

Appendix B

Public Scoping

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1 HUNTERS POINT SHIPYARD SEIS
2 PUBLIC SCOPING MEETING
3 PRESENTATION AND PUBLIC COMMENTS

4

5 Tuesday, September 23, 2008

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10 Southeast Community Facility

11 1800 Oakdale

12 San Francisco, CA 94124

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25 Reported by: Freddie Reppond

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1 PRESENTATION

2 PATRICK MCCAY: Good evening. Once again, my
3 name is Patrick McCay. I'm an environmental planner
4 from the Navy. And I'll be working on the supplemental
5 environmental impact statement for Hunters Point
6 Shipyard.

7 With me tonight is the base closure manager.
8 This is Mr. Doug Gilkey. And also on our panel is
9 Melanie Kito. She's the lead remedial project manager
10 for Hunters Point. That's the cleanup program. Also
11 joining us from the Navy, we've got the deputy
12 base-closure manager, Mr. Thomas Macchiarella. We've
13 got our project attorney, Mr. John Cummings. And up
14 here in front a lot of y'all know Keith Foreman. He's
15 our BRAT environment coordinator. He's in charge of
16 cleanup at Hunters Point. We've also got a number of
17 representatives from the City. I'd like to point out a
18 couple of them that you probably know: Tiffany Bohee,
19 project manager; and, also, the CEQA manager, Mr.
20 Stanley Muraoka.

21 I just want to mention we'll also supported by
22 our environmental consultants, SAIC, who are here
23 tonight -- Andrew Lisner; and we also have, supporting
24 our public outreach, BDI helping us tonight. You'll see
25 them around taking care of a lot of the logistics

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1 tonight, including the registration table.

2 Just wanted to thank you for coming to this
3 meeting. It's our goal to provide you with an overview
4 of all proposed activities for Hunters Point. We are
5 also here to invite you to participate in our scoping
6 process. Many of you should have received an agenda.
7 We started a little bit later than expected, but that
8 kind of lets you know what is planned for tonight's
9 activities.

10 The presentation is starting at 6:30, right
11 now. We'll also have a question-and-answer. There will
12 be a break and then we will have an opportunity for
13 public comments. We do have speaker cards available at
14 the registration table. So if you'd like to speak,
15 please go and fill one out and turn it in; and we will
16 get you up here as a speaker. If you decide later --
17 you know, if you're not ready to do that now, you can
18 definitely go at any time during this meeting and fill
19 out a speaker card; and then you can speak.

20 I just wanted to mention a couple other
21 things. You'll notice we have videotaping going on, so
22 I just wanted you to be aware of that. We also have a
23 transcriptionist here taking all of your comments and
24 all of tonight's activities.

25 Okay. Let me tell you what's on our
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1 presentation for tonight. First, we'll have an
2 introduction to the scoping process. Second, Hunters
3 Point background leading up to our decision to prepare a
4 supplemental environmental impact statement. We will
5 talk about the purpose and need of the proposed action,
6 the relationship of the supplemental EIS to the Navy's
7 final EIS of 2000 and the City's environmental impact
8 report. We will be talking about the principal
9 environment resources considered in the supplemental EIR
10 statement; the redevelopment alternatives being
11 considered; and, finally, the public involvement and
12 next steps.

13 The purpose of the scoping meeting. First,
14 what is scoping? Scoping is an early and open process
15 for determining the scope of issues to be addressed in
16 identifying the significant issues related to the
17 proposed action. That's what scoping is. We're just
18 trying to find out from the public what are the
19 significant issues. We hope to receive written and
20 verbal comments from you. This will assist us in the
21 decision-making process.

22 How to participate tonight. You noticed as
23 you walked in there's a registration table. There are
24 speaker cards there. And as I said before, we encourage
25 you guys to provide a two- or three-minute statement
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1 tonight. In order to make sure we give everyone the
2 opportunity to speak, please keep it to three minutes

3 and please fill out a speaker card so we can adjust as
4 the evening goes on. Again, you'll be allowed to give
5 verbal comments. We have a transcriptionist. There's
6 also comment forms where you can submit written comments
7 into our comment box at the registration table. And
8 finally at the end of the evening there will be
9 questions and answers with the Navy team. And it
10 doesn't just end tonight. There's still an opportunity
11 to get in written comments. If you think of things
12 later on with the comment forms or however you like to
13 get them to us, the address is on the comment form; and
14 you can provide those through October 17th, 2008.

15 Just a quick background. Hunters Point has
16 included maritime uses going back to the 1850s. Navy
17 ownership and use of the shipyard has occurred from 1939
18 to 1990. The closure of Hunters Point was approved by
19 President Bush -- the first President Bush -- and
20 Congress in 1991. In 1993 the Department of Defense
21 Authorization Act for fiscal year 1994 authorized the
22 base to the City of San Francisco. The Hunters Point
23 final EIS -- final environmental impact statement -- was
24 completed in 2000. And it's based on the City's 1997
25 reuse plan.

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1 And a little bit more recent history:
2 Proposition G, which is the Bayview Jobs Parks and
3 Housing Initiative, was approved in June 2008. That was
4 just a few months ago. And, of course, a big part of
5 the initiative included the 49ers stadium. The
6 supplemental EIS will supplement our final EIS that we
7 prepared back in 2000. And it's consistent with
8 Proposition G. Our primary focus is the disposal of
9 Hunters Point property. The Navy is not the developer
10 of the property; however, the redevelopment is a
11 connected action. We are required to address the
12 environmental impacts of the redevelopment. The purpose
13 and need of the proposed action is to dispose of surplus
14 federal property at Hunters Point Shipyard for
15 subsequent reuse. Disposal requirements include
16 compliance with the National Environmental Policy Act,
17 NEPA. And NEPA is the law under which we are preparing
18 the supplemental environmental impact statement.

19 Environmental restoration of property is also
20 a disposal requirement. Consideration of local
21 community reuse plan to be amended after the EIR process
22 is complete. And, finally, compliance with federal
23 property disposal laws and regulations.

24 The relationship of our supplemental
25 environmental impact statement to the final EIS and the

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1 City's EIR. Like I mentioned before, this supplemental
2 EIS is required due to substantial changes with the
3 City's proposed reuse. Basically the stadium is a
4 substantial change. The City's Bayview waterfront EIR

5 is a separate document from the Navy's supplemental EIS.
6 It's currently in preparation, so many of you may have
7 been involved in meetings with the EIR. And finally the
8 restoration and cleanup of Hunters Point Shipyard is
9 also a separate Navy action; however, some of the data
10 from the environmental restoration program will be
11 pulled into the supplemental EIS and considered.

12 If you take a look, this map gives you an idea
13 of the geographic scope of our EIS. Our EIS is
14 covering, of course, Hunters Point Shipyard here.
15 Proposition G, I believe, not only included Hunters
16 Point Shipyard but also addressed Candlestick Point.
17 Now, the City's Bayview waterfront EIR covers this
18 larger area. And it also covers Hunters Point and
19 Candlestick Point. But just so you know, we're focused
20 on this blue area that's labeled "Hunters Point
21 Shipyard." Okay.

22 Principal environmental impact report
23 resources considered in the supplemental EIS. This is a
24 list of our issues that we've identified so far. Your
25 scoping column should be focused on the disposal and
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1 reuse of Hunters Point Shipyard and the environmental
2 issues. Hopefully we've covered everything with this
3 list. The supplemental EIS will be looking at issues
4 like transportation, hazardous materials and waste,
5 socio-economics, environmental justice, on down the line
6 with this entire list. So again, that's what your
7 comments should be focused on -- this list and the
8 project itself.

9 The alternatives being considered in the
10 supplemental EIS. There's three alternatives being
11 considered. The first two bullets are the
12 community-reuse alternative development developed by the
13 San Francisco Redevelopment Authority. And we also have
14 a no-action alternative and the following slides will
15 help explain what these alternatives are.

16 Here's a summary of the stadium-plan
17 alternative. You've got mixed-use community with a
18 village center. You've got 25,000 new low-rise,
19 mid-highrise residential units; 125,000 square feet of
20 retail and commercial space; 2 million square feet of
21 research and development; 242 acres of park and
22 recreational space; new artists' center and studios;
23 69,000-seat football stadium for the 49ers; and
24 dual-use parking areas.

25 What's research and development? Basically
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1 it's light-industrial type of land use. What's proposed
2 is a science and tech park for green-tech businesses to
3 improve the environment and provide jobs to local
4 residents.

5 I also wanted to mention here -- it's not on
6 the slide, but you will see it in some of the graphics.

7 Recently there was a marina that was also proposed, so
8 we plan to also include that in our supplemental EIS.

9 Here's a graphic showing the stadium
10 alternative. And as you can see, the prominent feature
11 here is the stadium itself surrounded by the dual-use
12 parking areas. And when I say dual-use, you can see
13 there's sports fields there. On game days people are
14 parked there and on non-game days it's available for use
15 of sports fields.

16 We have got a number of handouts that are
17 available at the registration tables and you can look at
18 the posters if you want to get a closer look at this
19 graphic.

20 The non-stadium-plan alternative. Basically
21 everything is the same as the stadium-plan alternative,
22 but if you look at the bottom I've highlighted there,
23 instead of two million square feet of research and
24 development, there will be five million square feet of
25 research and development. That will be on the footprint
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1 for the stadium, as proposed under the stadium
2 alternative.

3 Here's a graphic showing the non-stadium plan
4 alternative. As you can see, the stadium footprint is
5 replaced with research and development. And that's
6 primarily the blue areas there on the slide. And,
7 again, the posters and the handouts provide a good
8 closeup view of this alternative.

9 The third alternative is the no-action
10 alternative. The no-action alternative is required by
11 federal regulation and is included in the environmental
12 impact statement. Its primary reason for being there is
13 for comparison purposes. It provides a benchmark to
14 compare the magnitude of environmental effects involved
15 in both the stadium and non-stadium alternatives. Under
16 the no-action alternative, Hunters Point Shipyard would
17 not be disposed, reused, or redeveloped. Hunters Point
18 Shipyard would remain a federal property under caretaker
19 status and continuing with the Navy managing the
20 property. Environmental cleanup would continue until
21 completion. Existing leases would continue until
22 expiration or termination, although some could be
23 renewed or extended.

24 Public involvement and the next steps. Well,
25 a lot of you are here tonight because you received a
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1 notice. We put a mailer out with a public notice of
2 tonight's meeting and inviting you to provide your
3 comments. It was in the newspaper. It was also in the
4 Federal Register. And, of course, we're having our
5 public scoping meeting tonight. Our public comment
6 period will end on October 17th, as I said before.

7 And into the future. We will publish a draft
8 supplemental environmental impact statement and a notice

9 of availability that will be available around Spring
10 2009. The public comment period will also be right on
11 the heels of the draft supplemental EIR publication.
12 It's basically your opportunity to comment on that
13 draft. We'll have a publication of the final
14 supplemental EIS notice of availability in fall 2009.
15 Public comment period on that final supplemental EIS
16 also in the fall of 2009. Issuance of the RAB and NOA
17 in winter of 2010.

18 Okay. Here we are -- this is my final slide.
19 And, again, we invite you guys to provide comments.
20 Your comments should be related to the environmental
21 issues. They should be related to the project.

22 At this point we are available to take any
23 clarifying questions that you might have on the project.
24 And clarifying questions should be simple questions of
25 fact related to the project itself. No deep or probing

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1 questions at this time. We will be available later on
2 to talk to you after the public comment period; but we
3 would like you to stick to clarifying questions at this
4 time.

5 So are there any questions?

6 PUBLIC COMMENTS

7 FRANCISCO DA COSTA: My name is Francisco Da
8 Costa; and I'm the director of Environmental Justice
9 Advocacy; and I also represent the First People of the
10 Muwekma Ohlone.

11 Right from the inception I favored the
12 no-action alternative. Now, use of that
13 classification -- I would like to remind everybody here
14 that what happened at the shipyard did not happen in the
15 1880s. For thousands of years the land belonged to the
16 First People. There were two hills over there; and on
17 the two hills were the shellmounds, the sacred burial
18 grounds of the First People. In those days when the
19 hills were demolished, the remains of the First People
20 were taken with the soil and spread all over the
21 shipyard.

22 So I would like to remind the Navy, having
23 worked for the Department of Defense myself, that it is
24 right that you see over there the cultural resources,
25 that you need to pay attention to cultural resources.

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1 In your deliberation today, Proposition P was mentioned.
2 And when Proposition P was passed in the year 2000,
3 87 percent of San Franciscans wanted the shipyard to be
4 cleaned to residential standards. But if you are going
5 to take one or two lines from Proposition P, then you
6 should go to court so that can be adjudicated.

7 Proposition G has no legal language. It's
8 full of fake promises and really no mention was made of
9 the stadium. No mention was made about parks, jobs, and
10 housing.

11 What I would like the Navy to pay attention to
12 is liquefaction, which is your geology and soils. And
13 the First People have asked me to ask the Navy to pay
14 attention to the groundwater -- and I made this
15 statement earlier. One of the things that the Navy and
16 the City should pay attention to is an ordinance called
17 the precautionary principle. The precautionary
18 principle states that if any living being is adversely
19 impacted, we need to pay attention to it. So the Navy
20 should incorporate it into its deliberations; and the
21 City, I hope, has the sense to follow their own
22 arguments.

23 Ladies and gentlemen, we have reached a time
24 where we need to do the right thing. And so as the
25 representative of the First People, I ask the Navy today
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1 and those people in the City that really have the better
2 interests of San Franciscans to do the right thing.

3 Thank you very much.

4 CHRISTOPHER MUHAMMAD: I agree with Francisco
5 Da Costa. The option of nonaction is the most
6 appropriate. It's not the most politically expedient.
7 It doesn't have the backing of the City apparatus. It
8 doesn't have the support of senators and Congress people
9 and money people, but it's the most morally correct
10 position.

11 And the Navy is still in need of the principle
12 called atonement. You poisoned this community. Let's
13 never forget the Navy in the '40s and '50s and '60s
14 poisoned this community, exposed African-Americans
15 unknowingly in Tuskegee-like experiments, having them
16 clean up radiated ships and other things without their
17 knowledge. So you have some serious atoning to do and
18 the Navy should never be let off the hook.

19 And I have to say I'm pleased that the Navy is
20 taking their responsibility serious in terms of cleaning
21 up, but the problem is you're now under political and
22 economic pressure. And the monsters -- the political
23 monsters, that the head of the ATSDI Captain Susan Musso
24 talked to the community about last year, when she said
25 there are monsters that I have to deal with above me
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1 that are driving this.

2 So now you have the people who are driving, as
3 the Chronicle said in its January editorial. Quite
4 shockingly in a moment of moral clarity, the San
5 Francisco Chronicle said this is not about the
6 community. The Hunters Point Shipyard development is
7 not about the community. The \$83-million cleanup money
8 that they secured is not about the community. This is
9 about a football stadium. Now, that's the Chronicle,
10 which means now for all these years the community has
11 been neglected.

12 To learn that there are new procedures that

13 you can clean up ground in weeks and days and months is
14 horrific to this community to note that it was exposed
15 for years and decades to something that could have been
16 cleaned up very quickly if there were the political
17 will. But the problem is you've got black people living
18 on that people, poor black people, poor Pacific
19 Islanders. And just like the Pacific Islanders in the
20 atolls of the South Pacific were disregarded when you
21 dropped the atom bomb out there to test nuclear
22 radiation on children, that some of those children had
23 their skin burned off in the Marshall Islands and the
24 Bikini Islands, the same principle applies to Hunters
25 Point.

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1 Now, you have a rogue developer who had all of
2 the regulations in place. They had all the people in
3 the Bay Area Air District and EPA everybody signed off
4 on dust-mitigation protocols. And from Day 1, this
5 developer looked the other way; and our EPA said
6 nothing. Our air district said nothing; and our rogue
7 health department said nothing. They looked the other
8 way. Do you know the only time Lennar was ever stopped
9 from working and given a notice of violation that shut
10 them down was when a large developer contaminated soil
11 surreptitiously on the Navy's property? That's the only
12 time our rogue health department shut Lennar down for
13 two days, not the fact that they poisoned men, women,
14 and children. They never raised their moral head,
15 because this is about a process of greed in order to
16 sell interests, money, and development.

17 And developers now are driving public policy,
18 but it would be a shame if developers pushed the great
19 Naval department to now expedite, push, cut corners.
20 You cannot develop or clean up that parcel properly as
21 long as you have an out-of-control developer who has
22 shown no moral compass or proper respect for the poor
23 people in that community. So it's imperative, as they
24 said in various documents in archeology in a moral
25 moment of moral clarity. But back in those days I guess

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1 it was a morally clear entity, but they wrote cleanup is
2 essential. Before do anything you must clean this place
3 up. You don't clean up while you're developing. You
4 develop after you clean up. That is the sequence here.

5 And in order for this community to be assured
6 that the Navy is now in the proper spirit of atonement,
7 we cannot trust our EPA. Senator Boxer's already called
8 for the resignation of the head of the EPA. And I
9 quote, The EPA appears to be in bed with the polluters,
10 end quote. Well, if the ranking senator from California
11 has already called to question the ethics and the moral
12 compass of the head of the EPA, who does this community
13 turn to?

14 So I say to you, Navy, we're not displeased

15 with the fact that you've been trying to atone by
16 cleaning up; but what we are displeased with is that if
17 you now get in bed with the City apparatus that has
18 literally lost its mind -- they're making decisions that
19 don't make sense geologically, morally, economically.
20 They are just going crazy, because arrogance produces
21 blindness, quite frankly to build anything on landfill
22 that's prone to liquefaction. But not just liquefaction
23 like the Marina District; here you've got contaminants.
24 That soil is so contaminated in Parcel B that when I
25 took a group of black elected officials out there on a
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1 toxic tour, the Navy representative took our bus onto
2 Parcels E and E-2; and as the black elected officials
3 were about to get off that bus, the man told us you
4 cannot get off this bus because the ground is so
5 contaminated you need special shoes to walk on this
6 ground. Now, you mean to tell me something that
7 contaminated, if you throw pictures up where you show
8 parklands and jogging paths on E-2. See, this is a kind
9 of sickness.

10 Then when you talk about liquefaction, you're
11 talking about when the Big One hits. This is not an if.
12 The Big One will hit. According to the U.S. Geological
13 Survey, the Big One will hit between 20 seconds from now
14 and 30 years from now. It's guaranteed. How do you
15 prepare for 7.9 or greater earthquake that will make
16 1906 and Loma Prieta 1989 look like child's play? What
17 will you unleash when the Big One hits when you build on
18 capped soil that's contaminated with all this organic
19 compound that even your representative says you don't
20 know the composition of because they've morphed together
21 now. So we need clarity on all of this.

22 And if I'm unclear, I stand to be corrected.
23 But don't bring me my health department, because my
24 health department has sold this community down the
25 river. Don't bring me Amy Brownell, because Amy
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1 Brownell unfortunately has looked the other way too
2 often. Don't bring me EPA, because they've not shown
3 the gumption to stop Lennar's rogue development when
4 they clearly violated federal law. And don't bring me
5 the City apparatus.

6 I trust that the Navy will do the right thing
7 as long as the Navy is not prone to political pressure
8 coming from on high. Some of us need to take a moral
9 stand and say, You know what? We're not going to rush
10 this. We owe this to Bayview/Hunters Point.

11 NYESE JOSHUA: Thank you. Good evening.

12 First, I'm going to come to the other meeting
13 on Thursday at the Bayview Police Station on Williams at
14 6:00. Okay.

15 So my first concern in this area, I've lived
16 on Shafter since 1978, so just watching the community

17 over the last -- whatever that is -- 30 years. My first
18 concern in this neighborhood is the murder rate, the
19 drugs. You know what's going on with the children. And
20 as this issue has arisen, what I see now, hearing even
21 today and just continuing hearing what Ms. Brownell said
22 earlier, about we really want to clean it up, then
23 basically you would have to remove everything; and
24 that's not what we want. Being here from 1978 to now
25 and planning to stay, I'm not part of that "we." I'm

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1 the other we.

2 I would love to see that whole thing -- I
3 mean, what a miraculous endeavor that would be for the
4 world to see the Navy shipyard -- one of the -- what is
5 it called -- power -- toxic sites -- the Superfund -- a
6 Superfund site actually removed from a community. What
7 I see that producing is -- the massive removal of the
8 Navy shipyard would seem to me to be almost a modern
9 renaissance project that could potentially generate and
10 literally revitalize a seemingly uninterested people. I
11 don't know exactly who would be out there working and
12 about doing that work, but I could only imagine the
13 number of jobs that could create in this community. And
14 I know firsthand that a lot of these brothers and
15 sisters out here selling drugs -- on drugs -- if they
16 really had an opportunity for a massive, massive job in
17 this community, that you would see a real, real change.
18 And maybe that's the problem. Maybe because there are
19 some hearts and minds that really don't want to see
20 something like that happen with people of dark and brown
21 and other color skin. I'm not sure what the problem is.

22 And the other point is sometimes a start-over
23 with cleaning the whole thing up is not the worst idea.
24 I keep hearing that the no-action -- what a way to call
25 it -- the no-action. The plan that would resolve a 60-

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1 70-year issue -- the one plan that would resolve the
2 main issue is called the no-action plan. That's so
3 interesting. What a play on words, when you really
4 think about that. So sometimes the worst idea it would
5 seem to me, with all the variable problems over the
6 future -- in the future -- the problem, if we're talking
7 about capping, earthquakes -- because from my
8 understanding it's not even the big earthquake that
9 would have to shake that ground up that would begin to
10 maybe release some of those toxins. It could be just
11 some of these tremors that we have every other day
12 living in California that we have. They're there.

13 It would seem to me that you're talking
14 about -- you're rushing. It's like we're trying to
15 avoid paying the piper with bringing that stadium in,
16 with capping it. But to me when you talk about 20 years
17 from now, 30 years from now, that piper is going to be
18 paid; and that piper is going to be paid in the lives of

19 those people that are living out there, that are living
20 up to 20, 30, 40 years from now with health problems.
21 To me what I see happening out there -- and I'm going to
22 proselytize -- because what I see happening in 40 to 50
23 years out there if this goes forward, which I don't
24 really believe it is, but if this were to go forward, I
25 see 40 and 50 years now that plan would end up being
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1 shut up down anyway, because you're going to have so
2 many health problems and so many children that are sick.
3 And now we can have a whole different type of
4 demographic of people who are dying because of what's
5 really going on out there, because of the reality that
6 the money and the millions of dollars and all the big
7 heads that are going on right now and all the thought,
8 it's all going to come to a disastrous end anyway.

9 Thank you.

10 MINERVA DUNN: Good evening to all of you.

11 I think much has been said really that I
12 wanted to say, but I'm having a problem with your fact
13 sheet. I have some questions in that area. And if I
14 mispronounce a word, help me with it. Tell me what the
15 word means, okay?

16 That's regulations -- I'm going down to the
17 paragraph on the fact sheet -- by promulgating Council
18 on Environmental Quality 1978 requires federal agencies
19 prepare supplements to existing document. And that's 40
20 CFR 1502.9(c)(1), implementing provisions of the NEPA.

21 Now, in that area is where I'm coming from.
22 I'm saying, like others have already said, but to add on
23 it, the capped-up A, B -- parcels A, B, and C -- then
24 you go to B, C, D, E, F, and then G. One place is going
25 to be capped; the others are going to be developed, such
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1 as the Lennar property, and in the others which you
2 speak about.

3 But, however, saying occurring metals --
4 naturally occurring metals -- I don't agree with that.
5 I agree with one thing. There are existing metals in
6 that landfill that's occurring, yes. But then there's
7 others.

8 If I can reflect back on 1978, there was some
9 ships in the Bay that tilted over and with that oil of
10 78 to 100 metal barrels of oil in that Bay and had to be
11 cleaned up. So it was cleaned up. Now, my comment is
12 to follow that up.

13 Navy, don't give a backseat. City and county
14 redevelopment agency should have a responsibility right
15 with you, because they allowed that fill to be a
16 landfill in that parcel between A, B, C, and D. You
17 have records. I know where they'll be. They're right
18 there at the library. But I was here. I remember the
19 date. I remember the cleanup, et cetera.

20 So you take your role and I will respect that

21 role that you're playing by the Navy, by the
22 redevelopment agency, Lennar developer, and all those
23 who, like the health director, have to turn their head
24 to kill, to cause us to have -- and I say "us," Because
25 I am one of them -- unexplainable diseases, rashes,
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1 asthmas.

2 I'm a military widow and I have records to
3 prove. So I am a victim of the Navy shipyard, all of
4 its parcels and all of the poisons that was built in the
5 elements. So all of you are responsible for the illness
6 of people, seniors, children, and et cetera.

7 So I pray that you will take this and do the
8 right thing in this area, because there's a few of us
9 still around that God's not going to let us continue to
10 be around without being a part of the stand for what is
11 right, because we are going to stand; and we're going to
12 stand together in solidarity, all of you taking your
13 responsibility and be blamed. Pay some of these
14 hospital bills, take care of this community, or move on
15 and shove out, because we got developers here, we've got
16 engineers here, we've got everything here, every person
17 here in a professional field that we need to build and
18 develop our own. So we can develop this land if you
19 clean it up.

20 CHRISTOPHER MUHAMMAD: Here's what I read in
21 one of your documents and I just ask for clarity on
22 this. It's part of the agreement that whoever lives out
23 there will not be able to grow food in their backyard.
24 They will not be able to grow vegetables in their
25 backyard. Well, the question is, why? What's so toxic
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1 about that land that it's in the agreement that no
2 fruits and vegetables will be able to be grown in a
3 backyard of a resident who buys a home out there? I
4 mean the people need clarity on this. And since you put
5 that in your document, then what is in that land? That
6 means that you are literally building on top of
7 something that you yourself know nothing can be grown
8 there. So they're literally talking about putting human
9 beings on top of land that's not fit, quite frankly.

10 See, this is where greed is driving policy,
11 development driving policy. And they have good people
12 in these departments, but these people are scared.
13 They're not courageous people. They're functionaries.
14 They know this is wrong, but they're silent.

15 See, one of the things that came out in one of
16 the trials after World War II -- I think it was
17 Nuremberg -- why didn't you disobey orders that were
18 evil and wicked? Because -- you know, silence is not an
19 excuse when you see something wrong. You got to stand.
20 Unfortunately the City is full of people that just work
21 for the City. Their job is to present programs and
22 policies that they know in their heart of hearts are not

23 right. But they're just functionaries and I'm just
24 doing my job. And I'm hoping that there's some people
25 of moral conscience in the City, in the Mayor's office,
0026

1 in redevelopment, in the EPA, in the health department,
2 in the Navy. This is -- wait a minute. This is not
3 wise. We keep hearing from the CAC, from the RAB, from
4 community-based agencies that claim to represent the
5 community. We need hearings on each of those issues.

6 We need clarity on liquefaction, because
7 people keep brushing it over as if it's not a concern.
8 The emergency-management system of San Francisco said
9 liquefaction is a concern. And when the Big One hits
10 all of these areas -- we saw in Loma Prieta where homes
11 literally sank because that Marina District is built on
12 landfill mainly from the 1906 earthquake -- in fact,
13 landfill with dead people's bones, where they just
14 scooped people up who were dead after the 1906 and took
15 all of that dirt with dead people out to the Marina
16 District and filled that land out there. Then when the
17 1989 earthquake hit, all of those homes collapsed; and
18 Loma Prieta only lasted a few seconds. What do you
19 think will happen when the Big One hits?

20 We need an analysis. The Navy needs to do an
21 analysis, because you're not talking about just
22 landfill. You're talking radiological elements,
23 volatile organic compounds, methane gas -- all the
24 things that are there -- plutonium, could be uranium.
25 We don't know what's out there, but we do know enough is
0027

1 out there to cause men and women of good conscience to
2 stand up and say, Wait a minute, no matter what our
3 official deadline is being presented, we need to say
4 firmly with moral clarity, Not on my watch am I going to
5 allow political expedience to cause me to lose my moral
6 compass.

7 PAMELA CALVERT: Good evening. I am Pamela
8 Calvert. I'm the executive director of Literacy for
9 Environmental Justice. We're an environmental justice
10 organization located halfway between the power plant and
11 the shipyard.

12 Because we have a concern for environmental
13 justice and because we are a youth-empowerment
14 organization and have a concern for youth, we don't just
15 define remediation as health of the land. We are also
16 talking about the health of the people and most
17 specifically the health of the young people at Hunters
18 Point. The DPH study -- San Francisco DPH study -- in
19 2006 showed that Bayview Hunters Point, which they
20 define as Zip Code 94124, has the city's highest rate of
21 asthma, cancer, diabetes, and other things.

22 Now, the Navy is not solely, God knows, to
23 blame for this; but especially in the areas of Hunters
24 Point and the immediately adjacent shipyard, I think the

25 Navy does bear some responsibility for some of the
0028

1 really bad health statistics in the neighborhood.

2 I want to take a look at in the supplementary
3 environmental impact statement how redevelopment for the
4 various plans of action are going to affect these
5 statistics in these areas. And that's both positive and
6 negative. For example, if we have all this commercial
7 development in the shipyard, what is that going to do
8 for truck traffic coming in and out of the shipyard?
9 Right now it's mainly construction-based traffic; but if
10 we have millions of square feet of industrial and
11 commercial space, what's that going to do for the levels
12 of particulate matter? What's that going to do for the
13 levels of PAHs in the air? And what effect is that
14 going to have on the asthma rates in the community?

15 If we look at the open space that's being
16 planned, which is basically a parking lot with grass on
17 it. I look at that and I see pesticides. So what is
18 the plan? What is the projected treatment of the open
19 space that's being planned for this area? And is that
20 going to effect the kinds of health impacts that come
21 from prolonged exposure to pesticides?

22 If we have all this retail going into the
23 shipyard, are we talking about Whole Foods, which many
24 of us call "Whole Paycheck"? Or are we talking about
25 actual affordability of healthy food in the community?

0029

1 If we are talking about cleaning up Parcel G,
2 what is this going to do for the ability of people to do
3 subsistence fishing on the bayfront shoreline?

4 So all of these things impact public health.
5 They have to do with remediation; and it's not just
6 environmental or land remediation. It's remediation of
7 the people's health, which for us, since we're talking
8 about environmental justice, they really are
9 inextricable.

10 We want to do a baseline community health
11 survey centered on the census tract that's immediately
12 adjacent to the shipyard as a means to measure the
13 impacts of redevelopment over time. Since this
14 particular census tract, 3103, if we are going to talk
15 about disproportionate impact on a low-income and
16 minority community, which is how you're defining
17 environmental justice, it is three-quarters
18 African-American, 13-percent Pacific Islanders, so
19 that's 88-percent African Americans and Pacific
20 Islanders. 74 percent of the households have children
21 under the age of 18. We are talking about a
22 neighborhood that's got a lot of sensitive receptors,
23 that's at 53-percent poverty level. These statistics
24 are much, much more stark than for Zip Code 94124 as a
25 whole. So take a look at this particular census tract

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Hunters Point Shipyard SEIS Public Scoping Comments

	Commenter	Letter/Oral	Relevant Issue Areas
Agency			
1.	USEPA	Letter	<ul style="list-style-type: none"> · EJ & Community Involvement · Hazardous Contaminant Clean Up · Alternatives Analysis · Coordination with land use planning activities: relationship to EIR and India Basin Shoreline Plan should be discussed. · Air Quality: general conformity; naturally occurring asbestos; construction-related emissions; · Clean Water Act Section 404 · Cumulative and Indirect Impacts
2.	State Lands Commission	Letter	<ul style="list-style-type: none"> · The Public Trust: Any development, leases or franchises, involving said lands must be consistent with the terms of the legislative grant and the Common Law Public Trust. The State Lands Commission asserts that the public trust exists in the former and present tide and submerged lands within HPS.
3.	BCDC	Letter	<ul style="list-style-type: none"> · CZMA. Commission will rely on new SEIS to determine if proposed project is consistent with CZMA. · Jurisdiction, Piers and Fill (McAteer-Petris Act). Work that involves the removal and replacement of all or a substantial portion of a pier deck, work that would significantly extend the life of the pier, or work on the pier that would allow the utility of the structure to change is treated as work within the Commission's Bay jurisdiction. · Port Priority Use: Consistency with Seaport Plan. · Park Priority Use. The SEIS should include a discussion on how the proposed park and open space uses at Hunters Point will be integrated into the larger Bay Trail network and adjacent shoreline park uses. · Sea Level Rise: The SEIS should include a discussion on the potential vulnerability of the site to future sea level rise and how the project would accommodate for this rise. Although we are unable to share our new sea level rise maps with you at this time, we would be happy to send the new maps and data to you as soon as we are able to release it to the public.

	Commenter	Letter/Oral	Relevant Issue Areas
			<ul style="list-style-type: none"> · Other Bay Plan Policies: Consistency of project alternatives with these policies, including. Recreation and Transportation sections of the Bay Plan.
Organizations			
4.	Arc Ecology	Letter	<ul style="list-style-type: none"> · Clarification of the Project Definition. · Changes to the environmental context. air quality; biological resources; traffic toxic contamination and cleanup plans; climate change; poverty and unemployment conditions in the surrounding community. · Potential Impacts Considered. The SEIS must also analyze changes to cumulative impacts, unavoidable adverse impacts, irreversible/irretrievable commitments of resources, short-term uses and long-term productivity, and environmental justice – all topics reviewed in the 2000 EIS. · Project Alternatives. Provide a list of alternatives to consider for evaluation in the SEIS. · Project Impact. Request that a host of impacts be addressed for the following issue areas: Hazards and Hazardous Materials; Transportation; and Biological Resources.
5.	Sierra Club	Letter	<ul style="list-style-type: none"> · Colonial waterbirds. SEIS should determine if piers are utilized by waterbirds and analyze impacts of the proposed alternatives to these species. · Reptiles & amphibians. Consider impacts to reptiles and amphibians on HPS, especially Parcel E. Address whether the loss of habitat on HPS may threaten survival of species on Candlestick Point SRA. · Harbor seals. Consider impacts future uses of parcel E would have on harbor seal haul out site. Consider whether proposed uses would be compatible with the use of Parcel F by seals? · Bird species. Consider bird species that may be significantly impacted by proposed alternatives. · Remediation impacts on species. Indicate how remedial activities would impact species. · Seasonal wetlands. Indicate if the loss previously destroyed seasonal wetlands on parcel E would be mitigated. · Ground nesting birds. Consider impacts to ground nesting birds from project alternatives. · Contamination of HPS Soils. Address how contaminated soils would be prevented from: impacting Bayview Community due to construction-generated dust; sea level

	Commenter	Letter/Oral	Relevant Issue Areas
			<p>rise that allow soils to enter Bay; and soil laden stormwater runoff entering the Bay.</p> <ul style="list-style-type: none"> · Stormwater Treatment Wetlands. Indicate if the project proposes to use stormwater treatment swales and why/why not.
6.	Literacy for Environmental Justice	Letter	<ul style="list-style-type: none"> · I encourage the project committee to maximize park conservation spaces along the waterfront and green spaces to increase environmental resources in a neighborhood that has been severely deprived of open green space. · New development of housing should always be built for current residents, often black folks and low income, who are being pushed out of the neighborhood due to high housing. I want my neighbors to live in a healthy area that is cleaned up but doesn't become so expensive that they have to move out.
7.	Literacy for Environmental Justice	Oral comment	<ul style="list-style-type: none"> · Environmental Justice is our issue. Need to look at how redevelopment will affect the really bad health statistics in the Hunters Point neighborhood. How will commercial truck traffic contribute to air pollution and community health problems such as asthma? · Will pesticides be an issue in the open space areas – parking lots? How will pesticides be controlled and will they have community health impacts? · Will there be affordable food supplies in the new retail markets? · Will the cleanup of Parcel G affect subsistence fishing on the Bayfront shoreline? · Need to do a baseline community health survey centered on the census tract that's immediately adjacent to the shipyard as a means to measure the impact of redevelopment over time. This is a neighborhood with a lot of sensitive receptors (youth). Compare the cumulative impact of the Navy's long-time presence to the impact from redevelopment. · Need to make sure that exporting contaminants out of the Shipyard into someone else's backyard is not impacting their health. Don't want to create a problem for others by solving the Shipyard problems.
8.	Environmental Justice Advocacy/ First People of the Muwekma Ohlone	Oral comment	<ul style="list-style-type: none"> · Favors the No Action Alternative. · Need to pay attention to Cultural Resources due to former sacred burial grounds in the Shipyard area. · Navy should also pay attention to liquefaction of geology and soils; pay attention to groundwater; and pay attention to the Precautionary Principle about adversely impacting living beings and incorporate this into deliberations.
9.	Nation of Islam	Oral comment	<ul style="list-style-type: none"> · The No Action option is the most appropriate and morally correct position.

	Commenter	Letter/Oral	Relevant Issue Areas
			<ul style="list-style-type: none"> · Before doing anything you must clean this place up – don't clean up while you're developing, don't let the development cut corners, and don't rush things. · Don't build anything on landfill that is prone to liquefaction where you have contaminants, especially Parcels B, E, and E-2. Earthquakes are also a concern related to liquefaction, and we need clarity on all of this. · Why is there a provision that prevents homebuyers on the newly developed Shipyard property from growing vegetables in their yard? Does this mean the property will be too contaminated to be safe? What is in this land? We need an analysis to tell us what is out there that may cause harm.
	Individuals		
10.	Resident	Letter	<ul style="list-style-type: none"> · Consider quality infant-toddler day care at one of the sites in the big complex proposed.
11.	Resident		<ul style="list-style-type: none"> · Look into the habitat of the Western Pygmy Butterfly in the SE Sector of SF. It is the smallest butterfly in North America and lives just above the high tide line. · Look into the remaining Serpentine Grasslands on the Shipyard which contain many CA Native Plants and several species unique to S.F. County. · I encourage the development of a natural shoreline where possible, rather than hardscape, to reestablish a living shoreline.
12.	Resident	Oral comment	<ul style="list-style-type: none"> · No Action Plan, Yes! Environmental cleanup until complete – take it to Utah and bury it all then redevelop. · We need to remove <u>everything</u>. Would like to see the Naval Shipyard and all its contamination removed from the community. This action would also help to create local jobs. · If you rush things there won't be proper site cleanup and this will result in health problems years from now.
13.	Resident	Oral comment	<ul style="list-style-type: none"> · There are metals existing in the landfill. Contaminated fill may have gone to the landfill, and the Navy has a responsibility to clean it up. · There have been many unexplainable health problems in the area. Do the right thing – land can be developed if cleaned up properly.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

October 20, 2008

Director, BRAC PMO West
Attn: Mr. Patrick McCay
1455 Frazee Road, Suite 900
San Diego, CA 92108

Subject: Scoping Comments for Development of a Draft Supplemental Environmental Impact Statement (DSEIS) for Disposal and Reuse of Hunters Point Shipyard, San Francisco, California

Dear Mr. McCay:

The U.S. Environmental Protection Agency (EPA) has reviewed the September 5, 2008 Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for the subject project. Our comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

In June 2008, San Francisco voters passed Proposition G which encouraged a mixed-use development project at Candlestick Point and Hunters Point Shipyard, including an alternative with a new football stadium for the San Francisco 49ers at the Hunters Point Shipyard site. Because of Proposition G's passage, the Navy is preparing a supplement to the *Final EIS for the Disposal and Reuse of Hunters Point Shipyard* completed in 2000. The two alternatives that will be considered are a Stadium Plan Alternative and a Non-Stadium Plan Alternative. The Stadium Plan Alternative includes a mixed-use community comprising 2,500 new residential units, 125,000 square feet of retail space, 2,000,000 square feet of research and development (R&D) space, 250 acres of parks and recreational open space, and civic and community uses. A major component would be a new, 69,000-seat National Football League stadium for the San Francisco 49ers. The Non-Stadium Plan Alternative would not include the stadium for the San Francisco 49ers, but instead would provide 5,000,000 square feet of R&D space, in addition to the other components noted under the Stadium Plan Alternative.

EPA reviewed the Draft and Final EIS in 1999 and 2000, respectively, and had objections to the lack of mitigation for impacts relevant to environmental justice (EJ) for the community at Hunters Point. We strongly recommend a robust involvement of the affected community for this SEIS, the development of measures to mitigate EJ impacts, and monitoring of cleanup and construction activity for emissions that could impact community health. EPA is available to assist the Navy in addressing EJ issues during the development of the SEIS. Please contact Karen Vitulano, at the phone number provided below, if the Navy would like to set up a meeting to discuss the EJ strategy for this project. We have identified several other issues for your attention in the preparation of the DSEIS, which are discussed in the attached detailed comments.

We appreciate the opportunity to provide comments on the preparation of the DSEIS and look forward to continued participation in this process as more information becomes available. When the DSEIS is released for public review, please send one hard copy and two CD's to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521 or Karen Vitulano, the lead reviewer for this project, at (415) 947-4178 or vitulano.karen@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Karen Vitulano for".

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures: Detailed Comments

CC: Amy Brownell, San Francisco Department of Public Health

Environmental Justice

The issue of environmental justice (EJ) was raised prominently by the public during the public scoping meeting that took place on September 23, 2008 in San Francisco. Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, and to allow those populations a meaningful opportunity to participate in the decision-making process. Guidance by the Council on Environmental Quality¹ (CEQ) clarifies the terms “low-income” and “minority population” and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

The community in the vicinity of Hunters Point has EJ concerns. Consistent with EO 12898, the Navy should identify and address disproportionately high and adverse human health or environmental effects on this EJ community. The DSEIS should also note whether any impacts identified, including those deemed minor or less than significant, will be borne entirely by a population with EJ concerns.

EPA plays a leading role in the implementation of EO 12898 and will review the DSEIS, pursuant to our review authority under Section 309 of the Clean Air Act, to ensure that the Navy has appropriately analyzed effects of the disposal and reuse project on the EJ community. EPA is available to assist the Navy in developing its EJ strategy for this SEIS.

Public Participation

EO 12898 requires federal agencies to work to ensure effective public participation and access to information. The Navy should specifically elicit participation of minority and low-income populations during the National Environmental Policy Act (NEPA) process and provide affected communities with the tools (e.g., summary reports and background explanations in plain language) to ensure that the communities understand technically complex issues and have meaningful opportunities for participation and input. The success of outreach efforts and the level of meaningful involvement of the affected communities should be documented in the DSEIS. These efforts could include any newsletters and summary meeting notes that were made available, outreach to tenants in addition to landowners, and/or holding meetings during the evening or weekends when more of the working public would be able to participate. EPA’s Office of Environmental Justice has developed a model plan for public participation that may assist the Navy in this effort².

The Navy should consider using existing meetings of the Restoration Advisory Board and its subcommittees, or meetings of the City’s Citizens Advisory Committee to involve and update the

¹ Environmental Justice, Guidance under the National Environmental Policy Act. Available: <http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf>

² The Model Plan for Public Participation, EPA OECA, February 2000. Available: http://www.epa.gov/compliance/resources/publications/ej/model_public_part_plan.pdf

public on the work being performed for the EIS and to provide public input opportunities. It is best to seek input from affected communities as early in the process as information becomes available.

Impact Assessment

Projects that can affect EJ communities often warrant additional analysis to determine impacts to these communities. There is a growing body of evidence that EJ communities are more vulnerable (more likely to be adversely affected by a stressor) to pollution impacts than are other communities³. Disadvantaged, underserved, and overburdened communities may have pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more burdensome. This should be considered when drawing conclusions regarding significance of impacts. Additionally, CEQ suggests the degree to which the proposed action affects public health or safety be considered in assessing significance (40 CFR 1508.27(b)2).

The environmental justice analysis should evaluate health, social, economic, and other indicators. For example, in evaluating air quality impacts from increased vehicle use in the area, factors such as existing health impacts (e.g. high asthma rates, etc.) should be considered, and access to health care discussed. EPA has developed a toolkit that can assist in the evaluation of environmental justice impacts and cumulative risks⁴. This and other tools are available at <http://www.epa.gov/compliance/resources/policies/ej/index.html#tools>. The toolkit includes a methodology for EJ assessment. Assessment of the project's impact on EJ communities should reflect coordination with those affected populations.

During the public scoping meeting, members of the public expressed strong concerns regarding potential health impacts to the community from cleanup activities and construction at contaminated sites. The Navy should discuss potential health impacts that can occur from the project cleanup, construction, and operation. Tools associated with Health Impact Assessment (HIA) may be useful in identifying health-related issues associated with the project. HIAs focus on health benefits and the distribution of health impacts within a population, and their use has been integrated into the EIS process by some NEPA practitioners⁵. An HIA can also discuss the public health benefits that might result from the project, including improving access to parks and open space, transit, housing, jobs, services, and healthy food. The potential for increased access to subsistence fishing opportunities should consider the risk associated with eating fish and shellfish caught offshore of the Shipyard.

Impacts to Children

During the public scoping meeting, a member of the public stated that 74% of households in the surrounding community had children. Consistent with EO 13045 - *Protection of Children From Environmental Health Risks and Safety Risks*, the DSEIS should identify the proportion of

³ For example, O'Neill M et al. "Health, Wealth, and Air Pollution: Advancing Theory and Methods". *Environmental Health Perspectives*. Vol 111, No 16, December 2003.

⁴ Toolkit for Assessing Allegations of Environmental Injustice, EPA Office of Enforcement and Compliance Assurance (OECA), November 2004, available at: <http://www.epa.gov/compliance/resources/policies/ej/index.html>

⁵ Bhatia, Rajiv and Wernham, Aaron. 2008. "Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice". *Environmental Health Perspectives*. Available: <http://www.scribd.com/doc/6300993/Integrating-Human-Health-into-Environmental-Impact-Assessment>

households with children in the project area and assess environmental health risks and safety risks that may disproportionately affect children.

Mitigation Measures

The Navy should use information from the assessment of health impacts and from the local community to develop measures to mitigate EJ impacts. Mitigation measures could include, but are not limited to:

- Proactive efforts to hire local residents and train them to do work associated with the construction and long term operations at the facility in order to improve economic status and access to healthcare;
- Public education programs about environmental health impacts and land use planning issues associated with the site to better enable local residents to make informed decisions about their health and community;
- Strict enforcement of anti-idling requirements;
- Improved access to healthy food through promotion of farmers' markets or healthy food retail outlets onsite;
- Expansion and improvements to the local community's parks and recreation system in order to provide increased access to open space and exercise opportunities.

EPA also recommends that monitoring of environmental conditions occur during cleanup and construction phases of the project to help avoid potential impacts to community health. We recommend working with the San Francisco Public Health Department on a monitoring strategy. A method of communicating monitoring results to the public should be established.

Hazardous Contaminant Cleanup

Hunters Point Naval Shipyard is a federal Superfund site and is contaminated with a variety of PCBs, metals, solvents, and radionuclides in soil, groundwater and near-shore sediments. EPA has agreed to a greatly accelerated cleanup schedule for 150 acres of the site so early transfer to the City of San Francisco can occur before the cleanup is complete. If early transfer of these parcels is pursued, the Navy will complete the remedy for all radionuclide contamination, remove hot-spots of soil contamination, and begin aggressive in-situ treatment of the groundwater contamination plumes. EPA will enter into a consent agreement with the City to oversee the City's implementation of a site-wide cover, land use controls, and completion of any uncompleted groundwater remediation.

The public raised the issue of early transfer and expressed concerns regarding a potentially incomplete cleanup at the public scoping meeting. They also raised concerns regarding the potential for contaminants capped in place to be released during a large earthquake. The affected environment section of the DSEIS should clearly describe the contaminants on each project parcel and the cleanup efforts that have taken place or are planned to take place. Describe the timeframe for the cleanups and criteria for cleanup levels. Address release potential of contaminants during seismic events and how this might be mitigated. The DSEIS should clearly

identify and map parcels of the project site and identify how land use controls will ensure human exposures to contaminants capped onsite will not occur.

Alternatives Analysis

All reasonable alternatives that fulfill the project's purpose and need should be evaluated in detail. Include appropriate mitigation measures not already included in the proposed action or alternatives (1502.16 (f)). The DSEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

During the public scoping meeting, residents expressed interest in an alternative that focuses on full site cleanup to levels that will permit unlimited use, prior to any redevelopment. The DSEIS should discuss the feasibility of this alternative. This is different than the no action alternative, where cleanup would continue but Hunters Point Shipyard would not be disposed, reused, or redeveloped.

As mentioned above, Hunters Point Naval Shipyard is a federal Superfund site and the cleanup of contamination is occurring through the CERCLA process. The CERCLA process also undertakes an alternatives analysis, and the DSEIS should describe this process and how land use decisions affect this process. The Navy may wish to consider integrating the CERCLA cleanup alternatives into the NEPA alternatives evaluated in the SEIS.

Coordination with Land Use Planning Activities

The DSEIS should discuss how the proposed action would support or conflict with the objectives of federal, state, or local land use plans, policies, and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

In particular, the DSEIS should clearly describe how the proposed action interfaces with planning efforts being undertaken by the City and County of San Francisco. The presentation at the public scoping meeting did not clearly present the relationship of the SEIS to the City's Bayview Waterfront Environmental Impact Report (EIR) being prepared. The relationship with the India Basin Shoreline Plan should also be discussed, and the project areas associated with these planning areas clearly mapped. Also discuss the current status of these efforts and any incongruities they may have with this planning effort.

Air Quality

The DSEIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

General Conformity

The San Francisco Bay Area is in nonattainment for the 8-hour ozone NAAQS. The DSEIS should address the applicability of CAA Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity, but through the permitting process.

Naturally Occurring Asbestos

The DSEIS should address the risk of exposure from naturally occurring asbestos (NOA), which was found on Parcel A after it was transferred to the City of San Francisco. Identify other areas of the site where NOA may occur; indicate how exposures will be avoided, minimized, and monitored, and how this information will be conveyed to the public.

Construction-related Emissions

San Francisco County is in nonattainment for the California Ambient Air Quality Standards for particulate matter less than 10 microns (PM₁₀) and particulate matter less than 2.5 microns (PM_{2.5}). The DSEIS should include a thorough analysis of impacts from the construction of the proposed project alternatives, and emission estimates of all criteria pollutants and diesel particulate matter (DPM); and should discuss how requirements for emissions controls will be incorporated into the project specifications. EPA also recommends that the DSEIS disclose the available information about the health risks associated with vehicle emissions and mobile source air toxics (see <http://www.epa.gov/otaq/toxics.htm>). Diesel exhaust is classified by EPA as a "likely" human carcinogen at environmental exposure levels (Health Assessment Document for Diesel Engine Exhaust, EPA 2002). Exposure to diesel exhaust may contribute to respiratory irritation and lung damage. There is no threshold of diesel exposure under which there is no risk.

EPA recommends including a Construction Emissions Mitigation Plan (CEMP) for fugitive dust and DPM in the DSEIS and adopting this plan in the Record of Decision. The following mitigation measures are recommended for the CEMP in order to reduce impacts associated with emissions of particulate matter and other toxics from construction-related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.

- Maintain and tune engines per manufacturer's specifications to perform at CARB and/or EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies.
- Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. CARB has a number of mobile source anti-idling requirements. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- 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. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirement for off-road and on-highway (i.e., 15 ppm), and, where appropriate, use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Clean Water Act (CWA) Section 404

The project site includes waterfront and submerged lands. The Navy should coordinate with the U.S. Army Corps of Engineers to determine if the proposed project would require a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands and other special aquatic sites. The DSEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

If a 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 available to achieve the project purpose. The DSEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project’s compliance with the 404(b)(1) Guidelines.

Cumulative and Indirect Impacts

Cumulative impacts analyses are of increasing importance to EPA as they describe the threat to resources as a whole. Understanding these cumulative impacts can help identify opportunities for minimizing threats.

The cumulative impacts analysis should identify how resources, ecosystems and human communities of concern have already been affected by past or present activities in the project areas. Characterize these resources, ecosystems and human communities of concern in terms of their response to change and capacity to withstand stresses, and identify the additional stressors that will affect them. Trends data should be used to establish a baseline for the affected receptors, to evaluate the significance of historical degradation, and to predict the environmental effects of the project components.

EPA assisted in the preparation of the following guidance documents for assessing cumulative impacts and growth-related indirect impacts:

- Cumulative Impact Guidance: http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm
- Growth-related Indirect Impact Guidance: http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm

While the guidance documents were prepared for transportation projects, the principles and the 8-step process outlined therein can be applied to other types of projects. We recommend the principles and steps in these guidance documents as a systematic way to analyze cumulative and growth-related indirect impacts for the project.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor***CALIFORNIA STATE LANDS COMMISSION**100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202**PAUL D. THAYER**, *Executive Officer*

(916) 574-1800 FAX (916) 574-1810

*California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929***Contact Phone: 916-574-1227****Contact FAX: 916-574-1324****To: BRAC PMO West / Mr. Patrick McCay****Fax: 619-532-0940****From:****Grace Kato, Public Land Management Specialist
Granted Lands & Special Projects
916-574-1227****Date: October 17, 2008****Number of pages (including cover): 3****RE: Hunters Point Shipyard EIS****Comments:**

**If you do not receive all pages as indicated, please contact me
at the number referenced above.**

Thank you

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor***CALIFORNIA STATE LANDS COMMISSION**100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202**PAUL D. THAYER**, *Executive Officer*
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*from Voice Phone 1-800-735-2922***Contact Phone: (916) 574-1227**
Contact FAX: (916) 574-1324

October 17, 2008

File Ref: W25114

Director, BRAC PMO West
Attention: Mr. Patrick McCay
1455 Frazee Road, Suite 900
San Diego, CA 92108

Via facsimile: 619-532-0940

Dear Mr. McCay:

Thank you for the opportunity to comment on the Notice of Public Concerns Regarding a Supplemental Environmental Impact Statement for the Disposal and Reuse of Hunters Point Shipyard, San Francisco, California.

Hunters Point Naval Shipyard (Shipyard) contains lands that were historic uplands and lands that were below the historic ordinary high water mark. The uplands were a part of Rancho Rincon de las Salinas y Potrero Nuevo confirmed in 1857. Beginning in the 1860's, the Legislature authorized the conveyance of tide and submerged lands at the Shipyard, both through statutes with special application to this area (Chapter 325, Statutes of 1863), and through statutes of general application, such as those pertaining to sales of sovereign lands by the Board of Tideland Commissioners and through the tidelands patent program. The United States, in 1939, filed condemnation actions concerning lands at the Shipyard. The Shipyard was closed by the United States in 1974, and the United States intends to convey whatever interests it may have to the Redevelopment Agency.

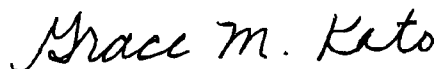
All tide and submerged lands, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust. The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. Any development, leases or franchises, involving said lands must be consistent with the terms of the legislative grant and the Common Law Public Trust. The State Lands Commission asserts that the public trust exists in the former and present tide and submerged lands within the

Patrick McCay
October 17, 2008

Shipyard. This position was recognized and supported in state legislation found in Chapter 464, Statutes of 2002 and Chapter 435, Statutes of 2003. Through Chapters 464 and 435, the State Lands Commission is authorized to enter settlement and exchange agreements concerning public trust land title issues at the Shipyard.

This letter is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention.

Sincerely,



Grace M. Kato
Public Land Management Specialist



Making San Francisco Bay Better

October XX, 2008

Mr. Patrick McCay
United States Department of the Navy
Base Realignment and Closure
Program Management Office West
1455 Frazee Road, Suite 900
San Diego, CA 92108

SUBJECT: Scoping Process for a Supplemental Environmental Impact Statement for the Disposal and Reuse of Hunters Point Shipyard, San Francisco, CA (BCDC File Nos. CN 1-99 and Inquiry File No. SF.SB 6613.14)

Dear Mr. McCay:

Thank you for the opportunity to comment during the scoping process for the Supplemental Environmental Impact Statement (SEIS) for the disposal and reuse of Hunters Point Shipyard in San Francisco, CA. It is our understanding that three alternatives will be considered in the SEIS: a stadium plan alternative that would include a new stadium for the San Francisco 49ers, residential units, retail, research and development, parks and open space, and civic and community uses; a non-stadium alternative that would include all the components under the stadium plan alternative except for the stadium which would be replaced with more research and development uses; and a no project alternative.

Pursuant to the Coastal Zone Management Act of 1972, as amended (CZMA), the Commission is required to review federal projects within San Francisco Bay and agree or disagree with the federal agency's determination that the project is consistent with the CZMA. In March 1999, the Commission issued Letter of Agreement for Consistency Determination No. CN 1-99 to the Department of the Navy for the transference of the Hunters Point Shipyard to the City and County of San Francisco and the San Francisco Redevelopment Agency for local reuse of the property. The Commission concurred that the project proposed at that time, including clean up of the site, maritime activities in designated port priority use areas, and other uses outside of port priority use areas, was consistent with the CZMA and the Commission's federally-approved Coastal Management Program for San Francisco Bay.

The Commission will rely on the new SEIS to determine whether the proposed new project is consistent with the CZMA. Below are several issues identified by the Commission staff, that we believe should be considered when preparing the SEIS. The staff comments are based on the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the *San Francisco Seaport Plan*, and the Commission's federally-approved management program for the San Francisco Bay.

Jurisdiction, Bay Fill and Public Access

The Commission's jurisdiction includes all tidal areas of the Bay up to the line of mean high tide (the inland edge of marsh vegetation in marshlands), all areas formerly subject to tidal action that have been filled since September 17, 1965, and the "shoreline band," which extends 100 feet inland from and parallel to the Bay shoreline.

The Commission's jurisdiction over piers that predate its establishment in 1965 are treated differently, depending on the scope of work proposed on the piers. Proposed development that does not involve any additional coverage of Bay water and that does not involve any work on the pier itself or its substructure is treated as work within the Commission's shoreline band jurisdiction. Work that involves the removal and replacement of all or a substantial portion of a pier deck, work that would significantly extend the life of the pier, or work on the pier that would allow the utility of the structure to change is treated as work within the Commission's Bay jurisdiction.

Section 66605 of the McAteer-Petris Act sets forth the criteria necessary to authorize filling of the Bay and certain waterways. It states, among other things, that further filling of the Bay should only be authorized if it is the minimum necessary to achieve the purpose of the fill and if harmful effects associated with its placement are minimized. According to the Act, fill is limited to water-oriented uses or minor fill for improving shoreline appearance or public access and should be authorized only when no alternative upland location is available for such purpose. Section 66602 of the McAteer-Petris Act states, "...that maximum feasible public access, consistent with a proposed project, should be provided."

The SEIS should include a detailed site plan that depicts the Commission's Bay and shoreline band jurisdictions, explains the existing conditions and the proposed project, areas where fill would be placed and removed, the proposed uses at the site, and proposed public access areas and improvements. Because there are several existing piers at the site, the SEIS should explain whether these piers would be removed, repaired, redeveloped, or left as is. In addition, the SEIS should include detailed information regarding the existing and proposed public access at the site. Providing this information will aid the staff in determining whether the public access proposed with the project is the maximum feasible, consistent with the project.

Priority Use Areas

In addition to the Commission's Bay and shoreline band jurisdiction, the Commission has review authority over its designated priority use areas.

1. **Port Priority Use.** It appears that a large portion of the project would be located within an area designated by our Commission for port priority use. Attached is a map we prepared that shows the limits of the port priority use area at Hunters Point. According to the *Seaport Plan*, the guiding document for implementing the Commission's port priority use designations, Hunters Point is expected to have a throughput capability of 125,000 metric tons in break bulk cargo by 2020. Policy 2 for the Hunters Point Naval Shipyard states, "a 55-acre area should remain designated for port priority use and future development of two break bulk berths..."

The project alternatives that will be considered in the SEIS are inconsistent with the port priority use designation for Hunters Point and the policies in the *Seaport Plan*. A plan amendment will be needed in order for the Commission to find the proposed project consistent with its federally-approved Coastal Management Program. The SEIS should include a discussion on the consistency of the proposed project with the Commission's port priority use designation and the policies of the *Seaport Plan*. If a plan amendment is contemplated to remove the port priority use designation from Hunters Point, the SEIS should explain why port use is no longer necessary at this location (with projected numbers and figures) and how future demand for these uses would be satisfied at other locations. The SEIS should also include a discussion on how the benefits of the proposed project would outweigh the removal of the port priority use designation. We will need to consider these and other questions for any plan amendment to remove the port priority use designation at Hunters Point.

2. Park Priority Use. Although not currently designated, the Commission staff is considering extending BCDC's park priority use designation along the South Basin shoreline to connect Candlestick Point State Park with the shoreline park proposed at Hunters Point. The SEIS should include a discussion on how the proposed park and open space uses at Hunters Point will be integrated into the larger Bay Trail network and adjacent shoreline park uses.

Sea Level Rise

Our office has prepared current sea level rise maps based on new data we have obtained for this area. Based on these maps, it appears that there are several areas of the site that would be vulnerable to inundation based on a 16-inch sea level rise scenario projected to occur in the mid-century period between 2040 and 2060. These areas are generally located within the southern portions of the Hunters Point site and along the southern shoreline. The SEIS should include a discussion on the potential vulnerability of the site to future sea level rise and how the project would accommodate for this rise. Although we are unable to share our new sea level rise maps with you at this time, we would be happy to send the new maps and data to you as soon as we are able to release it to the public.

Other Bay Plan Policies

The proposed project raises several other categories of issues that the Commission has addressed through its Bay Plan policies. Some of the policies that may apply to this project are found in the Bay Plan sections on: Fish, Other Aquatic Organisms and Wildlife; Water Quality; Transportation; Recreation; Public Access; and Appearance, Design and Scenic Views.

The SEIS should evaluate how the proposed project addresses and meets these policies. For example, the Recreation and Transportation sections of the Bay Plan include policies on the siting of marinas and ferry terminals. According to Policy 4(b) of the Recreation section, marinas should be allowed at suitable sites on the Bay. Unsuitable sites are "those that tend to fill up rapidly with sediment, have insufficient upland, contain valuable marsh, mudflat, or other wildlife habitat." The SEIS should include a discussion on how the proposed marina and ferry terminal are consistent with the policies in these sections.

Thank you for providing staff with the opportunity to provide comments on the SEIS for the Hunters Point project. We recognize the importance of this project and are looking forward to working with you and your staff during the permitting stage. Please feel free to contact me at (415) 352-3616, or email me at mingy@bcdc.ca.gov if you have any questions regarding this letter or the Commission's policies and review process.

Sincerely,


/s/

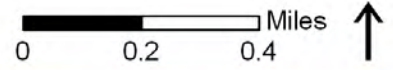
MING YEUNG
Coastal Program Analyst

MY/mm

cc: Michael Cohen, SF Mayor's Office of Economic and Workforce Development
Donald Monahan, Bay Area District Superintendent, California State Parks



 Hunters Point Port Priority Use Area



Boundary based on BCDC Resolution 16, BCDC Bay Plan Maps, San Francisco Bay Area Seaport Plan. Imagery is NAIP 2005 data.

Arc Ecology

4634 Third Street ♦ San Francisco, California 94124

phone: 415 643 1190 ♦ fax: 415 643 1142 ♦ e-mail: evebach@arcecolgy.org

October 17, 2008

Director, BRAC PMO West
ATTN: Mr. Patrick McCay
1455 Frazee Road, Suite 900
San Diego, California 92108
email: patrick.mccay@navy.mil

SUBJECT: Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Disposal and Reuse of Hunters Point Shipyard

Dear Mr. McCay:

We appreciate the opportunity to provide the Navy with our requests and concerns about the forthcoming Supplemental Environmental Impact Statement (SEIS) for the Disposal and Reuse of Hunters Point Shipyard. Arc Ecology is a non-profit, public interest organization concerned with the ecology of humanity and its place in the global ecology. Arc Ecology combines the sciences, economics, and community planning, with education and advocacy to help inform the public agenda. We have been heavily involved in issues concerning the use, closure, cleanup, and redevelopment of Hunters Point Shipyard for decades. As part of the Alliance for a Clean Waterfront, we submitted extensive comments on the Environmental Impact Statement for the Disposal and Reuse of Hunters Point Shipyard certified in March 2000. We are hopeful that many of the concerns we expressed about that document will be fully addressed in the SEIS in its discussion of a radically modified project and a changed environmental context.

Please let us know if you need clarification of our questions and comments or if we can be of any assistance.

Yours truly



Eve Bach
Staff Economist/Planner

Enc: LSA Associates' Wildlife Survey of Candlestick Point State Recreation Area

ARC ECOLOGY COMMENTS ON THE SEIS FOR THE DISPOSAL AND REUSE OF HUNTERS POINT SHIPYARD

Clarification of the “Project” Definition

According to the Federal Register Notice of Intent, “The proposal being evaluated in the SEIS is the disposal and reuse of Hunters Point Shipyard” which is defined to include implementation of the alternatives “being addressed in an Environmental Impact Report by the Redevelopment Agency of the City and County of San Francisco and the Planning Department of the City and County of San Francisco.” The Project that is the subject of this SEIS (“Project”) is “the action proponent for the new proposal, which is also a component of the Bayview Waterfront Project,” presumably the conveyance of remaining portions of the Shipyard owned by the Navy. The NOI goes on to say, “Both action alternatives would be consistent with specifications of the Bayview Jobs, Parks and Housing Initiative (Proposition G), which was approved by San Francisco voters in June of 2008.”

- 1) Does the Project includes only the Navy-owned portion of the development described in Proposition G, or does it also includes linked redevelopment of Candlestick Point?

- 2) Does the SEIS consider the Candlestick Point portion of the Proposition G development to be a cumulative impact of disposal?

In relying on Proposition G for a definition of the Project, the SEIS must take into account that the language of Proposition G “encourages” a development that “should” include some specified attributes, but does not mandate the two development alternatives it describes. Furthermore, Proposition G does not include a land use plan showing the locations of features that it encourages.

- 3) Does the SEIS Project use the land use map proposed by Lennar?

Changes to the Environmental Context

The SEIS is obligated to analyze changes to the environmental context as well as changes to the Project reviewed in the 2000. Important changes to the environmental context that need to be analyzed include

- partial implementation of the 2000 Project, including unanticipated problems with air quality mitigation measures;
- new data concerning biological resources;
- worsened traffic congestion throughout the regional highway system;
- new information about toxic contamination and cleanup plans;
- air pollutants of more recent concern (PM_{2.5})
- new information about climate change, carbon footprint, and sea level rise;
- the global economic crisis likely to disrupt and/or delay current plan for public and private investment in cleanup, infrastructure construction, and Project implementation, as well as to exacerbate poverty and unemployment conditions in the surrounding community.

Potential Impacts Considered

The potential impacts to be analyzed by the SEIS include most of the topics reviewed by the 2000 EIS, but appear to omit employment and public schools previously listed under socioeconomics. The SEIS must also analyze changes to cumulative impacts, unavoidable adverse impacts, irreversible/irretrievable commitments of resources, short-term uses and long-term productivity, and environmental justice – all topics reviewed in the 2000 EIS.

Project Alternatives

Hunters Point Shipyard Parcel G was created to facilitate the location of a stadium on the Hunters Point Shipyard. Nevertheless the location of the Stadium on Parcel G is not a necessary or foregone conclusion since the planning process, including environmental review, for the Lennar proposal has not been completed. Two other Parcels on the Hunters Point Shipyard are of sufficient size and configuration to support the construction of a Stadium with potential less environmental impact.

For example,

- Moving the stadium off-site to the Baylands or Pier 80 would eliminate all the air and vehicular pollution generated by game goers that the Project would create within the Shipyard. Using either of these sites would also keep traffic into the stadium from impacting residential neighborhoods (both sites have few or no housing).
- Moving the stadium to Parcel C or B would keep traffic away from the project’s center and thereby vent most of the pollution toward the Bay as opposed to the interior of the project area.

While it is not the Navy’s job to select a future site for the stadium, and while remedial questions are being handled through the CERCLA process, the weighing of the benefits and impacts of differing alternative stadium locations from the perspective of transfer and reuse should be included in the scope of the SEIS inquiry. The evaluation of alternative locations of the stadium within the Shipyard should be included in the SEIS, consistent with the Navy’s NEPA policy in Section 775.3 (see sidebar).

NAVY PROCEDURES FOR IMPLEMENTING NEPA

Sec. 775.3 Department of Navy Policy

(b) The DON shall:...

(3) Ensure that presently unmeasured environmental amenities are considered in the decisionmaking process;

(4) Consider the reasonable alternatives to recommended actions in any proposal that would involve unresolved conflicts concerning alternative uses of available resources;

(5) Make available to states, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment; and

(6) Use ecological information in planning and developing resource-oriented projects.

TITLE 32, CHAPTER VI:

The land use maps below basically share the same development program as the Lennar proposal. Please evaluate as Project alternatives: We can supply additional information as needed.

- 4) Without predetermining remedies to be considered in the CERCLA process, what are the hazardous waste merits of transferring Parcel G for stadium construction over the use of Parcel B or C for this same purpose?
- 5) How would the Navy rank the benefit to cleanup and transfer of locating stadium on Parcels G, B, and C?
- 6) Would the construction of a Stadium as a cap or cover for Parcel C or B be more productive from a human health and environmental cleanup perspective than the construction of a stadium on Parcel G? This question is particularly important because such a comparison would not be evaluated through the CERCLA activities; nevertheless it is central to the concept of property transfer at the Shipyard.

The proposed project's traffic routings may have very significant negative impacts on wildlife resources on the site. A proposed road through the SRA (and accompanying bridge) will act as a barrier to the movement of wildlife species such as lizards, snakes and amphibians. The road will bisect the wildlife corridor and habitats that exists in the park. Any road will also degrade the wetland and shoreline habitat through car and diesel exhaust and wildlife-disturbing noise pollution.

- 7) An alternative should be investigated that designs the road to avoid these impacts by going around the SRA.





PARCEL C

- LARGE CITY OVERVIEW
- CLOSE TO FUTURE FERRY TERMINAL
- SHARED PARKING WITH INDUSTRIAL AND COMMERCIAL LAND USERS

Hazards and Hazardous Materials Impacts

- 8) Have the most recent development plans by the City of San Francisco and Lennar changed any of the potential impacts that were discussed in the original EIS?
- 9) How does the addition of the "stadium" alternative affect the kind and amount of remediation that would be done by the Navy before property transfer compared to the "non-stadium" alternative?
- 10) Do the exposure scenarios for Human Health, Ecological, and Radiological Risk Assessments that were done previously account for the new scenario of large numbers of people together at one time using the new stadium?
- 11) How will the responsibility for remediation be assigned and guaranteed if there is an early transfer to accommodate the "stadium" alternative before the Navy has completed remediation?

12) The Navy is likely to recommend the use of a cap to isolate the contaminants in the industrial disposal site on the Shipyard's Parcel E2. What are the foreseeable disparate impacts of such a cap remedy on surrounding Shipyard property values?

13) What is the lifespan of a cap, how many times would it need to be replaced over the life span of the buildings to be constructed on the Shipyard?

Transportation Impacts

In years past, when the facility was still operational, the Crisp Avenue Gate and the adjacent rail road right-of-way were used to create a south western entrance to the Shipyard. According to one reuse scenario, a bridge may be constructed to cross the mouth of Yosemite Creek to facilitate the flow of game day traffic from the peninsula.

14) What are the impacts of constructing such a bridge on or adjacent to the Parcel E2 pan handle which is a recent site of a PCB cleanup with some pollution left in place?

15) Without pre-judging the final remedy selection, what are the foreseeable institutional controls for this site and how would compliance affect the construction of the bridge?

16) What natural resource and toxic pollution regulations and requirements might the City have to overcome to successfully construct a bridge at that site? How would the proposed modifications affect traffic in the community?

17) What are the short and long term impacts of truck traffic during cleanup and construction on the Project and surrounding community?

18) In analyzing traffic congestion, define a region of impact that covers 101, 80, and 280 from the Project to San Francisco city limits in order to capture the impacts of the Project on the regional transportation system.

19) How many parking spaces will be included in the Project and how much land area will they cover? Analyze reduced parking as a mitigation of traffic congestion.

Biological Resources Impacts

The 2004 LSA Associates' Wildlife Survey of Candlestick Point State Recreation Area (SRA) and the waters of the South Basin (HPS Parcel F) performed for the Golden Gate Audubon Society revealed the presence of an unanticipated large number of wildlife species in the SRA (see Attachment, Final Report Yosemite Slough Watershed Wildlife Survey 2003-2004).

Because the HPS Parcels E and F are contiguous with, and are an extension of, the upland and water habitats of the SRA it must be assumed that all of the species identified in that Wildlife Survey may be found within the project boundaries. (A simple site visit to the fence line of the SRA at Parcel E quickly demonstrates the continuity of habitats.)

It is also quite likely that due to the constraints on human , dog and cat access to Parcel E since the last EIS was written that new species have found habitats on Parcel E and so were not analyzed in that previous document. Furthermore, a general movement of species over the years has brought in new species to the area such as the black oyster-catcher that now forages in the South Basin and may be nesting on Double Rock in Parcel F.

- 20) Therefore the SEIS should analyze the potential impacts of the proposed project on all the wildlife species and guilds identified in that Wildlife Survey and in particular the following species and guilds.

Colonial water birds (Caspian terns and double-crested cormorants in particular) have been observed on the HPS finger piers and have used these piers for roosting and possibly nesting.

- 21) Will the project remove this habitat or change uses so as to eliminate these areas as habitat for these bird species? What will be the impact of these changes on the populations of these birds in San Francisco and the Bay Area?

Caspian tern nesting populations in the south Bay are threatened by predation from increased California gull populations (see South Bay Salt Pond Restoration Project documents).

- 22) Will the loss of potential or actual nesting opportunities in the Central Bay be a significant impact to this species locally?

The 2004 Wildlife Survey revealed the presence of the Western garter, Gopher and Ring-necked snakes on the Candlestick Point SRA lands adjacent to HPS Parcel E, as well as the Southern alligator lizard and California slender salamander.

- 23) How will the project impact these species? Will this be a significant local impact?

It appears that the project will both narrow the depth of the habitat along the shoreline of Parcel E and reduce the total amount of habitat.

- 24) If this is so, will the remaining open space be sufficient to sustain these reptile and amphibian species?

- 25) The SEIS should analyze the project impacts on all the bird species identified in the Wildlife Survey. For example, how will the project impact the shorebirds that now use the mudflats and sandy beaches on Parcels E and E2?

Water birds have varying responses to human intrusion, some respond at relatively close distances and all shorebirds flush if people walk directly towards them on a beach.

- 26) Will parts of the Parcel E shoreline be relatively free from human intrusion?

This impact may be avoided if enough land is allocated as open space along the shoreline. Shorebirds are disturbed by off leash dogs.

- 27) Will parts of the Parcel E shoreline have restrictions on off-leash dogs?

28) Are there any ground-nesting birds that use the site? For example Killdeer, Horned larks, Burrowing owls have all been seen on adjacent Candlestick Point SRA and surrounding lands in the past. If such birds do use the site how will the new project impact those species?

The Wildlife Survey revealed that Harbor seals haul out on sandbars located in Parcel F, just off of the Parcel E shoreline. Harbor seals are very susceptible to human disturbance.

29) Will the project uses and/or construction result in likely disturbances to the harbor seals? If so how can that be mitigated?

30) The Wildlife Survey also discovered an unusually large diversity of butterflies. Will the project cause a reduction in butterfly habitat and thus a reduction in butterfly populations?

In order to provide sufficient habitat for the species now resident on the site a significant portion of the shoreline must be for allocated for nature restoration and nature recreation. We believe that wetland restoration on Parcel E would play a significant role in providing such habitat since many of the current species are found in wetland habitats. If any seasonal wetlands remain on the site, how will they be impacted by Proposed Plan and what mitigations are proposed?

1. Colonial waterbirds (e.g., cormorants, terns and gulls) may be using the HPS finger piers for roosting and potentially nesting (Caspian terns, for example have been seen nesting on piers along the San Francisco shoreline). The 2004 Wildlife Survey identified the use of the HPS southeast finger piers as roosting sites for Double-crested cormorants and tern and gull species although specific identification of the latter species was not possible due to the distance at which they were observed. The SEIS should determine whether these piers are still utilized by these waterbirds and if so what are the potential impacts of the project on these species and what mitigations are proposed for those impacts.

2. The 2004 Wildlife Survey revealed the presence of Western garter, Gopher and Ring-necked snakes on adjacent Candlestick Point SRA lands as well as Southern alligator lizard, western fence lizard and California slender salamander. It must be assumed that these species are also to be found on the project site, at least on the lands immediately adjacent to the Candlestick Point SRA (many of these species were found at or near the fence line separating the SRA from the HPS Parcel E). The SEIS must consider the potential impacts to reptiles and amphibians on the HPS and especially on Parcel E and propose mitigations for those impacts. The SEIS should consider whether the HPS lands provide essential habitat for any of these species in San Francisco and whether the loss of this habitat may threaten their survival on the Candlestick Point SRA as a result of the loss of habitat on HPS thus reducing the total habitat available for these species.

3. The Wildlife Survey revealed the presence of a Harbor seal haul out area on sandbars and/or mudflats in Parcel F located off of Parcel E. The SEIS should determine whether future uses of parcel E would have a negative impact on this haul out site (harbor seals are quite sensitive to human disturbance). What uses will be compatible with the use of Parcel F by the seals. Will any of the construction activities result in impacts to water quality of Parcel F that may impact the harbor seals? We believe that a significant portion of the shoreline should be allocated for nature restoration and nature recreation which should help maintain this area as a viable harbor seal haul out area.

4. 118 bird species were identified in the Wildlife Survey (see attached). The SEIS should consider the impacts of the project on these species and identify those species that may be significantly impacted and propose mitigations for those impacts.

5. 148 total species were identified by the Wildlife Survey including butterflies, mammals, reptiles, amphibians and birds. Will the project provide sufficient habitat to sustain all these species. What will be the local and regional impact of the project on these species? For example, if the project does not provide adequate habitat for certain species, will this result in a loss of those species not only on the project site but also jeopardize the ability of Candlestick Point SRA to sustain those species without the HPS habitat. Will a loss of this

habitat result in a diminution of wildlife in San Francisco as a whole?

6. How will remedial actions affect these species? Can the wildlife species identified in the Wildlife Survey be sustained on-site?

7. Seasonal wetlands on Parcel E were destroyed as a result of an early action to remove contaminants. The Wildlife Survey indicates that reptiles and lizards are on site. The now destroyed seasonal wetlands may well have provided habitat for water-related amphibian or reptile species. Will the loss of those seasonal wetlands be mitigated and if so will that mitigation address the potential loss of reptile and amphibian species that may have been associated with the seasonal wetlands?

8. Ground nesting birds such as killdeer were identified in the Wildlife Survey and horned larks historically utilized dirt fields in the Candlestick point SRA. Burrowing owls were found along the SRA shoreline. The SEIS should determine if any ground-nesting birds use the project site? If they are found to be present the SEIS should determine likely impacts and mitigations for those species.

Furthermore, after the previous EIS, construction activities on HPS Parcel A revealed a problem with dust generated by the construction. Because of the constituency of the HPS substrate (crushed serpentine rock containing asbestos and heavy metals such as manganese and chromium) construction on the HPS project site may pose contaminant issues and difficulties in preventing that dust from reaching the adjacent Bayview community. While those issues may be resolved through the CERCLA process, other issues relating to this may be best resolved through the SEIS. For example, with sea level rise what are the likely impacts if parts of the site become inundated by storm surges that may take some of the substrate into the Bay? How will the project address stormwater runoff that may result in the substrate soils entering the Bay? Does the project consider the use of stormwater treatment wetlands? If not, why not?

Thank you for your attention to our concerns.

Sincerely yours,

Arthur Feinstein
Sierra Club, San Francisco Bay Chapter Executive Committee
590 Texas Street
San Francisco, CA 94107
415-282-5937

Table 1. Species Diversity by Year and Taxon/Guild.†

Taxonomic Group/Guild	Number of Species Observed	
	2003	2004
<i>Birds</i>	118	83
Gulls & Terns	9	6
Shorebirds	21	16
Waterfowl	12	8
Other Waterbirds	19	15
Landbirds	49	32
Raptors & Owls	8	6
<i>Amphibians</i>	1	1
Salamanders	1	1
<i>Reptiles</i>	5	2
Lizards	2	1
Snakes	3	1
<i>Mammals</i>	10	4
Carnivores	4	1
Pinnepeds	1	1
Lagomorphs	1	1
Rodents	4	1
<i>Butterflies</i>	14	5

†Not including unidentified species that overlap with identified species (e.g., "gull species overlap" "western gull").

Table 2. Maximum Number of Individuals Observed in a Single Survey in All Sub-Areas, Yosemite Area, San Francisco, CA. January 2003 through April 2004.

Common Name	Scientific Name	Maximum Number of Observations
BIRDS		
Gulls & Terns		
Gull sp.	<i>Larus sp.</i>	225
Mew Gull	<i>Larus canus</i>	51
Ring-billed Gull	<i>Larus delawarensis</i>	9
California Gull	<i>Larus californicus</i>	563
Herring Gull	<i>Larus argentatus</i>	11
Western Gull	<i>Larus occidentalis</i>	622
Glaucous-winged Gull	<i>Larus glaucescens</i>	22
Caspian Tern	<i>Sterna caspia</i>	6
Elegant Tern	<i>Sterna elegans</i>	19
Forster's Tern	<i>Sterna forsteri</i>	11
Shorebirds		
Black-bellied Plover	<i>Pluvialis squatarola</i>	46
Semipalmated Plover	<i>Charadrius semipalmatus</i>	28
Killdeer	<i>Charadrius vociferus</i>	127
Black Oystercatcher	<i>Haematopus bachmani</i>	12
American Avocet	<i>Recurvirostra americana</i>	35
Greater Yellowlegs	<i>Tringa melanoleuca</i>	2
Solitary Sandpiper	<i>Tringa solitaria</i>	1
Willet	<i>Catoptrophorus semipalmatus</i>	69
Wandering Tattler	<i>Heteroscelus incanus</i>	1
Spotted Sandpiper	<i>Actitis macularia</i>	16
Long-billed Curlew	<i>Numenius americanus</i>	1
Whimbrel	<i>Numenius phaeopus</i>	12
Marbled Godwit	<i>Limosa fedoa</i>	4
Ruddy Turnstone	<i>Arenaria interpres</i>	50
Black Turnstone	<i>Arenaria melanocephala</i>	1
Calidris sp.	<i>Calidris sp.</i>	541
Sanderling	<i>Calidris alba</i>	21
Western Sandpiper	<i>Calidris mauri</i>	358
Least Sandpiper	<i>Calidris minutilla</i>	245
Dunlin	<i>Calidris alpina</i>	194
Dowitcher sp.	<i>Limnodromus sp.</i>	35
Red-necked Phalarope	<i>Phalaropus lobatus</i>	1
Waterfowl		
Canada Goose	<i>Branta canadensis</i>	96
Duck sp.		50
American Wigeon	<i>Anas americana</i>	2
Mallard	<i>Anas platyrhynchos</i>	5
Canvasback	<i>Aythya valisineria</i>	5

Table 2. Maximum Number of Individuals Observed in a Single Survey in All Sub-Areas, Yosemite S Area, San Francisco, CA. January 2003 through April 2004.

Common Name	Scientific Name	Maximum Number of Observed
Western Kingbird	<i>Tyrannus verticalis</i>	2
Western Scrub-jay	<i>Apelocoma californica</i>	4
American Crow	<i>Corvus brachyrhynchos</i>	24
Common Raven	<i>Corvus corax</i>	68
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	1
Bank Swallow	<i>Riparia riparia</i>	2
Barn Swallow	<i>Hirundo rustica</i>	5
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	6
Bushtit	<i>Psaltriparus minimus</i>	41
White-breasted Nuthatch	<i>Sitta carolinensis</i>	1
Ruby-crowned Kinglet	<i>Regulus calendula</i>	8
Hermit Thrush	<i>Catharus guttatus</i>	1
American Robin	<i>Turdus migratorius</i>	30
Northern Mockingbird	<i>Mimus polyglottos</i>	9
European Starling	<i>Sturnus vulgaris</i>	247
American Pipit	<i>Anthus rubescens</i>	2
Orange-crowned Warbler	<i>Vermivora celata</i>	1
Yellow Warbler	<i>Dendroica petechia</i>	3
Yellow-rumped Warbler	<i>Dendroica coronata</i>	45
Common Yellowthroat	<i>Geothlypis trichas</i>	2
Wilson's Warbler	<i>Wilsonia pusilla</i>	1
Western Tanager	<i>Piranga ludoviciana</i>	2
Spotted Towhee	<i>Pipilo maculatus</i>	2
California Towhee	<i>Pipilo fuscus</i>	15
Sparrow sp.		15
Chipping Sparrow	<i>Spizella passerina</i>	2
Savannah Sparrow	<i>Passerculus sandwichensis</i>	7
Fox Sparrow	<i>Passerella iliaca</i>	6
Song Sparrow	<i>Melospiza melodia</i>	8
Zonotrichia sp.	<i>Zonotrichia sp.</i>	57
Lincoln's Sparrow	<i>Melospiza lincolni</i>	2
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	175
Golden-crowned Sparrow	<i>Zonotrichia atricapilla</i>	62
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	86
Western Meadowlark	<i>Sturnella neglecta</i>	146
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	49
Brown-headed Cowbird	<i>Molothrus ater</i>	19
House Finch	<i>Carpodacus mexicanus</i>	143
Lesser Goldfinch	<i>Carduelis psaltria</i>	10
American Goldfinch	<i>Carduelis tristis</i>	38
House Sparrow	<i>Passer domesticus</i>	23

Table 2. Maximum Number of Individuals Observed in a Single Survey in All Sub-Areas, Yosemite Area, San Francisco, CA. January 2003 through April 2004.

Common Name	Scientific Name	Maximum Number Observed
Raptors		
Turkey Vulture	<i>Cathartes aura</i>	1
White-tailed Kite	<i>Elanus leucurus</i>	2
Accipiter sp.	<i>Accipiter sp.</i>	2
Sharp-shinned Hawk	<i>Accipiter striatus</i>	1
Cooper's Hawk	<i>Accipiter cooperii</i>	2
Red-shouldered Hawk	<i>Buteo lineatus</i>	1
Red-tailed Hawk	<i>Buteo jamaicensis</i>	8
American Kestrel	<i>Falco sparverius</i>	2
Merlin	<i>Falco columbarius</i>	1
AMPHIBIANS		
California Slender Salamander	<i>Batrachoseps attenuatus</i>	43
REPTILES		
Lizard sp.		5
Southern Alligator Lizard	<i>Elgaria multicarinata</i>	22
Western Fence Lizard	<i>Sceloporus occidentalis</i>	49
Gopher Snake	<i>Pituophis melanoleucus</i>	2
Ring-necked Snake	<i>Diadophis punctatus</i>	3
Western Garter Snake	<i>Thamnophis elegans</i>	1
MAMMALS		
Feral Domestic Cat	<i>Felis silvestris</i>	2
Feral Domestic Dog	<i>Canis familiaris</i>	2
Raccoon	<i>Procyon lotor</i>	5
Striped Skunk	<i>Mephitis mephitis</i>	1
Harbor Seal	<i>Phoca vitulina</i>	9
Black-tailed Jackrabbit	<i>Lepus californicus</i>	6
Botta's Pocket Gopher	<i>Thomomys bottae</i>	1
California Ground Squirrel	<i>Spermophilus beecheyi</i>	143
California Vole	<i>Microtus californicus</i>	1
Norway Rat	<i>Rattus norvegicus</i>	1
BUTTERFLIES		
Butterfly sp.		38
Swallowtail sp.	<i>Papilio sp.</i>	7
Anise Swallowtail	<i>Papilio zelicaon</i>	27
Cabbage White	<i>Pieris rapae</i>	64
Mustard White	<i>Pieris napi</i>	1
Orange Sulphur	<i>Colias eurytheme</i>	1
California Hairstreak	<i>Satyrium californicum</i>	2
Gray Hairstreak	<i>Strymon melinus</i>	2

Table 2. Maximum Number of Individuals Observed in a Single Survey in All Sub-Areas, Yosemite Area, San Francisco, CA. January 2003 through April 2004.

Common Name	Scientific Name	Maximum Number of Individuals Observed
Blue sp.		1
Western Pygmy-Blue	<i>Brephidium exile</i>	1
Spring Azure	<i>Celastrina ladon</i>	2
West Coast Lady	<i>Vanessa annabella</i>	7
Red Admiral	<i>Vanessa atalanta</i>	4
Common Buckeye	<i>Junonia coenia</i>	9
Common Ringlet	<i>Coenonympha tullia</i>	1
Monarch	<i>Danaus plexippus</i>	7
Skipper sp.		3
Common Checkered Skipper	<i>Pyrgus communis</i>	22

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