

APPENDIX G
COMMENTS AND RESPONSES TO COMMENTS



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1111 Jackson Street, Suite 520
Oakland, CA 94607

RESPONSE TO COMMENTS

December 5, 2006

ER 06/1059

Ms. Hiphil S. Clemente (Code OPCE.HC)
Naval Facilities Engineering Command, Southwest
1220 Pacific Highway
San Diego, California 92132

Subject: Review of Draft Environmental Impact Statement for the Fort Rosecrans National Cemetery Annex at Marine Corps Air Station Miramar, San Diego County, California

Dear Ms. Clemente:

The U.S. Department of the Interior has reviewed the draft environmental impact statement (DEIS) for the Fort Rosecrans National Cemetery Annex. The proposed action would provide needed burial space for military veterans on Federal property in the San Diego Area. The Fort Rosecrans National Cemetery located on Point Loma has been closed to casket burials since 1966 and will close to cremated remain burials by 2008. Therefore, additional burial space for 253,000 San Diego area military veterans is needed within close proximity to Fort Rosecrans.

No additional space is available for expansion at Fort Rosecrans or in the Point Loma vicinity. In support of the National Cemetery Administration, the Department of Navy (DON) identified potential cemetery sites at MCAS Miramar with the intention of both Federal agencies entering into a land use agreement. As such, The United States Department of Veterans Affairs (VA), National Cemetery Administration, proposes to develop approximately 214 acres of MCAS Miramar as a veterans' cemetery, due to its close proximity to the Fort Rosecrans National Cemetery.

The DEIS evaluates three alternatives in detail; two sites located on MCAS Miramar and the No Action alternative. The U.S. Fish and Wildlife Service (Service) offers the following general and specific comments to reduce impacts to biological resources.

If you have any questions regarding these comments, please contact Darrin Thome in the Service's California/Nevada Operations Office at (916) 414-6533.

General Comments

The Service appreciates the efforts of the DON and the VA to identify potential negative impacts of the proposed action on threatened, endangered, and sensitive species and to develop avoidance and minimization measures to reduce these impacts, as described in the DEIR. We are concerned about potential long-term impacts to vernal pools located within and adjacent to the project site.

Activities that alter hydrology, increase vernal pool habitat fragmentation, or decrease land types suitable for vernal pool formation have potential to limit survivability and recovery of vernal pool species such as the San Diego fairy shrimp (*Branchinecta sandiegoensis*), San Diego mesa mint (*Pogogyne abramsii*), San Diego button celery (*Eryngium aristulatum* var. *parishii*), and Orcutt's brodiaea (*Brodiaea orcuttii*) (Service 1998). Because the proposed action includes all of these activities, negative impacts to vernal pool species will occur with selection of the Site 4 and Site 2 (preferred alternative) alternatives.

DOI-1

We recognize the efforts of the DON and VA to reduce impacts to coastal California gnatcatcher (*Poliophtila californica californica*) habitat, as the project design has been altered to significantly reduce such impacts. Despite these efforts, approximately 12 acres of Coastal Sage Scrub will need to be cleared to implement the preferred alternative. Therefore, the Service recommends selection of a site that will minimize impacts to sensitive biological resources located on MCAS Miramar, and provides specific comments on the preferred alternative.

DOI-2

On October 27, 2006, the Service received supplemental information for the cemetery project (see attachment) from MCAS Miramar. This information addresses concerns the Service discussed with VA and MCAS Miramar regarding the following issues:

1. Clarification of habitat conservation measures
2. Incorporation of native habitat into landscaping plans.
3. Development of an integrated pest management plan.
4. Development of a storm water management plan.

This supplemental information should be incorporated into a supplemental DEIS to update and augment section 4.7, Environmental Consequences – Biological Resources.

DOI-3

Specific Comments

Section 4.7, Page 4-50 addresses permanent, indirect impacts to the San Diego fairy shrimp in the form of exotic species invasion or unauthorized human access. Another permanent, indirect impact that should be addressed is alteration of natural hydrologic regimes and biogeochemical processes. Changes in the natural topography surrounding the vernal pools will influence changes in hydrology and may result in increased runoff, erosion, sedimentation, and contamination into the vernal pools. The complex hydrology

DOI-4

DOI-1. Each of these impacts has been addressed in Section 4.7.1 of the Final EIS. Discussion was included in the Final EIS to explain the process that occurred through coordination with the U.S. Fish and Wildlife Service (USFWS) that led to numerous footprint revisions to avoid impacts to vernal pool basins and their associated watersheds to the extent practicable. A discussion of this process has been added to Section 2.3.1 (pg. 2-13) and to the introduction to Section 4.7 (pg. 4-45). Additionally, NCA will comply with reasonable and prudent measures 7.1-7.3 and terms and conditions 8.1-8.3 of Biological Opinion (1-6-06-F-4652.3), provided in Appendix F.

DOI-2. The NCA and MCAS Miramar went through an extensive evaluation process to evaluate alternative sites that would minimize biological impacts. This process is explained in Sections 1.4 (pg. 1-4 and 1-5), 2.1 (pg. 2-1 to 2-5), and 2.2 (pg. 2-5 to 2-10) of the Draft EIS. The Site 2 Alternative (Preferred Alternative) was selected as the alternative that would minimize impacts to sensitive biological resources the most. As discussed above for comment DOI-1, the NCA worked with the USFWS considerably through numerous redesigns of the project footprint to minimize impacts to biological resources.

DOI-3. Relevant portions of the attached information supplied by MCAS Miramar have been added to the Final EIS. As stated in the response to DOI-2 above, the NCA has worked extensively with the USFWS to redesign the Preferred Alternative footprint to minimize impacts to vernal pool basins and their associated watersheds to the extent practicable. The supplemental information has been added to the Final EIS and has not resulted in any substantial or significant changes to Section 2.3.1 (pg. 2-13) and Section 4.7 (4-45) of the impact analyses; therefore, preparation of a supplemental EIS is not necessary.

DOI-4. While these impacts may occur, planning was performed to avoid the estimated watershed to the extent feasible, and additional text was added as discussed in the response to comments DOI-1 and DOI-2. Additionally, discussion was added to the Final EIS regarding potential altered hydrological regimes in Sections 4.7.1 (pg. 4-48) and 4.7.3 (pg. 4-64). Also, NCA will comply with reasonable and prudent measures 7.1-7.3 and terms and conditions 8.1-8.3 of Biological Opinion (1-6-06-F-4652.3) provided in Appendix F.

of vernal pools is supported by both surface flows within a pool's topographic watershed (e.g., the surface area in which water drains into a vernal pool) and subsurface flows that may extend beyond the surface watershed.

DOI-4

Surface and subsurface lateral flows between vernal pools and the surrounding uplands influence the onset and level of inundation, and the seasonal drying of vernal pools (Hanes and Stromberg 1998). Altering timing and duration of ponding could negatively affect the ability of San Diego fairy shrimp to grow and reproduce because their phenology is dependent on such factors (Hathaway and Simovich 1996).

DOI-5

DOI-5. See response to comment DOI-4.

Maintenance of landscaping adjacent to existing vernal pools can alter natural hydrologic regimes and biogeochemical processes. Irrigation of the landscaping can saturate soils and alter timing and duration of inundation in San Diego fairy shrimp habitat.

DOI-6

DOI-6. See response to comment DOI-4.

Additionally, water from the irrigation system may enter the San Diego fairy shrimp habitat, causing hatching of cysts at inappropriate times for their phenology. Furthermore, San Diego fairy shrimp are "osmoregulators" that maintain constant internal chemical concentrations, but cannot tolerate wide extremes in sodium or bicarbonate concentrations, so they are vulnerable to contaminants in runoff waters and watershed quality that alter levels of salts and alkalinity (Service 1998).

DOI-7

DOI-7. See response to comment DOI-4.

Therefore, runoff laden with fertilizers and pesticides from adjacent landscaping could alter the specific water chemistry (Gonzalez et al. 1996) and temperature (Hathaway and Simovich 1996) required by San Diego fairy shrimp, thus negatively affecting their ability to mature and reproduce (Gonzalez et al. 1996, Holtz 2003).

DOI-8

DOI-8. Text has been added to the Final EIS addressing potential chemical alterations from runoff to adjacent vernal pool basins. This information has been added to Section 4.7.1 (pg. 4-58). Also, NCA will comply with reasonable and prudent measure 7.1 and terms and conditions 8.1.1 and 8.1.2 of Biological Opinion (1-6-06-F-4652.3) provided in Appendix F.

Because the proposed action will change the natural topography and conduct landscape maintenance activities, it may alter natural hydrological regimes and biogeochemical processes. This, in turn, can have a negative impact on vernal pools and vernal pool species located within and adjacent to the cemetery site. Therefore, a discussion regarding how these impacts will be avoided, minimized, or mitigated should be included in Section 4.7.

DOI-9

DOI-9. Final planning and improvements would ensure that the hydrological and biogeochemical functions of the watersheds be maintained. The NCA will coordinate with the USEPA, ACOE, and RWQCB to obtain their input on design and incorporation of site-specific BMPs. Also, NCA will comply with reasonable and prudent measure 7.1 and terms and conditions 8.1.1 and 8.1.2 of Biological Opinion (1-6-06-F-4652.3) provided in Appendix F.

REFERENCES

- Gonzalez, R.J., J. Drazen, S. Hathaway, B. Bauer, and M. Simovich. 1996. Physiological correlates of water chemistry requirements in fairy shrimps (Anostraca) from southern California. *Journal of Crustacean Biology* 16: 315-322.
- Hanes, T. and L. Stromberg. 1998. Hydrology of vernal pools on non-volcanic soils in the Sacramento Valley. Pages 38-49. *in* C.W. Witham, E.T. Bauder, D. Belk, W.R. Ferren Jr., and R. Ornduff (Editors). *Ecology, Conservation, and Management of Vernal Pool Ecosystems - Proceedings from a 1996 Conference*, California Native Plant Society, Sacramento, CA.

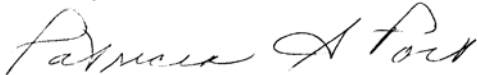
Hathaway, S.A. and M.A. Simovich. 1996. Factors affecting the distribution and co-occurrence of two southern California anostracans (*Branchiopoda*), *Branchinecta sandiegonensis* and *Streptocephalus woottoni*. *Journal of Crustacean Biology* 16:669-677.

Holtz, Janette. 2003. A life History Study of the San Diego Fairy Shrimp (*Branchinecta sandiegonensis*). Master's thesis, University of San Diego.

U.S. Fish and Wildlife Service. 1998. Recovery plan for vernal pools of southern California.
U.S. Fish and Wildlife Service, Portland, Oregon. 113+pp.

Thank you for the opportunity to review this project.

Sincerely,



Patricia Sanderson Port
Regional Environmental Officer

cc: Director, OEPC, HQ
FWS, California/Nevada Operations Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94104-3901

December 11, 2006

Ms. Hiphil S. Clemente
Naval Facilities Engineering Command
Southwest, Code OPCE.HC
1220 Pacific Highway
San Diego, CA 92132

Subject: Draft Environmental Impact Statement (DEIS), Fort Rosecrans National Cemetery Annex, MCAS Miramar, San Diego County, California (CEQ # 20060438)

Dear Ms. Clemente:

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 Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The DEIS evaluates the environmental impacts of a proposed land agreement between the U.S. Department of the Navy and the U.S. Department of Veterans Affairs National Cemetery Administration for a proposed annex to the existing Fort Rosecrans National Cemetery at Point Loma in San Diego, California. The annex would be located at Marine Corps Air Station Miramar, San Diego. The preferred alternative is Site 2.

Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). We commend the Department of the Navy (DON) and the Department of Veterans Affairs (DVA) for a document that is largely thorough and well written, and support the project goal of providing sufficient space on which to honor our veterans. We have concerns, however, regarding adequate avoidance and compensation for permanent impacts to biological resources, including habitats that are rare and/or that support endangered species. We also request additional information regarding the definition of purpose and need and the development of project alternatives, which are considered to be the heart of an EIS. Because of the high quality of biological resources and the presence of jurisdictional waters of the U.S., it is important to minimize the project footprint as much as possible. Carefully defining the purpose and need, especially with regards to needs of casketed burials versus burials of cremated remains, offers the opportunity of conceiving alternatives that could meet project objectives while minimizing impacts to important environmental resources to the greatest extent.

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: CED-2). If you have any

questions, please contact me at (415) 947-4184 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



Paula Bisson, Manager
Environmental Review Office
Communities and Ecosystems Division

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

cc: Felicia Certia, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office

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."

Purpose and Need/Alternatives Analysis

Formulating alternatives

A clear purpose and need statement sets the stage for thorough consideration of a range of alternatives, as required by the National Environmental Policy Act (NEPA) (Council on Environmental Quality (CEQ) regulations 40 CFR 1502.14). The Draft Environmental Impact Statement (DEIS) states that the purpose of the project is to meet the mission of the National Cemetery Act (NCA) to provide needed burial space on federal land for military veterans in the San Diego area. The NCA has identified a need for additional burial space for 253,000 San Diego area military veterans for the next 20-30 years (p. ES-2). Fort Rosecrans National Cemetery has been closed to casketed burials since 1966 and will be closed to burials of cremated remains (cremains) in 2008.

The project is proposed as an annex to Fort Rosecrans and as such, a radius of 20 miles was established for allowing travel between the cemetery and the annex (p. ES-4), thus limiting the geographical location of project alternatives. The DEIS further states that alternative sites were limited to federal lands within this radius since cost is a criterion used by NCA for selection of cemetery sites and purchase of private property is not feasible. Funds are available to the NCA for new cemeteries but not for cemetery annexes (p. ES-5).

It is not clear why the project was created with these limitations, for example, why, in order to meet the purpose and need, it is necessary to develop an annex to an existing cemetery, with more limiting geographic site restrictions, as opposed to the creation of a new national cemetery, for which funds are presumably available.

As a result of the geographical limitation that the annex concept imposes, the project site selection process limits its search to an area within the City of San Diego. For example, Camp Pendleton Marine Corps Base was eliminated because it is "not central to San Diego" (p. 2-3). However, with regard to meeting purpose and need, it is not clear why the site would need to be central to the City of San Diego when statistics cited in the document state it will serve San Diego County veterans. For example, on page 2-18, the DEIS states that the preferred alternative would "serve the demands of the San Diego County veteran population to 2035 and meet the mission of the NCA", and page 2-24 identifies the 235,000 veterans in need of burial space as residing in San Diego County (line 5).

Recommendation:

In the Final Environmental Impacts Statement (FEIS), provide more information on project formulation as a cemetery annex with regard to meeting project purpose and need. Clarify criteria used to limit selection of geographic sites in relation to the project purpose of serving San Diego County veteran populations. If other sites could meet the purpose and need for the project, they should be evaluated in the alternatives analysis.

USEPA-1. Additional information has been added to Section 1.2 (pg. 1-4), 2.1.1 (pg. 2-1 to 2-2), and 2.1.2 (pg. 2-3) of the Final EIS to clarify why the Proposed Action must be an annex to Fort Rosecrans National Cemetery and not a new cemetery and to clarify why the same staff must manage both facilities. The text of the EIS has been revised to state "San Diego area veteran population" instead of "San Diego County" since the focus is the veteran population and not a jurisdictional boundary.

The Draft EIS did not state that MCB Camp Pendleton is not central to the City of San Diego. It stated that "MCB Camp Pendleton is not central to San Diego." The Final EIS has been revised to clarify that "MCB Camp Pendleton is not central to the San Diego area."

The approach the NCA uses for siting any cemetery is focused on the main criterion of locating a cemetery within a 75-mile (120-kilometer) radius of the core of the veteran population to be served. This is a national policy that enables the NCA to meet their mission of providing "a final resting place and lasting memorials that commemorate their service to our nation." This is explained on page 1-1 of the Final EIS.

The goal is to provide the veteran's final resting place with access that is convenient for their surviving loved ones. Construction of a national cemetery outside the 75-mile (120-kilometer) radius places undue stress on the families of deceased veterans. Many surviving families are elderly and are reluctant to travel moderate distances. Therefore, building a cemetery outside the 75-mile (120-kilometer) radius is not a practicable alternative and would violate the NCA directives.

Constructing a new cemetery within the 75-mile (120-kilometer) radius would provide no additional benefit to the veterans than providing an annex. Funding is available for new cemeteries but only with Congressional approval of a bill specifically requesting and funding a new cemetery. It is more economical to operate an annex than staff a new cemetery, if the annex is close enough. Regardless of whether the action is a new cemetery or an annex, the project objectives would remain to have the existing staff at Fort Rosecrans National Cemetery also serve the proposed facility. Therefore, siting the proposed cemetery facility within 20 miles (32 kilometers) of Fort Rosecrans National Cemetery would also remain a project objective.

The NCA has other cemeteries with annexes, such as Culpeper National Cemetery (Culpepper, Virginia), Togus National Cemetery (Togus, Maine), Hampton National Cemetery (Hampton, Virginia), and Salisbury National Cemetery (Salisbury, North Carolina). All have annexes/additional burial areas remote from the main cemetery.

USEPA-1

Criteria for assessing purpose and need

It is not clear what criteria were used to deem an alternative as satisfying the purpose and need for the project. The DEIS states that there is a need for 253,000 burial sites for the next 20-30 years (p. ES-2). Elsewhere, the DEIS states that the NCA projects that approximately 35% of 253,000 (90,000 burials) would be required in the next 30 years (p. 2-4). Site 2, the preferred alternative, provides for 90,000 burials over a 30 year planning period (p. 2-13, or a minimum 40-year planning period per p. ES-7). The Site 4 alternative provides for 57,000 burials (22% of total need) for the next 20 years (p. 2-19). Since this site was brought forth as an evaluated alternative, it presumably meets the purpose and need for the project (p. ES-7, 2-4).

The DEIS also identifies the *burial needs for Site 2* as “a minimum of 50,000 casketed gravesites and 40,000 columbarium niches” (p. ES-7, line 19), but no information is provided as to how this ratio of need regarding burial methods was determined. Alternatively, Site 4 would allow for a maximum of 31,000 full casketed gravesites and 26,000 columbarium niches (p. ES-8, line 18). Since this alternative presumably meets the purpose and need, it seems that different criteria are being used to evaluate Sites 2 and 4 (i.e. for Site 2, there is a minimum need of 50,000 casketed gravesites, but this minimum is not applied to Site 4). Additionally, there are statements in the DEIS referencing the burial demand discussion in the objectives and purpose and need sections in Chapter 1 (p. 2-13, 2-19), but no information regarding need for casketed gravesites versus sites for cremains is included in Chapter 1.

The DEIS states that approximately 2000 people/year from San Diego travel to Riverside National Cemetery because of unavailability of casketed burials in San Diego County (p. 4-10). It is not clear how this information was used, if at all, in identifying burial needs of San Diego County veterans.

Recommendation:

The FEIS should clarify the purpose and need for the project, including clear and consistent presentation of the total burial needs, with a range of burials that would be considered adequate for meeting the project need. For example, if a certain percentage of the larger need of 253,000 burials is deemed acceptable to meeting the project purpose and need, the FEIS should indicate what this percentage is and discuss why it was selected.

The FEIS should also provide additional information regarding the needs of the San Diego County veteran population with regard to casketed burials versus burials of cremains, and identify the ratios that would meet this aspect of need in the document. Once the minimum amount of each burial type is identified, alternatives that utilize different ratios of burial options could be analyzed as project alternatives. This is important in considering environmental impacts of an alternative, since a site can accommodate three times more burials per acre of cremains than caskets (1000 casketed gravesites/acre vs. 3000 cremains/acre) (p. 2-4).

USEPA-2. The text on page ES-6 of the Final EIS has been corrected to state that the “Proposed Action would be developed in phases over a 30-year planning period to provide 50,000 casketed gravesites and 40,000 columbarium niches.”

The purpose and need on page 1-4 states that the NCA has identified a need for additional burial space to serve the San Diego area veteran population of 253,000 over the next 20 to 30 years. The EIS also states that the NCA has projected 22 percent (57,000) of the 253,000 veterans would require interment in the next 20 years. The Site 4 Alternative proposes 57,000 burials (31,000 casketed burials and 26,000 columbarium niches) which meets the purpose and need of providing needed burial space to serve the San Diego area veteran population for the next 20 years. The Site 2 Alternative proposes 90,000 burials (50,000 casketed burials and 40,000 columbarium niches) which meets the purpose and need of providing needed burial space to serve the San Diego area veteran population for the next 30 years. Both alternatives meet the stated purpose and need and are viable alternatives.

USEPA-3. A goal of the NCA is to consider veteran desires with respect to casket or cremation burials. The percentage of casketed burials vs. cremated remains burials used for the Proposed Action is based on recent trends in southern California and nationwide. The ratio of casketed burials vs. cremains is based on historic demand trends by veterans and their families. Historic data indicated that approximately 70 percent of the burials were casketed and 30 percent were cremains (either in-ground or columbaria cremains). Recent trends show a shift to 60 percent casketed burials and 40 percent cremains. The ratio proposed for both alternative sites in the EIS is approximately 55 percent casketed burials and 45 percent cremains. This is proposed to meet the future trend in burial requests by veterans and to also minimize the area of potential environmental impact. This information has been added to Section 2.3.1 (pg. 2-13 and 2-14) of the Final EIS.

USEPA-2

USEPA-3

Biological Resources

Integrated Natural Resource Management Plan (INRMP)

The DEIS identifies the Marine Corps Air Station (MCAS) Miramar's Integrated Natural Resource Management Plan (INRMP) as the guidance utilized for developing compensation for impacts to biological resources (p. 2-27), and refers to this plan in regards to mitigation. Since the INRMP exists in relation to MCAS Miramar, it is not clear what the roles and responsibilities will be in implementation of any mitigation/compensation that references this plan.

Additionally, it would be helpful to disclose which entity will be responsible for ensuring the stated compensation will occur, how compensation will take place, and what the role of Fort Rosecrans will be during both the construction and operation of the cemetery in relation to the INRMP and other mitigation identified for the project. The DEIS states that vernal pool compensation would include the development of a restoration, management and monitoring plan that will outline the process and guidelines of restoration and enhancement of off-site vernal pool habitat (p. 4-54), but does not provide information as to who is responsible for creating or implementing this plan, who will fund the ongoing monitoring, or how results will be reviewed and evaluated.

The DEIS also states that a previous Biological Opinion and Clean Water Act Section 404 permit issued for the realignment of Naval Air Station Miramar to MCAS Miramar required MCAS Miramar to develop and implement their proposed Multiple Species Habitat Conservation Plan (MSHCP) consistent with guidelines used for subarea plans under the Multiple Species Conservation Program (MSCP) (p. 3-11), but no additional information is provided for understanding how this effort relates to the proposed project.

Recommendation:

In the FEIS, identify roles and responsibilities for implementation of mitigation and compensation for impacts to biological resources. Provide more information regarding the compensation strategy for coastal sage/chaparral and the California Gnatcatcher (CAGN), and include updated information in the FEIS as to the status of identifying compensation properties. Disclose who will be responsible for creating the restoration, management and monitoring plan for vernal pools, who will implement this plan, and how results will be reviewed and evaluated. We recommend monitoring of onsite vernal pools that are completely surrounded by the project footprint also be included in the monitoring efforts, including a strategy to adaptively manage these pools should adverse indirect impacts be observed.

In the FEIS, include a status update/expected timeline of implementation of the proposed MSHCP and if/how it relates to this project.

Compensation ratios

The DEIS indicates that burned disturbed Diegan coastal sage scrub, coastal sage scrub-chaparral, Diegan coastal sage scrub, and disturbed Diegan coastal sage scrub are considered regionally rare and declining habitats (p. 4-44, line 26). While the DEIS states that compensation

USEPA-4. The Draft EIS was revised to identify the roles and responsibilities for implementing mitigation measures.

Mitigation discussion was revised in Section 4.7.2 (pg. 4-59 and 4-60) of the Final EIS to state that habitat on East Fortuna Mountain will be preserved, accompanied by a one-time financial contribution for long-term management. Details regarding who will be responsible for creating the restoration, management, and monitoring are not known as this time.

Monitoring of adjacent vernal pools for viability in conjunction with implementation of an adaptive management plan should adverse impacts occur was included in the indirect impact discussions in Chapter 4.7.2 (pg. 4-60) of the Draft EIS. Also, NCA will comply with reasonable and prudent measure 7.2 and detailed in terms and conditions 8.2.1 of Biological Opinion (1-6-06-F-4652.3), provided in Appendix F.

USEPA-5. The County MSCP as referenced in Section 3.1.3 (pg. 3-10 and 3-11) was finalized in 1998. A discussion of how it relates to the Proposed Action is also included. The MSHCP is the Natural Community Conservation Plan for Riverside County, which was finalized in 2004. None of these plans apply to MCAS Miramar. MCAS Miramar has an INRMP as explained in Sections 1.6.1 (pg. 1-8 and 1-9), 3.1.3 (pg. 3-8 and 3-9), 3.7.1 (pg. 3-37), 4.1.1 (pg. 4-5), and 4.7.1 (pg. 4-49). The MCAS Miramar INRMP has been reviewed and approved by the appropriate regulatory agencies.

ratios for the project, originating from the INRMP, were adjusted if low habitat quality is compensated for with high habitat quality, it does not provide justification for these adjustments in reference to the specifics of the project. Compensation for permanent direct impacts of over 9 acres of burned and disturbed Diegan Coastal Sage Scrub (unoccupied by CAGN) is proposed as 0.5:1. Since this habitat category is identified as regionally rare and declining (p. 4-44), it is not clear why a reduced compensation ratio is appropriate. Additionally, the process and criteria for making these evaluations should be briefly summarized in the document.

Additionally, the DEIS does not provide the rationale as to why habitat that is disturbed but recently occupied by the endangered California gnatcatcher, and therefore suitable for this species, should receive a reduced compensation ratio.

Recommendation:

In the FEIS, provide justification for the use of reduced compensation ratios for regionally rare and declining habitats. Provide site-specific information on the quality of the compensation property, if known, and explain why a reduced quantity is deemed sufficient for this location and regional context, which must include consideration of cumulative impacts.

EPA recommends a minimum of 1:1 compensation ratio both for habitats that are rare/regionally declining and for habitats that have recently supported endangered species.

Grasslands

The DEIS states that native grasslands are very restricted within California and have the highest ranking of rarity possible in terms of native habitat for wildlife species according to the California Department of Fish and Game (p. 3-53, line 18). The DEIS also states that while grassland habitats occur within the recently occupied CAGN area, grasslands provide little habitat value, and as such, do not warrant compensation (p. 4-55, line 15). It is not clear if this statement only refers to habitat value for the CAGN, but in either case, the recent presence of CAGN and the earlier statement as to the rarity of grasslands seem to warrant compensation.

Recommendation:

In the FEIS, provide justification for not compensating grassland habitats despite their documented rarity and their use by the endangered CAGN. EPA recommends rare habitat types, even if partially disturbed, receive compensation.

Habitat corridor

The preferred alternative occupies or is connected to a regionally identified wildlife corridor. It is unclear how the project will restrict wildlife movement but the DEIS states that the open design of the cemetery would not be restrictive to wildlife movement especially if a perimeter fence is not installed (p. 4-47). However, fencing is identified as a project feature (p. 4-49, line 1; p. 4-50, line 18). The DEIS states that small and large mammal, herpetofauna, and avian movement would still be expected to occur between the project site and Rose Canyon wildlife

USEPA-6

USEPA-6. Mitigation discussed in the Draft EIS is consistent with mitigation guidance provided in the MCAS Miramar INRMP. The INRMP states that "when degraded vegetation/habitat types are involved, ratios should be adjusted to achieve an equitable compensation. Thus, a lower compensation ratio would be appropriate where high quality habitat is being offered for impacts to a degraded habitat." This justification of reduced compensation ratios is provided as footnote in Tables 4.7-1 (pg. 4-47), 4.7-2 (pg. 4-59), 4.7-3 (pg. 4-63), and 4.7-4 (pg. 4-72).

USEPA-7

USEPA-7. See response for comment USEPA-6.

USEPA-8

USEPA-8. While included in the recently occupied habitat area, grasslands provide little habitat value to the CAGN and as such they do not warrant compensation. Additionally, grassland habitats do not fall into the category of regionally rare vegetation communities. Additionally, the Biological Opinion does not specify mitigation for grasslands (Appendix F).

corridor, but it is not clear how this is concluded nor how perimeter fencing would affect the terrestrial wildlife utilizing the corridor since the species potentially affected are not identified.

Recommendation:

The FEIS should identify mitigation for potential impacts to wildlife movements. Alternatives to fencing, such as vegetation barriers, should be explored for the project. If the project will be fenced, consideration should be given to what species would be restricted by fencing, and what kind of fencing would be the least impacting, and this discussion should be included in the FEIS. If project fencing could restrict movement in a wildlife corridor, EPA recommends wildlife friendly fencing or wildlife crossings, as practicable, be included as mitigation for these impacts.

Good site design and practice

The DEIS states that the proposed action would remove all biological resources within the project footprint (p. 4-43) but acknowledges that final design may reduce impacts. Indeed, press coverage has represented the project as maintaining desert scrub: "*the traditional rows of white gravestone markers would stand in smaller green meadows connected by paths cutting through the desert scrub*" (*San Diego Union Tribune, June 11, 2006*). Additionally, in relation to stormwater runoff, the DEIS mentions the possibility of designing sedimentation basins (p. 4-75) and the use of post-construction controls such as permanent detention basins (p. 4-77), and we encourage the use of these controls.

The DEIS alludes to an integrated pest management (IPM) policy ("use of fertilizers and pesticides would be kept to minimum" p. 4-78) but does not explicitly identify IPM nor commit to this approach as a mitigation measure. The preservation of native vegetation would enhance an IPM approach.

Recommendation:

EPA strongly recommends care be taken in final design for the protection of resources. In addition to refraining from grading the entire footprint, EPA recommends carefully designed stormwater management, including detention basins if needed, and reduction of impervious surfaces for portions of the parking areas. Pervious pavement, pavers, and other alternatives to asphalt should be incorporated into the project design, and a commitment to an IPM approach for the operational phase should be explicit, to reduce impacts to water resources including vernal pools. The indirect impact from chemical additions should also be discussed in Chapter 4 under indirect impacts to jurisdictional wetlands and Waters of the U.S. (p. 4-49).

Clean Water Act Section 404

The preferred alternative will impact 5 drainages that are considered Waters of the U.S. under Section 404 of the Clean Water Act. The wetland delineation has not yet been performed, and the DEIS simply states that this will occur in the future so the type of CWA Section 404 permit needed can be identified. The DEIS contains no information on the requirements associated with the CWA 404 consultation with the Army Corp of Engineers (USACE), or the requirements for

USEPA-9

USEPA-9. Fencing is proposed to restrict access to portions of the Site 2 Alternative parcel and additional fencing is proposed to protect several specifically designated biologically sensitive avoidance areas. The Site 2 Alternative parcel would be fenced with a 5-foot (1.5-meter) tall ornamental fence along Miramar Road and Nobel Drive. The remainder of the parcel would remain unfenced since it is interior to the rest of MCAS Miramar. The fence would be open in appearance and slightly elevated above the ground. The biologically sensitive avoidance areas within Site 2 would not be developed and would be preserved and protected. These areas would be protected with smaller and more open ornamental fencing designed to keep visitors from entering or passing through these sensitive areas. The proposed fencing would not preclude wildlife movement through the site. This is explained in Sections 2.3.1 and 4.7.1 of the Final EIS.

USEPA-10

USEPA-10. Text has been added to Section 4.7.2 (pg. 4-58) to state that the cemetery design process will include coordination with the various agencies. Compliance with an IPM and discussion of potential chemical impacts was added in the mitigation discussions for indirect impacts for Sites 2 and 4 (Sections 4.7.2 (pg. 4-60) and 4.7.4 (pg. 4-73) of the Final EIS). Also, NCA will comply with reasonable and prudent measure 7.1 and detailed in terms and conditions 8.1.2 of Biological Opinion (1-6-06-F-4652.3), provided in Appendix F.

an alternatives analysis under Section 404(b)(1) should an individual permit be needed. The 404 program is co-administered by the USACE and EPA.

If an individual permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative (LEDPA) available to achieve the project purpose.

The permit process requires avoidance of impacts to waters of the U.S. The DEIS states that the 5 drainages total 3,333 feet and 0.230 acres but it is not clear if the project footprint was drawn to avoid these waters or if they are within the project footprint. Considering the jurisdictional delineation has not been performed, it is premature to conclude that no significant impacts to these waters would occur and mitigation measures would not be necessary (p. 4-53, line 12).

Additionally, the DEIS states that a formal assessment of functions and values of these features was not conducted but a general assessment suggests they have low functions and values (p. 4-46).

Recommendation:

The FEIS should provide information about the CWA 404 permit process and the requirement that for an individual permit, only the LEDPA can be permitted by the USACE. The FEIS should identify the location of the known jurisdictional waters in relation to the project footprint and indicate whether and how they will be avoided (bridges/culverts, avoidance by site design). Mention of compensatory mitigation for unavoidable losses of waters should be included.

The statement that there would be no significant impacts to jurisdictional waters and mitigation measures would not be necessary should be removed. In addition, the conclusion in the DEIS that the drainages have low functions and values should be substantiated. Natural washes can perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and are adapted to the unique conditions of these systems.

The installation of culverts tends to fragment the hydrological and biological functions of these waterways, and can have substantial adverse impact to the stability of channel geomorphology. Filling these waters eliminates their functions altogether and degrades the watershed through cumulative loss of their functional contributions to the larger system. For example, the loss or degradation of lower-order ephemeral washes can result in the need for larger flood control infrastructure downstream.

USEPA-11

USEPA-11. Text discussing all CWA permits and other potential wetland regulatory issues has been inserted in the Final EIS where appropriate, including Sections 4.7.1 (pg. 4-48) and 4.7.2 (pg. 4-64) and Chapter 5 (pg. 5-8). This language discusses the potential permits that will be needed as well as the need for a complete wetland delineation of the project site. Final design planning and improvements would ensure that the hydrological and biogeochemical functions of the watersheds be maintained. The NCA will coordinate with the USEPA, USFWS, and RWQCB for their input on design and incorporation of BMPs.

USEPA-12

USEPA-12. The text has been revised to clarify potential impacts to jurisdictional wetlands and proposed mitigation measures in Sections 4.7.1 (pg. 4-48) and 4.7.2 (pg. 4-64) of the Final EIS. See response for comment USEPA-11 above. Functions and values of the drainages are clarified in Section 4.7.1 (pg. 4-48) of the Final EIS.

USEPA-13

USEPA-13. Final design planning and improvements would ensure that the hydrological and biogeochemical functions of the watersheds be maintained. The NCA will coordinate with the USEPA, USFWS, and RWQCB for their input on design and incorporation of BMPs.

Air Quality

The air quality discussion of existing conditions, especially of toxic air contaminants (TAC), is well prepared and we commend the Departments of the Navy (DON) and Veterans Affairs (DVA) for including the important discussion of diesel particulate matter (DPM) (p. 3-119). We also commend DON and DVA for including mitigation measures to minimize emissions of dust and particulates. These measures are important since the area currently exceeds the State of California standards for PM₁₀ and PM_{2.5}.

There is no mention of DPM in the analysis of impacts from the proposed project, although construction equipment will be a source of this pollutant. Because the area is in federal nonattainment for ozone, reducing construction vehicle emissions is important.

Recommendation:

Include the following additional mitigation measures in the project to reduce vehicles emissions including DPM and ozone precursors.

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Control technologies such as particle traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Restrict engine idling to no more than 10 minutes duration.
- Employ periodic, unscheduled inspections to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require the use of low sulfur diesel fuel (<15 parts per million sulfur) for diesel construction equipment, if available.
- Reduce construction-related trips of workers and equipment, including trucks. Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.

USEPA-14

USEPA-14. As stated in Section 4.12 (pg. 4-120) of the Draft EIS, no significant air quality impacts would result from the Proposed Action and therefore no mitigation measures are proposed. Many of the recommended measures have been modified and included in Section 4.12 (pg. 4-123 and 4-124) of the Final EIS.

Federal Leadership in Sustainable Building

Water conservation and renewable energy

The project involves new construction of facilities, however the DEIS does not mention Executive Order (E.O.) 13123 – Greening the Government through Efficient Energy Management (p. 2-19) which supports energy efficiency, water conservation, and the use of renewable energy products by the federal government, providing specific goals towards these ends. Section 102 of E.O. 13123 states that each agency shall expand their use of renewable energy and shall strive to install 20,000 solar energy systems by 2010. Section 207 of E.O. 13123 also references water conservation goals.

In addition to E.O. 13123, on January 24, 2006, numerous federal agencies, including the DOD, signed the Memorandum of Understanding (MOU) entitled “Federal Leadership in High Performance and Sustainable Buildings,” in which these agencies committed to design, construct and operate their facilities in an energy-efficient and sustainable manner. Through the MOU, the DOD agreed to: reduce the energy cost budget by 30% for new construction and 20% for major renovations; employ strategies to reduce indoor and outdoor water use and reduce stormwater runoff and pollution; use products with recycled content; and use biobased products made from rapidly renewable resources and certified sustainable wood products.

Recommendation:

The reclaimed water line that runs through Site 2, the preferred alternative (p. 2-16) presents an opportunity to substantially reduce the use of potable water at the site and thus help meet E.O. 13123 water conservation goals. The project should maximize this opportunity by utilizing reclaimed water for both irrigation and for restroom facilities, as suggested by the City of San Diego.

USEPA-15

Additionally, the climate of the project area is conducive to solar energy development. The DON and DVA should fully explore solar energy potential for new constructed facilities, consistent with Section 10w of E.O. 13123.

USEPA-16

Solid Waste

Regarding solid waste, the DEIS documents an agreement between the DON and the City of San Diego that allows for unlimited free disposal of waste to the City’s landfill located onsite at Miramar (p. 4-19). While the DEIS states that MCAS Miramar practices waste minimization and recycling, the landfill agreement could act as a disincentive to maximizing recycling. Additionally, the DEIS does not indicate how recycling will be integrated into the project.

Recommendation:

In the FEIS, describe how waste minimization and recycling will be integrated into the project. For example, commit to locating recycling receptacles next to each trash receptacle on site.

USEPA-17

USEPA-15. The text on page 2-18 of the Draft EIS was revised to confirm that the Proposed Action would maximize the use of reclaimed water for irrigation and non-potable uses such as construction and restroom facilities. The text was revised to include a statement that the Proposed Action would comply with E.O. 13123.

USEPA-16. Text has been added to Sections 2.3.1 (pg. 2-18) 2.3.2 (pg. 2-24), 4.3.1 (pg. 4-18 and 4-19), and 4.3.2 (pg. 4-21) of the Final EIS stating that the NCA will explore the use of solar energy.

USEPA-17. The EIS has been revised in Section 4.3.1 (pg. 4-19) to identify specific steps that waste minimization and recycling will be incorporated into the project including the installation of recycling receptacles next to trash receptacles.



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME

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ARNOLD SCHWARZENEGGER, Governor



December 11, 2006

Commanding Officer
Naval Facilities Engineering Command, Southwest
Attn: Hiphil Clemente
1220 Pacific Highway
San Diego, CA 92132-5190

Comments on the Draft Environmental Impact Statement for Fort Rosecrans National Cemetery Annex, San Diego County, California

Dear Ms. Clemente:

The California Department of Fish and Game (Department) has reviewed the draft Environmental Impact Statement (DEIS), dated October, 2006, for the proposed Fort Rosecrans National Cemetery Annex project, as well as supplemental information on the project submitted to the U.S. Fish and Wildlife Service (Service) on October 27, 2006, and the Service's comments on the DEIS, dated November 30, 2006. We provide the following comments to assist the Department of the Navy (DON) and the Department of Veteran's Affairs (VA) in minimizing and mitigating project impacts to biological resources. Comments focus on the proposed impacts of the Preferred Alternative (Site 2), and are based on information provided in the above-mentioned documents, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines, Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

The Department appreciates the efforts that were made during the project design process to largely avoid direct impacts to vernal pools containing federal and state-listed listed species. However, despite the implementation of proposed best management practices (BMPs), there will be permanent hydrological and biogeochemical changes to the areas directly adjacent to the off-site vernal pool watersheds resulting from changes in topography, an increase in the amount of impervious surfaces, and increases in contaminant concentrations. The Department concurs

Ms. Huphil Clemente
December 11, 2006
Page 2

with the Service's recommendation in their November 30, 2006 letter that the DON and VA provide further analysis of these impacts, and how they will be avoided, minimized, or mitigated, in Section 4.7 of the DEIS. In addition to potential impacts to San Diego fairy shrimp, the analysis should discuss potential impacts to vernal pool flora, including the San Diego button celery (*Eryngium aristulatum* var. *parishii*) and San Diego mesa mint (*Pogogyne abramsii*).

The DEIS proposes off-site mitigation for direct impacts to plant communities recently occupied by coastal California gnatcatcher (*Polioptila californica californica*: gnatcatcher), including Diegan coastal sage scrub (CSS; 2:1), disturbed chamise chaparral (1:1), disturbed Diegan coastal sage scrub (1:1), disturbed southern mixed chaparral (1:1), and "disturbed habitat", a mixture of annual grasses and forbs with native and non-native shrubs (0.5:1). The VA plans to acquire acreage occupied by gnatcatcher between the southeastern border of MCAS Miramar and Mission Trails Regional Park, with title to be granted to the City of San Diego, along with the payment of in-perpetuity management and maintenance fees.

No mitigation is proposed for grasslands recently occupied by gnatcatcher (including non-native grassland, disturbed non-native grassland, and disturbed native/non-native grassland), which the DEIS classifies as recently occupied, but "unsuitable". However, gnatcatchers utilize habitats other than CSS for foraging and as part of their breeding territories. CSS often occurs in a patchy, or mosaic, distribution pattern throughout the range of the gnatcatcher. Gnatcatchers also use grassland, chaparral, and riparian plant communities where they occur adjacent to or intermixed with sage scrub. Although existing quantitative data may reveal relatively little about gnatcatcher use of these other habitats, these areas may be critical during certain times of year for dispersal or as foraging areas during inclement conditions (e.g., drought). Breeding territories also have been documented in non-sage scrub habitat (e.g., grassland/ruderal and chaparral habitat) (USFWS, 1997).

Non-native grasslands and ruderal areas in San Diego County also provide important foraging habitat for raptors. The DEIS indicates that there is moderate potential for golden eagle (*Aquila chrysaetos*) to forage on site. Furthermore, the INRMP lists a number of hawk and falcon species that have been observed on MCAS Miramar. Because of the value of grasslands as foraging habitat for both gnatcatchers and raptors, the Department recommends off-site acquisition of annual or perennial grassland, adjacent to CSS if possible, to mitigate for the proposed permanent impacts to grassland communities within the project footprint.

The DEIS proposes no mitigation for impacts to chaparral communities (chamise chaparral, southern mixed chaparral, or Nuttall's scrub oak (*Quercus dumosa*) chaparral) that are unoccupied by gnatcatchers. Proposed compensation ratios for all the communities to be impacted by this project are based on those provided in the Marine Corp Air Station (MCAS) Miramar Integrated Natural Resources Management Plan (INRMP). The INRMP makes no standard recommendation for mitigation for chaparral communities unoccupied by federally listed species, though it does indicate that some habitat compensation might be appropriate if it is determined through the National Environmental Policy Act (NEPA) process that impacts become significant to other sensitive or declining species.

CDFG-1

CDFG-1. See response to DOI-1 and DOI-4 above.

CDFG-2

CDFG-2. Existing data for the occurrence of CAGN on MCAS Miramar is presented in Section 3.7 (pg. 3-67 to 3-69). CAGN have been documented using these areas from 1997 to 2004, as referenced by the discussion in the Draft EIS, and are known to occur on this site.

CDFG-3

CDFG-3. The mitigation discussed in the Final EIS, Section 4.7.2 (pg. 4-59), is consistent with mitigation guidance provided in the MCAS Miramar INRMP. Additionally, the Biological Opinion does not specify mitigation for grasslands (Appendix F).

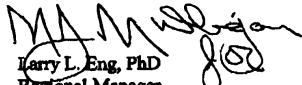
While the Department acknowledges that we did not comment on the issue of mitigation for impacts to unoccupied chaparral during our recent review of the INRMP, we believe that the current project's proposed permanent impacts to a total of 136 acres of chaparral communities represent a significant local impact to valuable wildlife habitat. We recommend that undisturbed mixed and chamise chaparral be mitigated at at least a 1:1 ratio through offsite preservation of high quality habitat. Additionally, scrub oak chaparral, where it is dominated by Nuttall's scrub oak, is a locally rare community and therefore, we recommend that impacts be mitigated at at least a 2:1 ratio.

CDFG-4

CDFG-4. As mentioned in response to comment CDFG-3 above, the mitigation discussed in Section 4.7.2 (pg. 4-59) of the Final EIS is consistent with mitigation guidance provided in the MCAS Miramar INRMP and will comply with the USFWS Biological Opinion, which does not specify mitigation for chaparral communities (Appendix F).

The Department appreciates the opportunity to comment on the DEIS. If you have any questions regarding these issues, please contact Meredith Osborne at (858) 636-3163.

Sincerely,


Larry L. Eng, PhD
Regional Manager
South Coast Region

cc: Felicia Sirchia, U.S. Fish and Wildlife Service

California Native Plant Society

San Diego Chapter P.O. Box 121390 San Diego, CA 92112

Hiphil Clemente
Naval Facilities Engineering Command Southwest
1220 Pacific Highway
San Diego, CA 92132-5190

December 11, 2006

Re: Fort Rosecrans National Cemetery Annex

Dear Ms. Clemente:

The San Diego Chapter of the California Native Plant Society has reviewed the draft Environmental Impact Statement (draft EIS) for the development of a Cemetery a Marine Corps Air Station Miramar. We question the decision to use an annex approach to fulfill the need for burial space for our nation's veterans. While we understand that the preferred location for a new cemetery is convenient for the Veterans Administration, we object to the use of Marine Corps Air Station Miramar lands for purposes that are not mission critical for the base. Using the Annex approach has limited the review of federally owned property to the extent that the Bureau of Land Management (BLM) lands that would be more conducive to quiet communion were never considered. We would suggest that to truly honor our veterans, a place for families to gather that did not involve intense noise from jets and helicopters would be more appropriate. During certain weather conditions, the noise from both jets and helicopters can be overwhelming to persons outdoor based on the experience of those in the west end of Mira Mesa and Sorrento Mesa.

Our primary concern of the project is the proposed take of vernal pools and the definitions being used to define vernal pools. Site 2 is clearly superior to Site 4 from our perspective but Site 2 has rather large impacts on vernal pools. The draft EIS identifies direct impacts to 0.299 acres of man-made depressions, 0.01 acres of vernal pools with fairy shrimp, and 0.013 acres of vernal pools with no federally listed species. At the public hearing for the project, it was suggested there would be take of some man-made depressions with *Pogogyne abramsii* but acreage was not presented and there was no information in the draft EIS that provided detailed breakdowns of locations of take with species listed. We object to the identification of vernal pools in this area as being simple man-made depression because they lack mima mound topography. Vernal pools come in a variety of sizes, shapes, and surrounding topography. The mesas and slopes at Site 2 were heavily used by off-road motorcycles in the 1970s until the Navy fenced the area. On weekends there were often a hundred riders on 2-stroke dirt bikes racing up and down the slopes and through the "mud bogs" at the site.

CNPS-1

CNPS-2

CNPS-3

CNPS-4

CNPS-1. See response to USEPA-1 above.

As stated in Section 2.1.2 (pg. 2-2 and 2-3) of the Draft EIS the location of a national cemetery is not based on convenience for the VA but is based on convenience for the veteran population. The criteria the NCA uses for siting any cemetery is focused on locating a cemetery within a 75-mile (120-kilometer) radius of the San Diego area veteran population. This criterion applies whether the Proposed Action would be an annex or a new cemetery. The location within 20 miles (32 kilometers) of Fort Rosecrans National Cemetery is to minimize operating costs of the cemetery annex by enabling the existing staff at Fort Rosecrans National Cemetery to also manage this facility. The construction and operation of a national veteran cemetery on MCAS Miramar would be compatible with the mission of MCAS Miramar. In addition, MCAS Miramar has offered the use of Site 2 and Site 4 to the NCA for a cemetery.

CNPS-2. BLM properties are located in eastern San Diego County and many would be outside the 75-mile (120-kilometers) radius of the San Diego area veteran population. BLM properties would also be located outside the 25-mile (32-kilometer) radius of Fort Rosecrans National Cemetery. This would prohibit the same staff from effectively managing both Fort Rosecrans National Cemetery and the proposed facility. In addition, BLM did not offer any lands to the NCA during their search for sites. BLM lands would have potential land use conflicts and potential significant impacts to sensitive cultural and natural resources. Noise at national cemeteries is not critical siting criterion and many veteran families request flyovers by military aircraft.

CNPS-3. The map displaying impacts to *P. abramsii* at the meeting was a draft map before final revisions to the project boundary, which do not include populations of *P. abramsii* within the project boundary.

CNPS-4. There were a number of natural pools with tire ruts and disturbance observed during the biological surveys, and these were still classified as "pools." The presence/absence of mima mound topography was not a determinant on how basins were classified, though if it existed, it was considered additional strong evidence that basins were likely natural pools. The basins classified as "ruts" or "puddles" were judged to have been formed specifically by man-made disturbance. Of course the roads and grading for power lines, etc. went right over old and very good vernal pool habitat in some areas, and some "ruts" and "puddles" now exist where there may have been natural pools in the past. The evaluation of what existed in the areas of roads and existing disturbed basins before any human activity on the site was beyond the scope of this project, however. Terms used for the surveys, subsequent analysis, and mitigation proposal are based on current site conditions without attempt to speculate what the pre-colonial condition might have been.



Dedicated to the preservation of California native flora



If the pools only contained Woolly-marbles and fairy shrimp, it would be understandable that some of the pools would be identified as being man-made from the prior motorcycle use of the area but in fact at least some of the depressions contain multiple vernal pool indicator species. That rarely happens in completely man-made ruts unless the ruts are in what were historically known vernal pool areas. The same types of issues arise with vernal pools in the southbay, particularly those south of 905 in the City of San Diego. Those pools do not show a mima mound topography and have been heavily impacted by off-road activity. The pools are often referred to as slump pools. Caltrans personnel showed me pools south of 905 that formed in terraces in varying topography areas similar to the type of topography seen at Site 2.

CNPS-5

CNPS-5. The main determinant of numbers of vernal pool plant and animal species in artificially created [intentionally or by accident] basins appears to be water duration, coupled with proximity to basins with a diversity of vernal pool plant and animal species. The data are presented in "Black, C., and Paul H. Zedler. 1998. *An overview of 15 years of vernal pool restoration and construction activities in San Diego County, CA.*" Proceedings of the June 1996 conference on the Ecology, Conservation, and Management of Vernal Pool Ecosystems, held in Sacramento, California, on invasion of artificially constructed, non-inoculated basins by vernal pool plant species over time after construction demonstrated that any basins ponding water appropriately tend to accumulate native and exotic vernal pool plant species with time.

Review of 1928 aerial photography of the area at the county (SD 1928 52E7-9 and 52D3-4) suggests there were areas that might be vernal pools in the proposed development area but the photography does not show the intense concentration of pools as is seen at Site 1 or further east. Please let us know if you would like to review our photocopy versions of that data for your review. Since the mitigation ratio for man-made depressions differs so greatly from the mitigation ratio for naturally occurring pools, this is not a trivial issue.

CNPS-6

CNPS-6. Aerial photographs from 1928 and 1953 for the eastern part of Site 2 were previously studied for the BRAC mitigation project [Black, C. H. 1998. *Detailed Restoration and Enhancement Plan for the Vernal Pools at the 2/X1-4, 3/Z1-3, 8/EE-1, and 8/HH3+ Vernal Pool Groups at Marine Corps Air Station Miramar, Southwest Division, Naval Facilities Engineering Command, San Diego, CA.* 38 p.]. Even in 1928 the dirt roads and many of the disturbances to the site are evident. The quality and seasonal timing of the photographs make identification of individual existing basins problematic. A determination on whether a natural basin had existed at the site of an existing obvious rut or puddle was not made since the disturbance of the roads and grading had so thoroughly disrupted the natural topography. In the eastern corner of the site the continuity of pools on either side of several of the roads strongly suggests that there were at least some natural vernal pools where the ruts and puddles now exist. Surveys could not find any other pertinent information on the presence of vernal pools prior to disturbance on this site.

I watched the J14 vernal pool that supports *Pogogyne nudiuscula* that was fenced be subject to so much off-road use of the surrounding area that the vernal pool became the high spot of the area causing problems for ponding of the pool over the years of heavy use. The City of San Diego has been conducting vernal pool inventories and I asked if their known road rut pools ever get colonized by *Pogogyne* species. Their response was no.

CNPS-7

We also object to the way vernal pool watershed is inappropriately dealt with in the impact analysis. There are three areas of biologically sensitive avoidance areas identified in the document that are totally surrounded by the development footprint. This will hardly result in long term viable vernal pools. Please provide additional buffering for those pools.

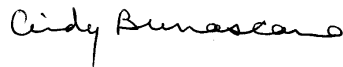
CNPS-8

The document did not map other rare non vernal pool species. The statement is made that identified plants will be transplanted but no estimates were given in the document for the level of expected impact to species. Dave Boyer disclosed at the public hearing that *Brodiaea orcuttii* occurs in one man-made impoundment area that will be taken. While not listed, that is a CNPS List 1B.1 species as are some of the other species mentioned in the draft EIS that occur in the proposed impact area. List 1B.1 species are rare throughout their distribution. There should be additional disclosure about the expected level of impact to those species in the document with performance criteria for transplantation.

CNPS-9

CNPS-7. The data in the reference cited in the response to comment CNPS-5, plus the data detailed in "Zedler, P.H., and C. Black. 1992. *Seed dispersal by a generalized herbivore: rabbits as dispersal vectors in a semiarid California vernal pool landscape.* Am. Midl. Nat. 128:1-10," showing the transport of viable vernal pool plant seeds (including the Federally listed *Pogogyne abramsii*) in rabbit scat, suggests that any artificially caused basin, whether by accident or on purpose, with the appropriate water ponding conditions will be likely to support many native vernal pool plant species, including Federally listed endangered plant species, with the passage of time.

Sincerely,



Cindy Burrascano
Conservation Chair
858.558.2191 x203

CNPS-8. As discussed in response to comment DOI-1, DOI-2, and DOI-4, the Proposed Action footprint was designed to avoid impacts to vernal pool basins and their associated watershed to extent feasible. The NCA has worked extensively with the USFWS to redesign the proposed action to minimize the impacts to biological resources, including the vernal pool basins and watershed areas.

CNPS-9. Impact quantification to non-listed species is not addressed in this EIS. The Draft EIS discussed the non-listed sensitive species known from the site and also discussed the restoration efforts that will be taken to mitigate these impacts.

WRITTEN COMMENTS

Annex to the
Rosecrans National Cemetery
at Marine Corps Air Station Miramar
Environmental Impact Statement

To our Veteran Population,
their families, and all who
love them this project is
A BLESSING. A BURIAL SITE
NEAR --- I ALSO LIKE THE
PROJECT recognizing the verbal pools
and other environment issues.
ONCE ESTABLISHED NO FUTURE
development will be ABLE
take the land for airports
or other NON-ENVIRONMENTAL
FRIENDLY APPLICATIONS. AS A VET
THIS MEANS THE WORLD TO US!!!!

Send Comments to:

Hiphil Clemente
Naval Facilities Engineering Command Southwest
(Address on back)

Comments must be postmarked by: December 11, 2006

and, our combat
warrior fallen in
conflict will be
honored in San Diego's
Al PAVICH where they TRAINED + LIVE

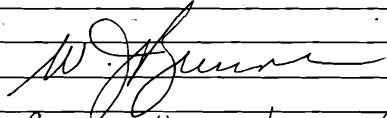
I-1

I-1. Your comments regarding the need for additional cemetery space, recognizing environmentally sensitive resources, protection of lands, and your involvement portion of the NEPA process is appreciated.

WRITTEN COMMENTS

**Annex to the
Rosecrans National Cemetery
at Marine Corps Air Station Miramar
Environmental Impact Statement**

WHAT BETTER WAY TO HONOR THE
VETERANS AND THEIR WIDOWS THAN
TO PROVIDE ADDITIONAL CEMETERY
SPACE IN SAN DIEGO, LETS GET IT
DONE



CHAIRMAN UNITED VETERANS COUNCIL

W. J. BRUNNER

I-2

I-2. Your comments regarding the need for additional cemetery space in San Diego and your involvement portion of the NEPA process is appreciated.

Send Comments to:

Hiphil Clemente
Naval Facilities Engineering Command Southwest
(Address on back)

Comments must be postmarked by: December 11, 2006

WRITTEN COMMENTS

**Annex to the
Rosecrans National Cemetery
at Marine Corps Air Station Miramar
Environmental Impact Statement**

I'm impressed by the Thorough
EIS. All factors addressed
Get on with the Project. Will Hays

I-3

I-3. Your comment regarding the thoroughness of the EIS and your involvement portion of the NEPA process is appreciated.

Send Comments to:

Hiphil Clemente
Naval Facilities Engineering Command Southwest
(Address on back)

Comments must be postmarked by: December 11, 2006

WRITTEN COMMENTS

**Annex to the
Rosecrans National Cemetery
at Marine Corps Air Station Miramar
Environmental Impact Statement**

I find it obnoxious that the vernal pools in the area are being called road cuts in an attempt to minimize the take of vernal pool acreage by the proposed project. 98% of historically occurring habitat has already been destroyed in San Diego County. This project is not a project required for the Marines to fulfill their duties. It can be sited elsewhere where funds for new, not annex funds can be used. Both Forest Service and Bureau of Land Management have lands that can be used for Federal Projects if the project can be justified.

Vernal pool plant species are not known to colonize road cuts unless those road cuts are in vernal pool habitat to begin with. See the City of San Diego plan that shows pools to the west of this area. You wouldn't get a colony of *Brodiaea* growing in the area if it were just road cuts in chaparral.

I-4

I-4. See response for comment CNPS-2, CNPS-3, CNPS-4, and CNPS-5 above.

Send Comments to:

Hiphil Clemente
Naval Facilities Engineering Command Southwest
(Address on back)

Comments must be postmarked by: December 11, 2006

CERTIFIED COPY

PUBLIC HEARING

RE: V.A. CEMETARY

HELD NOVEMBER 16, 2006



(949) 833-9099 • (800) 647-9099 • FAX (949) 833-1390

www.precisereporting.com

1 I'd like to make an oral comment. Raymond O-w-e-n.
2 My comment is this: I've been to a lot of these seminars
3 and affairs they have for military retirees and so forth,
4 and one of the best presentations that I heard was about the
5 new cemetery that's coming in over here. And the person
6 that presented it was --I think they had 12 speakers, and he
7 was the best one in my opinion. His name was Livingston, I
8 believe, Livingston. I have his card. William L. Livingston.
9 He was excellent. He was outstanding in his presentation.
10 And considering the subject that he had, he made it -- he
11 made it so -- it's a sore subject, death is, and things there
12 that he just made it feel so good, if I may say so, to be
13 leaving. And so I just want to make a comment on his
14 presentation and how well he did. I think he was the best
15 speaker that we had.

16 AT MCRD we have a retirement seminar for military
17 retirees, and I believe he was one of the best speakers
18 here. That's all I want to say. That's a good way to
19 start the day with something nice.
20 785 Hemingway Avenue. San Diego, 92120

PT-1. Your comments regarding the VA presentations and your participation in the public involvement portion of the NEPA process is appreciated.

1 My name is Cindy Urrascano. I'm with the
2 California Native Plant society. I find it highly
3 offensive that they're minimizing what they call vernal
4 pools calling them road rut when it's connected to
5 habitat that has vernal pools. The other side has
6 vernal pools and on this side and suddlenly this is
7 being called just road rut so it could be taken,
8 especially when it has listed species in that.
9 U-r-r-a-s-c-a-n-o. 11195 Cologna, Number 83, San
10 Diego, 92126.

PT-2

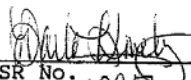
PT-2. See response for comment CNPS-3, CNPS-4, and CNPS-5.

STATE OF CALIFORNIA)
 : SS.
COUNTY OF SAN DIEGO)

I, Darla Kmety, a Certified
Shorthand Reporter, for the State of California, do hereby
certify:

That I reported stenographically the proceedings
had and testimony adduced at the proceedings held in the
foregoing matter on the 16th day of November, 2006;
that my stenotype notes were later transcribed into type-
writing under my direction, and the foregoing 2 pages
contain a true and complete record of the proceedings had
and testimony adduced at said hearing.

Dated at San Diego, California, on the 4th day
of November, 2006.



CSR No. 12956