

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Supplemental Environmental Impact Statement for Disposal and Reuse of Hunters Point Naval Shipyard, San Francisco, California

AGENCY: Department of the Navy, Department of Defense

ACTION: Record of Decision

SUMMARY: The United States Department of the Navy (DoN), after carefully weighing the environmental consequences of the proposed action, announces its decision to dispose of the Hunters Point Shipyard (HPS) in a manner consistent with the San Francisco Redevelopment Agency's (SFRA's) Hunters Point Shipyard Redevelopment Plan, as amended August 3, 2010. This Record of Decision (ROD) amends the DoN's previous ROD for the Disposal and Reuse of the Hunters Point Annex to the Naval Station Treasure Island, Formerly Hunters Point Naval Shipyard, San Francisco, California, November 20, 2000 (65 FR 69744 [2000-11-20]).

FOR FURTHER INFORMATION CONTACT: Director, Base Realignment and Closure (BRAC) Program Management Office (PMO) West, Attention: Mr. Ronald Bochenek, 1455 Frazee Road, Suite 900, San Diego, California 92108-4310. Telephone: 619-532-0906, fax: 619-532-9858, e-mail: ronald.bochenek.ctr@navy.mil.

This ROD and the Final Supplemental Environmental Impact Statement (SEIS) for the Disposal and Reuse of Hunters Point Shipyard, San Francisco, California, March 2012 is available for public viewing at <http://www.bracpmo.navy.mil/>.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, sections 4321 et seq. of title 42, United States Code (U.S.C.), Council on Environmental Quality regulations (parts 1500-1508 of title 40 CFR), and DoN regulations (part 775 of title 32 CFR), the DoN announces its decision to dispose of surplus HPS property. This decision will enable the DoN to dispose of HPS in a manner consistent with the 2010 HPS Redevelopment Plan, in accordance with the Defense Base Closure and Realignment Act of 1990 (DBCRA) (Public Law 101-510, 10 U.S.C 2687 note).

The environmental consequences resulting from the disposal of HPS were previously evaluated by the DoN in the Final Environmental Impact Statement (EIS) for the Disposal and Reuse of Hunters Point Shipyard, San Francisco, California, dated March 2000. The 2000 Final EIS evaluated the environmental consequences resulting from the implementation of the City and County of San Francisco's 1997 HPS Redevelopment Plan. On November 20, 2000 the DoN issued a ROD

indicating that disposal of HPS would be accomplished in a manner consistent with the 1997 HPS Redevelopment Plan.

In 2010 the SFRA approved an amended HPS Redevelopment Plan. The amended 2010 HPS Redevelopment Plan constitutes a substantial change from the proposed action as documented in the 2000 FEIS and ROD. The differences between the 1997 and 2010 HPS Redevelopment Plan included additional residential, commercial, research & development (R&D), parks and open space land uses, and a new 69,000 seat football stadium. Based on these changes, the DoN completed a Final SEIS for the Disposal and Reuse of Hunters Point Shipyard, San Francisco, California, March 2012. The 2012 Final SEIS supplements and incorporates by reference the 2000 Final EIS and assesses the potential environmental consequences resulting from the 2010 HPS Redevelopment Plan. This ROD amends the DoN's previous 2000 ROD.

BACKGROUND AND ISSUES: HPS is located in the City and County of San Francisco (the City), California and comprises approximately 861 acres (418 acres of dry and 443 acres of submerged-land). HPS is bounded on the north by India Basin, on the east and south by San Francisco Bay, on the southwest by South Basin, and on the northwest by the Bayview area of San Francisco. HPS Phase 1, comprising approximately 75 acres, was disposed of by the DoN in 2004 and is not part of the proposed action assessed in the 2012 Final SEIS or this ROD.

HPS ceased operating as a ship construction, overhaul, and repair facility in 1974. Thereafter, the DoN leased the property to various private entities and, between 1986 and 1990, used the facility to repair naval vessels. In 1990, the DoN designated the property as the Hunters Point Annex to Naval Station Treasure Island.

Under the authority of the DBCRA of 1990, the 1991 BRAC Commission recommended closing the Hunters Point Annex to Naval Station Treasure Island. The Commission also recommended that the DoN lease the entire property and permit continuing occupancy of certain DoN components. These recommendations were approved by the President and accepted by Congress in 1991.

The 1993 BRAC Commission modified the 1991 Commission's recommendation by directing the DoN to dispose of the HPS in any lawful manner, including leasing the property. The 1993 Commission's recommendation was approved by the President and accepted by Congress in September 1993. Later in 1993, Section 2834 of Public Law 103-160 amended Section 2824(a) of Public Law 101-510, giving the Secretary of the Navy authority to convey HPS to the City, or to a reuse organization approved by the City, instead of leasing the property.

PURPOSE AND NEED: The purpose of the proposed action is to provide for the disposal of surplus property at HPS from federal ownership and its subsequent reuse in a manner consistent with the amended HPS Redevelopment Plan, as adopted by the SFRA on August 3, 2010. The need for the proposed action is to comply with the DBCRA of 1990,

Public Law 101-510, 10 U.S.C. 2687 note. The need of the proposed action is also to comply with Public Law 101-510, as amended by Public Law 103-160, directing the DoN to lease or convey not less than 260 acres to the City.

PUBLIC INVOLVEMENT: The Notice of Intent (NOI) was published in the Federal Register on September 5, 2008 (73 FR 51797) and started the 42-day public scoping period which officially ended on October 17, 2008. A public scoping meeting was held on September 23, 2008, and additional smaller public outreach meetings were conducted during 2009 to gather comments and to identify issues from interested community groups.

The Draft SEIS was available for a 72-day public review and comment period that began on February 23, 2011 and ended on May 6, 2011. A Notice of Availability (NOA)/Notice of Public Hearing (NOPH) for the Draft SEIS were published in the Federal Register, and in the San Francisco Chronicle and Oakland Tribune newspapers. The NOA/NOPH and Draft SEIS were distributed to government agencies, local organizations, Native American tribes, interested members of the public, made available at six project area libraries and the City's Planning Department, and posted for public review on the DoN's BRAC PMO Website. A public hearing was held on March 15, 2011. No public comments were received on the Draft SEIS at the public hearing. Seven public comment letters were received by mail after the public hearing. All public comments were reviewed, considered, and addressed appropriately in the Final SEIS.

The Final SEIS was released for a 30-day wait and public review period beginning April 27, 2012 and ending on May 29, 2012. The NOA for the Final SEIS was published in the Federal Register (77 FR 23671), and the San Francisco Chronicle and Oakland Tribune newspapers. The NOA and Final SEIS were distributed to government agencies, local organizations, Native American tribes, interested members of the public, made available at five project area libraries and the City's Planning Department, and posted for public review on the DoN's BRAC PMO Website.

ALTERNATIVES CONSIDERED: Alternatives that were considered are discussed in Chapter 2 of the Final SEIS. These include six reuse alternatives and the No Action Alternative. Each reuse alternative assumes the disposal of surplus HPS property from federal ownership. The Final SEIS alternatives address the main redevelopment plans proposed for HPS and represent a reasonable range of alternatives as required by NEPA. Each reuse alternative is a broad conceptual plan characterized by a general land use concept and a development scenario. As such, each has general land use planning designations (i.e., residential, neighborhood retail, R&D, community facility, football stadium or no stadium, and parks and open space) that allow for a range of different types of land use. The preferred alternative, which is the disposal of the HPS property from federal ownership and subsequent reuse in a manner consistent with the 2010

HPS Redevelopment Plan, does not mandate implementation of one specific reuse alternative or set of land uses. Rather, it provides a selection of reuse alternatives and land uses, described below, which are consistent with the 2010 HPS Redevelopment Plan.

Alternative 1 ("Stadium Plan Alternative") would redevelop HPS with a mixed-use community with 2,650 residential units, retail (125,000 square feet [sq ft]), R&D (2.5 million sq ft), community services (50,000 sq ft), and parks and recreational open space (232 acres). A major component would include a new 69,000-seat football stadium. The alternative would also include a 300-slip marina, improvements to stabilize the shoreline, and a bridge over Yosemite Slough. New infrastructure would serve the development as necessary.

Alternative 1A ("Stadium Plan/No-Bridge Alternative") would redevelop HPS with the same level, land use types, and density of development as Alternative 1, except that the Yosemite Slough bridge would not be constructed.

Alternative 2 ("Non-Stadium Plan/Additional R&D Alternative") includes many of the same components as Alternative 1 including 2,650 residential units, retail (125,000 sq ft), community services (50,000 sq ft), and parks and recreational open space (222 acres), a 300-slip marina, improvements to stabilize the shoreline, and a bridge over Yosemite Slough. Under this alternative, a football stadium would not be constructed. Instead, an additional 2.5 million sq ft, for a total of 5 million sq ft, of R&D space would be developed.

Alternative 2A ("Non-Stadium Plan/Housing and R&D Alternative") includes a mix of uses including 4,275 residential units, retail (125,000 sq ft), R&D (3 million sq ft), community services (50,000 sq ft), and parks and recreational open space (222 acres). This alternative also includes a 300-slip marina, improvements to stabilize the shoreline, and a bridge over Yosemite Slough. A football stadium would not be constructed.

Alternative 3 ("Non-Stadium Plan/Additional Housing Alternative") does not include a football stadium, but is comprised of a mix of land uses including 4,000 residential units, retail (125,000 sq ft), R&D (2.5 million sq ft), community services (50,000 sq ft), and parks and recreational open space (245 acres). The alternative also includes a 300-slip marina, improvements to stabilize the shoreline, and a bridge over Yosemite Slough.

Alternative 4 ("Non-Stadium Plan/Reduced Development Alternative") includes a reduced density of development. Development proposed under this alternative includes 1,855 residential units, retail (87,500 sq ft), R&D (1.75 million sq ft), community services (50,000 sq ft), and parks and recreational open space (245 acres). The alternative does not include a football stadium, a bridge over Yosemite Slough, a marina, or shoreline stabilization.

No Action Alternative. Under the No Action Alternative, the portion of HPS proposed for development under Alternatives 1, 1A, 2, 2A, 3, and 4 would remain a closed federal property under caretaker status. These parcels would not be reused or redeveloped. Environmental cleanup would continue until completion. No new leases would be executed under the No Action Alternative. Existing leases would continue until they expire or are terminated, after which the DoN could decide to renew or extend some or all of these leases. Environmental impacts associated with the renewal or extension of existing leases would be evaluated before making such decisions.

The No Action Alternative has the fewest potential environmental impacts of the alternatives evaluated. Therefore, it is the environmentally preferred alternative. Although the No Action Alternative is the environmentally preferred alternative, it would not meet DON's purpose and need regarding property disposal and would preclude the economic recovery intended by Congress when it enacted the DBCRA. In addition, the No Action Alternative would not comply with Public Law 101-510, as amended by Public Law 103-160, directing the DoN to lease or convey not less than 260 acres to the City.

ENVIRONMENTAL IMPACTS: The proposed action and alternatives would have no significant impact to land use and recreation; visual resources and aesthetics; socioeconomic; hazards and hazardous substances; geology and soils; water resources; utilities; public services; cultural resources; and biological resources.

Reuse Alternatives 1, 1A, 2, 2A, 3, and 4 would each have one or more significant and unavoidable impacts related to transportation, traffic, and circulation; air quality and GHGs; noise; and environmental justice. A summary of these significant and unavoidable impacts is provided below.

Transportation, Traffic, and Circulation: Construction of Alternatives 1, 1A, 2, 2A, 3 or 4 would contribute significant project and cumulative-level traffic at one or more study area intersections that would operate at level of service (LOS) E or F for which there are no feasible mitigation measures. Therefore, project impacts and project-related contributions to cumulative traffic impacts to these intersections would remain significant and unavoidable.

Implementation of Alternatives 1, 1A, 2, 2A, 3, or 4 would cause LOS E or F traffic impacts at between five and eight intersections. In addition, six freeway on- and off-ramp locations would be reduced from acceptable to unacceptable conditions.

This would result in significant project-related impacts to traffic and would contribute cumulatively to significant traffic increases at these locations. No feasible mitigation measures were available; therefore, traffic impacts at the freeway ramp junctions under Alternatives 1, 1A, 2, 2A, 3, or 4 would remain significant and unavoidable.

Alternatives 1 and 1A would result in traffic impacts related to football games and secondary stadium events at the proposed stadium. As many as 12 times a year, football games at the proposed stadium would result in significant and unavoidable impacts to game day traffic as related to congestion along three study area roadways. Weekday evening secondary events at the stadium would result in increased congestion at intersections and freeway ramps that are already operating at unacceptable LOS under projected 2030 cumulative conditions without a secondary event. Traffic impacts associated with the new stadium during secondary events at these locations would be significant and unavoidable.

Air Quality and Greenhouse Gases (GHG's): Construction of Alternatives 1, 1A, 2, 2A, 3, or 4 would exceed the Bay Area Air Quality Management District (BAAQMD) daily emission significance thresholds for nitrogen oxide (NO_x). Air quality impacts from proposed construction activities would occur from combustive emissions due to the use of fossil fuel-fired construction equipment and on-road trucks, fugitive dust Respirable Particulate Matter/Fine Particulate Matter (PM₁₀/PM_{2.5}) emissions from earth-moving activities, the use of vehicles on bare soils, and demolition of structures. Combustive emissions would exceed the BAAQMD daily significance threshold for NO_x. By design, Alternatives 1, 1A, 2, 2A, 3, and 4 incorporate environmental controls that would minimize NO_x emissions from construction equipment and fugitive dust. The analysis determined that implementation of a dust control plan approved by the BAAQMD and the City would ensure that air emissions from proposed construction activities would produce not significant impacts for fugitive dust (PM₁₀/PM_{2.5}). Construction activities would produce emissions that would exceed the daily NO_x significance threshold and the lead agency would consider all feasible measures to mitigate these emissions to insignificance. However, it is expected that mitigated NO_x emissions from project construction would remain significant. Therefore, this impact would remain significant and unavoidable for Alternatives 1, 1A, 2, 2A, 3, and 4 for NO_x.

Noise: Construction of Alternatives 1, 1A, 2, 2A, or 3 would result in exposure of human receptors to excessive construction vibration levels because these alternatives would require pile driving. Vibration levels that would be considered excessive during construction activities would only occur intermittently for the duration of the activity and would only impact receptors located within 100 feet of the vibration-producing activity. Once the vibration-producing activities were completed there would be no further impacts to the affected receptors. Construction activities would only occur during the hours as required by Sections 2907 and 2908 of the San Francisco Noise Ordinance. Mitigation 1 would reduce impacts by requiring that vibration-producing equipment be located as far away from sensitive receptors as practicable. Mitigation 2 would also serve to reduce potentially significant vibration impacts by requiring pre-drilled holes and alternate methods for driving piles.

Mitigation 3 would require a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts prior to receiving a building permit. Implementation of Mitigations 1 through 3 would reduce temporary vibration impacts, but not to an insignificant level. Therefore, residual impacts would remain significant and unavoidable for Alternatives 1, 1A, 2, 2A, and 3. No pile driving would occur for Alternative 4.

Temporary increases in ambient noise levels from construction-related traffic during construction of Alternatives 1, 1A, 2, 2A, 3, or 4 would result in temporary significant impacts during construction activities. Mitigations 1, 2, and 3 would minimize or reduce construction-related noise levels to the extent feasible. However, this impact would remain significant and unavoidable during construction activities. If other projects are in operation simultaneously with the construction related to Alternatives 1, 1A, 2, 2A, 3, or 4, noise from truck traffic associated with the multiple construction projects could result in temporary significant cumulative noise impacts. Cumulative noise impacts would be temporary and would only occur during the combined construction period. No feasible mitigation beyond that associated with the proposed action is possible; thus, temporary cumulative construction-related noise impacts would be significant and unavoidable.

Operation of projects in the vicinity would result in increases in ambient noise levels associated with human occupation of buildings and use of commercial establishments. Increases in both the number of households and the population would translate generally into an increase in anthropogenic noise from vehicle traffic, playground activities, social activities, commercial businesses, landscape maintenance, and other noise-generating activities associated with residential areas. In addition, the activities associated with employment in R&D and commercial establishments (both for the proposed action and cumulative projects) would be expected to generate incrementally more noise than current levels. These activities would be expected to cause a substantial permanent increase in ambient noise levels above 70 A-weighted Decibel Scale (dBA) day-night average noise level (Ldn) in existing and future residential areas. Implementation of Mitigation 4 (noise shielding) and Mitigation 5 (building design with sound attenuation) would reduce project impacts to not significant. However, while this would be in the range of a typical urban environment, the cumulative impact would be significant and unavoidable. Operational impacts associated with operation-related groundborne vibration would not be expected to cause detectable vibration at nearby residences (along streets) and would be not significant.

Operation of Alternatives 1, 1A, 2, 2A, 3, or 4 would expose persons to substantial increased ambient noise levels along the major project site access routes resulting from project-related traffic, as well as associated with ambient growth projected over the next 20 years. This

would result in significant impacts. Implementation of Mitigation 4 (consideration during site planning of the use of barriers or buildings to shield residential outdoor activity areas and reduce noise levels to 60 dBA Ldn or less) and Mitigation 5 (inclusion of noise-attenuating building elements inside new residences) was proposed to address significant traffic noise increases in these residential areas. However, while these mitigations are readily applicable to new construction, their applicability to existing structures may be limited. Therefore, impacts to persons from substantial increased ambient noise levels would remain significant and unavoidable for Alternatives 1, 1A, 2, 2A, 3, and 4.

Operations associated with Alternatives 1 and 1A would expose human receptors to excessive noise from stadium events. Mitigation 6 would be implemented to minimize game/concert-related temporary increases in ambient noise levels at nearby residences, and would depend on factors that would be beyond the control of the City as the lead agency, or the future developer or owner of the property, to guarantee. In addition, Mitigation 7 would provide Residential Use Plan Review by a qualified acoustical consultant. However, because Mitigation 6 cannot be guaranteed at this time, implementation of Alternatives 1 or 1A would result in significant and unavoidable noise impacts from football games and concerts.

Environmental Justice: The reuse alternatives would not pose environmental health and safety risks to children or would otherwise minimize such effects through mitigation. Significant and unavoidable project-level and cumulative transportation and noise impacts resulting from implementation of the reuse alternatives would have disproportionate effects on minority and low-income populations. These impacts include construction vehicle traffic and roadway impacts for Alternatives 1-4, 1A, and 2A; operations increase in traffic volumes for Alternatives 1-4, 1A, and 2A, including intersection traffic impacts, freeway ramp impacts, and stadium football game traffic impacts (project-level only); transit impacts, including transit delays, stadium football games (project-level only), and stadium secondary events (project-level only) for Alternatives 1-4, 1A, and 2A; exposure of persons to increased (operations) noise levels for Alternatives 1, 1A, 2, 2A, 3, and 4; and exposure of persons to excessive event noise levels (project-level only) for Alternatives 1 and 1A. No additional mitigations are recommended as part of the environmental justice analysis.

MITIGATION MEASURES: Reuse of HPS would be in a manner consistent with the 2010 HPS Redevelopment Plan. Implementation of the DoN's decision to dispose of HPS does not require the DoN to implement any mitigation measures. The disposal of the property is the responsibility of the DoN. The City and County of San Francisco, as successor to the SFRA, is responsible for the implementation of the 2010 HPS Redevelopment Plan, including the construction of reuse components as identified in Alternatives 1, 1A, 2, 2A, 3, and 4. Mitigation measures and project environmental controls identified for

impacts associated with reuse, as identified in the Final SEIS, the 2010 HPS Redevelopment Plan, the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Final Environmental Impact Report, adopted June 3, 2010, and Resolution No. 59-2010, Adopting Environmental Findings Pursuant to the CEQA, including the Adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, for the Candlestick Point - Hunters Point Shipyard Phase II Development Plan Project; Bayview Hunters Point and Hunters Point Shipyard Redevelopment Project Areas, adopted June 3, 2010, would be the responsibility of the future developer or owner of the property, under the direction of the City and County of San Francisco and federal, state, and local agencies with regulatory authority over and responsibility for such resources, and would be subject to permitting and monitoring requirements.

The SFRA, along with all 400 redevelopment agencies in the State of California, was dissolved on February 1, 2012. The City and County of San Francisco has assumed, by direction of Resolution No. 11-12, the role as successor to the SFRA and responsibility for exercising land use, development and design approval authority under the enforceable obligations for HPS.

AGENCY CONSULTATION AND COORDINATION: No cooperating agencies were identified throughout the SEIS process; however, the DoN initiated consultation and coordinated with the National Marine Fisheries Service (NMFS), San Francisco Bay Conservation and Development Commission (BCDC), Advisory Council on Historic Preservation (ACHP) and California Historic Preservation Officer (SHPO), and the U.S. Environmental Protection Agency (USEPA) Region 9 as detailed below.

The Endangered Species Act (ESA), Section 7 (2) (a). The DoN initiated informal consultation with the NMFS pursuant to Section 7(2) (a) ESA on January 26, 2011. The proposed action would result in a potential impact to critical fish habitat from in-water construction (e.g., a marina and a bridge over Yosemite Slough). Construction activities would disturb critical habitat of the federally threatened green sturgeon (*Acipenser medirostris*) and central California coast steelhead (*Oncorhynchus mykiss*) and result in the loss of approximately 0.16 to 0.21 acres of critical habitat. The NMFS responded in a letter dated February 6, 2012 indicating concurrence with the DoN's determination that the effects of the DoN's proposed transfer of surplus property at HPS, together with the effects of the proposed reuse, an activity interrelated and/or interdependent with the DoN's action, are not likely to adversely affect threatened central California coast steelhead, threatened green sturgeon and designated critical habitat.

Further consultation may be required if: 1) new information becomes available indicating that listed species or critical habitat may be affected by the project in a manner or to an extent not previously considered; 2) current project plans change causing an effect to

listed species or critical habitat in a manner not previously considered; or 3) a new species is listed or critical habitat is designated that may be affected by the action. NMFS concurrence does not provide for coverage of any incidental take, including any take that may occur as a result of the future construction or future operation of the planned reuse. Furthermore, it is anticipated that federal permit authorization from the U.S. Army Corps (Corps) of Engineers pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act will be required for certain project components, including the construction of shoreline improvements, the Yosemite Slough Bridge, and the marina. Accordingly, consultation between the Corps and NMFS is expected to occur pursuant to Section 7 of the ESA.

The Coastal Zone Management Act (CZMA). The DoN submitted a consistency determination to the BCDC on January 12, 1999 for the HPS Redevelopment Plan analyzed in the DoN's 2000 Final EIS. The BCDC issued a Letter of Agreement for Consistency Determination Number CN1-99 on March 8, 1999. For the SEIS, the DoN received two letters from BCDC that provided comments on the scope of study and comments on the Draft SEIS. The DoN considered these comments and correspondingly made various changes in the SEIS document.

The DoN's proposed action for disposal of real property from federal ownership would have no effect on land or water use or an approved coastal program. However, subsequent redevelopment of the property by a developer or future property owner in a manner consistent with the 2010 HPS Redevelopment Plan would potentially have an effect. Specifically, the 2010 HPS Redevelopment Plan proposes land uses within a small portion of the HPS property (approximately 55 acres) that are inconsistent with the existing San Francisco Bay Plan, San Francisco Bay Area Seaport Plan, as amended through January 2012, and the previous 1999 Consistency Determination. No other HPS parcel or proposed land use affect a priority use area or are inconsistent with the goals and policies of the Bay Plan or Seaport Plan. The 2010 HPS Redevelopment Plan proposed public and recreation land uses for this land area. As such, implementation of the 2010 HPS Redevelopment Plan would be inconsistent with the "Port" Priority Use designation in the current Bay Plan and Seaport Plan.

The existing "Port" Priority Use designation does not reflect current economic conditions. In view of the lack of anticipated demand for maritime cargo facilities and to make the proposed 2010 HPS Redevelopment Plan consistent with the Bay Plan and Seaport Plan, the City and County of San Francisco is currently seeking an amendment to the Bay Plan and Seaport Plan to delete the "Port" Priority Use and marine terminal designations from the HPS property, and make conforming changes to the Bay Plan and Seaport Plan. Following such amendment, the 2010 HPS Redevelopment Plan would be consistent with the Bay Plan and Seaport Plan.

The HPS property will be disposed in phases by the DoN and it is anticipated that parcels D-1 and E, which includes the inconsistent "Port" Priority Use area, would be disposed of in a later phase. In the event that the Bay Plan and Seaport Plan are not amended before the portions of the project site designated as "Port" Priority Use (i.e., parcels D-1 and E) are conveyed, then a new consistency determination, and if necessary an amendment to the 1999 Letter of Agreement, may be required from BCDC before disposing of the property. Prior to the transfer of parcels D-1 and E, the DoN will review and, if necessary, provide BCDC with a consistency determination in accordance with applicable provisions of the CZMA. The DoN has coordinated with BCDC regarding this approach, which is documented in a letter sent to BCDC on December 9, 2011.

Following disposal from federal ownership, the HPS property would be within the BCDC's jurisdiction and the future property owner and/or developer of the property would be required to obtain any applicable BCDC permits and other local, state, and federal approvals prior to implementing the 2010 HPS Redevelopment Plan.

The National Historic Preservation Act (NHPA) - Section 106.

Satisfying the Section 106 process under the NHPA, a Memorandum of Agreement (MOA) was executed on January 11, 2000 among the DoN, Advisory Council on Historic Preservation (ACHP), and California Historic Preservation Officer (SHPO), and concurred with by the City and the SFRA, describing the actions to be taken by the DoN before property transfer and by the City and SFRA after transfer to ensure appropriate treatment of cultural resources.

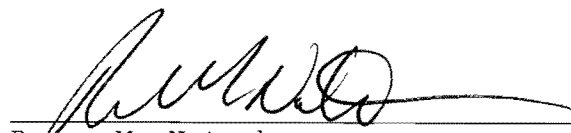
U.S. Environmental Protection Agency (USEPA) Region 9. The DoN coordinated with USEPA, Region 9, on environmental justice and public involvement, hazards and hazardous substances, and other issues throughout the preparation of the SEIS.

RESPONSES TO COMMENTS ON THE FINAL SEIS: The DoN received no comments during the 30-day wait period (April 27 through May 29, 2012) following the issuance of the NOA of the Final SEIS.

CONCLUSION: After careful consideration of the purpose and need for the proposed action, the analysis contained in the Final SEIS, relevant federal and state statutes and regulations, the plan outlined in the 2010 HPS Redevelopment Plan, the avoidance measures and mitigation identified in the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Final Environmental Impact Report, adopted June 3, 2010, and public comments received during the SEIS process, the DoN selects the preferred alternative, which includes the disposal of surplus property at HPS from federal ownership in a manner consistent with the 2010 HPS Redevelopment Plan. This ROD does not mandate a specific reuse alternative or land uses. Rather, it describes a range of reuse alternatives and land uses that could be utilized by the developer or future owner of the property to achieve the proposed reuse of the disposed property.

After the property has been conveyed to non-Federal entities, the property will be subject to local land use regulations, including zoning and subdivision regulations, and building codes. As a result, the local community exercises substantial control over future use of the property. The developer or future property owner, under the direction of the City and County of San Francisco and federal, state, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm that may result from implementing the 2010 HPS Redevelopment Plan.

6/22/12
Date



Roger M. Natsuhara
Principal Deputy Assistant of the Navy
(Energy, Installations, and Environment)