic, noise, and air impacts. Accordingly, the revised Alternative 2 is more similar to the adopted policies of the City of Concord as expressed in the CRP Area Plan, reflecting a similar but slightly smaller development footprint and representing a realistic reuse scenario.

The No Action Alternative is also analyzed in the Draft EIS, as required by NEPA. Under this alternative, NWS Concord would be retained by the U.S. government in caretaker status. No reuse or redevelopment would occur.

The Draft EIS addresses potential environmental impacts under each alternative associated with land use and zoning; socioeconomics and environmental justice; air quality and greenhouse gases (GHGs); biological resources; cultural resources; topography, geology, and soils; hazards and hazardous substances; noise; public services; transportation, traffic, and circulation; utilities and infrastructure; visual resources and aesthetics; and water resources. The analysis addresses direct and indirect impacts, and accounts for cumulative impacts from other foreseeable federal, state, or local activities at and around the former NWS Concord property. The DoN conducted a scoping process to identify community concerns and local issues that should be addressed in the EIS. The DoN considered the comments provided, which identified specific issues or topics of environmental concern, in determining the scope of the EIS. The Draft EIS identifies significant adverse impacts to air quality and traffic, and significant beneficial impacts to socioeconomics and public services. The Draft EIS has been distributed to various federal, state, and local agencies, as well as other interested individuals and organizations.

Federal, state, and local agencies, as well as interested members of the public, are invited and encouraged to review and comment on the Draft EIS. The Draft EIS is available for viewing at the following locations:

Concord Library, 2900 Salvio Street, Concord, CA 94519

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An electronic version of the Draft EIS can be viewed or downloaded at the following website: <http://www.bracpmo.navy.mil>. A limited number of hard copies are available by contacting the DoN's Base Realignment and Closure Program Management Office (BRAC PMO) at the address in this notice.

Comments can be made in the following ways: (1) written statements can be submitted to a DoN representative at the public meeting; (2) written comments can be mailed to Director, NAVFAC BRAC PMO West, Attn: Ms. Erica Spinelli, NEPA Project Manager, 1455 Frazee Road, Suite 900, San Diego, California, 92108-4310; (3) written comments can be e-mailed to erica.spinelli@navy.mil; or (4) comments can be faxed to 619-532-0995, Attn: Ms. Erica Spinelli. Comments may be submitted without attending the public meeting. All comments postmarked or e-mailed no later than midnight, November 25, 2014, will become part of the public record and will be responded to in the Final EIS.

Requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids for the scheduled public meeting must be sent by mail or e-mail to Ms. Jone Guerin, Ecology and Environment, Inc., 368 Pleasant View Drive, Lancaster, NY 14086, telephone: 716-684-8060, e-mail: jguerin@ene.com no later than October 30, 2014.

Dated: October 10, 2014

Director, NAVFAC BRAC PMO West
Attn: Ms. Erica Spinelli, NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310



NOTICE OF AVAILABILITY AND ANNOUNCEMENT OF PUBLIC MEETING: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE DISPOSAL AND REUSE OF THE FORMER NAVAL WEAPONS STATION SEAL BEACH, DETACHMENT CONCORD (NWS CONCORD), CONCORD, CALIFORNIA

Pursuant to the National Environmental Policy Act (NEPA), the Department of the Navy (U.S. Navy) announces the availability of the Draft Environmental Impact Statement (DEIS) on the disposal of the former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California (NWS Concord), and its subsequent reuse by the local community. The U.S. Navy will hold an open house public meeting in Concord, Contra Costa County, California, to receive comments on the DEIS. There will not be a formal presentation.

The open house public meeting is scheduled as follows:

Date: Thursday, November 13, 2014
Time: 4:00 – 8:00 p.m.
Location: Concord Senior Citizens Center
(Wisteria Room)
2727 Parkside Circle
Concord, CA 94519

You may submit written comments on the DEIS via mail, fax, and email. All comments must be postmarked or received by midnight November 25, 2014, and sent to:

Director, NAVFAC BRAC PMO West
Attn: Ms. Erica Spinelli
NEPA Project Manager
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310
Fax: 619-532-0995
Email: erica.spinelli@navy.mil

To view or download an electronic version of the NWS Concord EIS, go to the Navy BRAC PMO Website (www.bracpmo.navy.mil). Hard copies are available for review at the Concord Library, the Pittsburg Library, and the Pleasant Hill Library.

From: NAVFAC BRAC PMO West

Subject: Notice of Availability and Announcement of Public Meeting: Draft Environmental Impact Statement for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
1455 FRAZEE RD., SUITE 900
SAN DIEGO, CA 92108-4310

Notice of Public Meeting for the Draft Environmental Impact Statement for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California

AGENCY: Department of the Navy, DoD

ACTION: Notice

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190, 42 United States Code [U.S.C.] 4321-4347), as implemented by the Council on Environmental Quality Regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508), the Department of the Navy (DoN) has prepared and filed the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental consequences associated with the disposal of the former Naval Weapons Station Seal Beach, Detachment Concord, Concord, California (NWS Concord), and its subsequent reuse by the local community. The DoN is initiating a 45-day public comment period to provide the community an opportunity to comment on the Draft EIS. Federal, state, and local elected officials and agencies and the public are encouraged to provide written comments. A public meeting will also be held to provide information and receive written comments on the Draft EIS.

DATES AND ADDRESSES: An open house public meeting will be held at the location listed below and will allow individuals to review and comment on the information presented in the Draft EIS. DoN representatives will be available during the open house to clarify information presented in the Draft EIS as necessary. There will not be a formal presentation.

Concord Senior Citizens Center (Wisteria Room)
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Concord, California 94519

Thursday, November 13, 2014 (4:00 p.m. to 8:00 p.m.)

FOR FURTHER INFORMATION, CONTACT:

Director, NAVFAC BRAC PMO West, Attn: Ms. Erica Spinelli, NEPA Project Manager, 1455

Frazee Road, Suite 900, San Diego, California, 92108-4310 , telephone: 619-532-0980, fax: 619-532-0995; e-mail: erica.spinelli@navy.mil

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