

Appendix A

EA Public Involvement

**Department of Veterans Affairs (VA)
Department of the Navy (Navy)
Public Information Meeting**

Date: **Thursday, December 18, 2008**

Location: **USS Hornet Museum
707 W. Hornet Ave, Pier 3
Alameda, CA 94501
([location map provided on next page](#))**

Time: **6:00pm to 9:00pm**

The Department of Veterans Affairs (VA) and the Department of the Navy (Navy) will hold a public information meeting related to the transfer of 549 acres of former NAS Alameda from the Navy to VA, and VA's future development plans for the federal parcel of property.

The purpose of this meeting is to provide the general public, interested stakeholders, affected governmental agencies and other interested parties timely information regarding the proposed action of VA and the Navy relative to the 549-acre transfer parcel, and to solicit relevant input regarding the environmental review process and any potential impacts in accordance with the National Environmental Policy Act (NEPA). The Navy and VA are currently preparing an Environmental Assessment (EA).

The proposed action is a Federal-to-Federal agency (Fed-to-Fed) transfer of property from the Navy to the VA at former NAS Alameda to meet the following VA needs: construct outpatient medical facilities, construct a new cemetery and establish Veterans Affairs administrative offices in support of local veterans. The preferred alternative is for development of 113 acres on the 549-acre Fed-to-Fed transfer parcel. The development would include construction of a new 107,000 square foot VA Outpatient Clinic and a 53-acre columbaria cemetery. In addition, under the VA's Enhanced Use Authority (public/private partnership), a 250,000 sq. ft. community in-patient hospital and 180,000 sq. ft. of office space is proposed. The office space would be used for VA regional offices and medical office space for civilian doctors associated with the proposed community hospital.

Alternatives to the proposed action being considered include 1) construction of a VA Cemetery on the Fed-to-Fed transfer parcel and construction of a VA Outpatient Clinic at another location on Alameda Point; and 2) construction of a VA Cemetery on the Fed-to-Fed transfer parcel and construction of a VA Outpatient Clinic at a site in Oakland. These alternatives would exclude the development of a community hospital and VA administrative office space. In addition, the No Action alternative would be addressed in the NEPA document.

Informational materials will be posted on the Navy's BRAC website:
<http://www.bracpmo.navy.mil/>

The Navy and VA take this opportunity to invite the public to provide written comments on the proposed action and alternatives. In addition to, or in lieu of, oral comments at the public meeting, affected federal, state, and local agencies and other interested parties are invited to contact or submit written comments. Points of contact and address information is provided below.

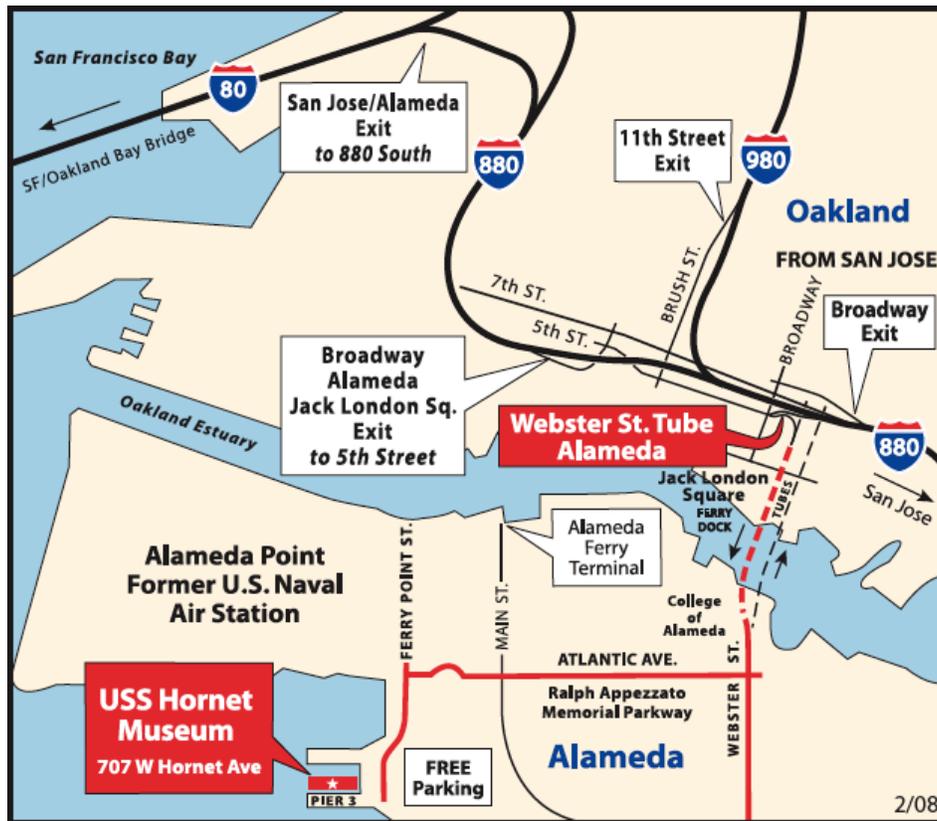
The VA point of contact is Mr. Larry Janes, telephone (707) 562-8330, email: larry.janes@va.gov

The Navy point of contact is Mr. Patrick McCay, telephone (619) 532-0906, email patrick.mccay@navy.mil

Written comments must be received by Tuesday, January 20, 2009, to be considered in the NEPA document. Written comments should be submitted to:

Mr. Larry Janes
VA Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582

Location of Public Information Meeting: USS Hornet Museum



Department of Veterans Affairs

Department of the Navy

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Public Information Meeting

Regarding Alameda Point Fed-to-Fed Transfer

Thursday, December 18, 2008, 6:00 P.M.

USS Hornet Museum

707 W. Hornet Avenue, Pier 3

Alameda, California 94501



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Reported by Tahsha Sanbraillo

1

1 Ms. Allsep - Okay, folks, we are going to get
2 started here. If you could please take a seat.

3 Mr. Crow - Ladies and gentlemen, we are going to
4 start the public meeting tonight. We would like to open up
5 with the Pledge of Allegiance. Would you please stand and
6 render honor to the flag?

7 [Pledge of Allegiance]

8 Mr. Crow - Thank you. Please take your seats.

9 Ms. Allsep - Good evening, everyone and welcome to
10 this evening's meeting. My name is Jayni Allsep. I work
11 for EDAW based in San Francisco, and I serve as the
12 Environmental Planner for this project for the V.A., the
13 Department of Veterans Affairs, and the Department of the
14 Navy. I am joined on the dais by Patrick McCay, who is the
15 environmental planner with the Navy, and next to him is Dr.
16 Ron Chun, who is with the Department of Veterans Affairs,
17 Veterans Health Administration, Mr. Claude Hutchinson, who
18 is with the Department of Veterans Affairs, and Mr. Don
19 Rinker who is with the Department of Veterans Affairs,
20 National Cemetery Administration. We also have other people
21 representing the VA and the Department of the Navy here.
22 Anybody with name tags generally will have their affiliation
23 with the different agencies involved, and we will provide
24 some time after the presentation for some time to browse
25 around and look at the boards that we have.

1 I also wanted to note that we have Kim Christensen
2 with EDAW. She will be helping to facilitate the public
3 interaction in the question and answer period that we will
4 have, and Susan Yogi at EDAW up at the front sign-in sheet.

5 So again, thank you for coming this evening. It
6 is our goal, really, to provide you with an overview of the
7 project, some information, and we are also here to invite
8 you to provide your comments and raise any issues that you
9 would like to raise at this point, as part of this public
10 comment period, and opportunity for public involvement.

11 If we could have the slide? So before we get
12 started with specifics, I thought it would be a good idea to
13 review just to give everybody a bit of orientation about
14 some of the things that we will be talking about this
15 evening. This is a map of the 549-acre site that we refer
16 to as the Fed to Fed transfer site. It shows the proposed
17 VA facilities. This is the former airfield of Naval Air
18 Station Alameda. And we will be talking in more detail
19 about the features and what is shown on this plan a little
20 bit later, but just to give you an idea what this is all
21 about, it is the 549-acre portion of the NAS Alameda that is
22 proposed to be transferred from the Navy to the Department
23 of Veterans Affairs.

24 This slide is going to show how we are going to
25 conduct tonight's meeting. First of all, how to participate

1 tonight after the presentation that we will be providing to
2 you, there will be an opportunity to ask questions about the
3 presentation, any information that has been provided to you
4 this evening, and also to offer comments on the process of
5 the environmental review for the project as it moves
6 forward. We are very early in the process of the
7 environmental review for this project. We may not have
8 answers to questions, or issues that you raise this evening,
9 but the purpose of tonight's meeting is really your
10 opportunity to provide public comment after we have provided
11 some basic information to you about what is being proposed.
12 So as part of our presentation, we will have a Navy
13 overview, we will have a Department of Veterans Affairs
14 overview, we will talk about the proposed action and
15 alternatives, we will discuss some of the environmental
16 constraints and issues that have to do with the proposed
17 property, we will talk about the public involvement again to
18 make sure that you know all the ways that you will be able
19 to offer your input to the process. We will have the next
20 steps covered, and we will go into questions and answers,
21 and offer an opportunity for public comments.

22 So this gets into a little bit more detail about
23 the purpose of the meeting, which I think I covered pretty
24 well already, and we will get into more specifics. Please,
25 if you have not already signed in at the front sign-in

1 table, please do so. This will ensure that you do get
2 notification of any future opportunities for public comment
3 and availability of documents as we move on through the
4 process. So please make sure that we have your information,
5 your contact information.

6 We do have a transcriptionist here, who is taking
7 the comments and keeping track of what is being said this
8 evening, so we will have that to refer back to. And there
9 is a speaker form if you would like to speak this evening.
10 You can fill out a speaker form, and then we will have Kim
11 call your name and you will have an opportunity to provide
12 your verbal comments. You can also submit written comments
13 this evening. We have some comment forms. They can also be
14 mailed in. So the comment period will extend to January 20,
15 2009. So just keep that date in mind. And with that, I
16 would like to introduce Patrick McCay, the environmental
17 planner for the Navy.

18 Mr. McCay - On behalf of the U.S. Navy, I would
19 like to welcome you all to tonight's meeting. Is that
20 better? I will have to lean in here. Okay. Welcome
21 everybody, to the U.S.S. Hornet. I am Patrick McCay,
22 Environmental Planner with the Base Realignment and Closure
23 Program Management Office. I am part of a much larger Navy
24 team; in fact, my boss, Alan Lee (phonetic) is here. He is
25 the Base Closure Manager. He is in charge of the disposal,

1 clean-up, everything that goes on from the Navy side to
2 ensure that we dispose of the property properly. We have
3 also got Pat Brooks from the Navy here. He is the BRAC
4 Environmental Coordinator, and also our Project Biologist,
5 Sandy Baldwin. She is also here tonight. So we have got
6 full Navy representation.

7 I am an environmental planner. The main focus of
8 this meeting is we are going through an environmental review
9 process of the transfer and development of the property. As
10 you can see, the Navy VA transfer site is located at NAS
11 Alameda. It is a very central location in the Bay Area.
12 Let's go to the next slide, please.

13 NAS Alameda was operationally closed back in 1997.
14 And disposal of property at NAS Alameda is a requirement.
15 This disposal is occurring as approved by the BRAC
16 Commission. U.S. Fish & Wildlife requested a Fed to Fed
17 transfer of the former airfield for a proposed wildlife
18 refuge back in December of 1996. In 2003, the Navy and U.S.
19 Fish & Wildlife reached an impasse regarding transfer of
20 this real property. A lot of it was related to potential
21 environmental liability later down the road. So at that
22 point, we had to start looking for other agencies that might
23 be interested in the property, other property recipients.
24 The proposed action, which includes a Fed to Fed property
25 transfer, that is the main focus of the Navy, we want to

1 dispose of the 549-acres of property from the Navy to the
2 V.A. Sir? Sorry. Next slide, please. Here, I will use
3 this mike.

4 Okay, is that better? I apologize. Since this
5 project is a Fed to Fed transfer, it is considered a
6 separate action from the rest of the disposal of the surplus
7 property. As you can see in this map, the proposed VA
8 project site is in the blue, and we are looking at this
9 under a separate environmental review process from the rest
10 of the former base, which is in the red. The rest of the
11 surplus property is going through a separate BRAC disposal
12 process. At this point, I would like to introduce Mr.
13 Claude Hutchinson. He is the Director of the Office of
14 Asset Enterprise from the Department of Veterans Affairs.

15 Mr. Hutchinson - Good evening, ladies and
16 gentlemen. I am Claude Hutchinson. I feel like I am back
17 at home. I am an East Bayite who has temporarily taken up
18 residence in Washington, D.C. for the past seven and a half
19 years, but I look forward to coming back here. It is an
20 honor to be back on the Hornet. I once had the privilege of
21 being underway in serving in the United States Navy, and I
22 served on a sister ship of the Hornet, the U.S.S. Oriskany
23 for a short period of time.

24 I want to give you a little bit of an overview of
25 the Department of Veterans Affairs, as well as trace the

1 history of our interest in the Alameda. Let me start by
2 quoting from President Abraham Lincoln's second inaugural
3 address in 1865, in which he said, in part, "To serve those
4 who have borne the battle and their widow and orphan." That
5 is the mission of the Department of Veterans Affairs. There
6 are 270,000 of us who are privileged to serve our nation's
7 Veterans, and we take that responsibility very very
8 seriously. Let me just ask in the audience, how many
9 Veterans do we have here this evening? Could I ask you to
10 stand up and be recognized? Let's give them a hand.
11 [Applause]. Thank you for your service; your nation owes
12 you a debt of gratitude that we try awfully hard to pay, day
13 by day.

14 Let me go back to the overview. We first became
15 aware of this property a little over four years ago when the
16 Office of the Secretary of the Navy in a conversation with
17 the Secretary of Veteran's Affairs, Anthony Principi,
18 indicated that this property would be available. After
19 kicking it around the Department, the Secretary's views and
20 attraction was reinforced, and he sent an official letter
21 indicating an interest. We then embarked upon a series of
22 conversations with the U.S. Fish and Wildlife Service and
23 the Navy, and we instigated a feasibility study to make sure
24 that the property, were it to be transferred, would meet our
25 needs and requirements. The feasibility came back in a very

1 favorable manner, and that led in, well, literally about two
2 years ago, then Secretary Jim Nicholson, to make an official
3 and formal request to the Department of Defense, to the
4 Department of the Navy, for the transfer.

5 The Department of Veterans Affairs is the second
6 largest department within the Federal system, second only to
7 the Department of Defense. We view ourselves really in a
8 very aligned manner with the Department of Defense. We are
9 the Alumni Association, in short. We have three major
10 activities. The first is the Veterans Health Administration.
11 VHA is the largest in-grade healthcare delivery system in
12 the United States and it superbly serves the 24 million
13 living individuals who have once worn the cloth of their
14 country. The National Cemetery Administration runs 125
15 national shrines all around the country, which become the
16 potential internment for those that choose to be laid to
17 rest in that manner. In the Veterans Benefit
18 Administration, the absolutely outstanding organization that
19 really is the mechanism in which the entitlements, which we
20 voted on by the United States Congress for the benefit of
21 those who have served their country, those benefits are
22 delivered. And there are educational benefits, there are
23 insurance benefits, there are home loan benefits, pension
24 and disability payments, the whole package of rewards to

1 those of you out there that have served your country have
2 earned over time.

3 What does the VA need? And what do we hope to
4 accomplish here? First of all, and you will learn more
5 about it later from Dr. Chun, we intend to put in place an
6 absolute state-of-the-art multi-purpose out-patient clinic,
7 100,000-square-foot approximate size, to serve the 35,000
8 veterans that reside in Northern Alameda County. The
9 National Cemetery Association needs additional internment
10 space. The National Cemeteries at Golden Gate in San
11 Francisco are full, they are not accepting new internments,
12 so when you think of the absolutely beautiful vista at the
13 Western end of this property, looking out at the Bay
14 Bridges, and even the Golden Gate in San Francisco, you
15 would be hard-pressed to find a more beautiful site for a
16 new national shrine. The Veterans Benefits Administration
17 also intends to be present on the premises to reinforce the
18 entitlements and the benefits that I just described.

19 In short, what we are trying to create at Alameda
20 Point is one VA to bring all the multitude of services and
21 benefits together at one delivery point for our nation's
22 veterans who reside in this area. By bringing together to
23 not only reinforce and supplement the activities that each
24 one specializes in, but it provides one-stop shopping, one
25 stop place of service acceptance for our veterans.

1 At this point, I would like to switch and
2 introduce my colleague, Dr. Ron Chun, who will talk a little
3 bit about the Veterans Health Administration and the plans
4 for the new outpatient clinic and other services.

5 Dr. Chun - Thank you. I would first like to maybe
6 introduce myself. I felt very honored to be asked to
7 address this forum tonight. I have been working with the VA
8 over 22 years and have been the Director of the Oakland
9 Outpatient Operations for Northern California Healthcare
10 Systems for the last 15. I was fortunate to be in the early
11 stage of the planning and opening of the current location on
12 Martin Luther King, the current location for our Med
13 (phonetic) Search Division. So being a Navy brat, I was
14 born in Okino (phonetic) Hospital, and having a father who
15 had services provided at three separate VA facilities before
16 he passed on, and becoming a doctor new to the system, when
17 I joined the VA back in the mid-'80's, I must admit, it was
18 not a system that I would say we could be proud of. I think
19 there has been enormous changes that have come about in our
20 Veterans Healthcare Agency that we have now the highest
21 quality of healthcare measured by any -- Institute of
22 Health, and I think we have excellent providers and
23 excellent planners, and I feel very honored to be involved
24 with this. I must say, I am partial to saying that, having
25 lived and worked in the current environment, I really

1 believe this is the future that is needed for all of our
2 Veterans in the East Bay, and I made a promise that I will
3 try to do the best I can to ensure that I can see this
4 become a reality. We will go on to the slides.

5 Our Veterans Health Administration mission is to
6 serve the needs of our American Veterans by providing
7 primary care, specialized care, and related medical,
8 surgical, and mental health, as well as social support
9 service needs. Veterans Health Administration Services in
10 terms of what we do here locally in our VA Sierra Pacific
11 Network, which we call VISN21, Veterans Integrated Service
12 Network 21. And I will talk specifically about Northern
13 California and Northern Nevada. We currently serve
14 approximately 1.1 million Veterans and current enrolled
15 patients who are actually being seen in our current
16 facilities, or approximately 300,000. We provide these
17 services at six major medical centers throughout Northern
18 California and Northern Nevada, and we also have 27
19 outpatient clinics, one of which is mine, in Oakland to
20 provide these services.

21 This next slide depicts the service areas in
22 Northern California and Nevada, and it actually lists the
23 specific facility service areas, as well as the specific
24 sites and their levels of care. I know that the legend
25 there is kind of small, but we do have this on the handouts

1 for you to look at. But the areas we serve is from north of
2 the San Luis and Kern Counties, all the way up to the Oregon
3 border, and encompassing all of the northern part of Nevada.
4 It is quite an expensive area. Next slide, please.

5 This is a slide that shows our 2007 Northern
6 Alameda County Veteran population by City. The data here is
7 extrapolated from the 2000 Census, and I understand that we
8 have some current information that will be coming to update
9 this, but currently our total population in this area is
10 about 33,895, and it is broken up by cities in terms of the
11 relative population Veterans per City. That, quickly, is
12 San Leandro is approximately 5,220, Piedmont is 746, Oakland
13 has about 18,202, Emeryville has 373, Berkeley, 4,236, and
14 here in Alameda, 5,118. Next slide, please.

15 We have an interim plan to continue to provide
16 health care until we get this consolidated facility built.
17 Our current locations right now are two separate locations
18 for healthcare. We have the outpatient clinic on 22 Martin
19 Luther King Jr. Way. We have been there since opening in
20 1988. That location is primarily a med surge. We also have
21 ancillary services available at that site. The lease
22 actually originally signed ended in 2008. We recently
23 renewed that lease, or extended that lease, for another
24 seven to ten years until 2018. Our second current location
25 is located down at the old Oakland Army Base on 14th Street

1 in Oakland. It was actually built as a World War II era
2 building to serve the Army Navy, and was the Army Navy
3 clinic for quite a few years, until they closed down and we
4 actually established a Memo of Understanding to utilize
5 their facility to serve the needs of our mental health and
6 substance treatment programs.

7 In 2009, we are going to relocate our programs and
8 I think the current project is probably April or May of 2009
9 to another leased building location for interim programs
10 until we have the consolidated facility. We are fortunate
11 we did find a location very close to our out-patient clinic,
12 that would be approximately two to three blocks away, and we
13 hope to open that again some time in April or May of 2009.
14 The Healthcare Services at the projected Alameda Point are
15 basically those that we currently offer at our current two
16 locations at the Oakland Outpatient Clinic, and our mental
17 health and substance treatment clinics, but the issue would
18 be is that we combine it into one state-of-the-art facility,
19 a one-stop shop, so to speak, to serve all of the medical
20 and mental health needs of our patients. The services
21 listed are primary care/urgent care, women's health, medical
22 and surgical specialists, pharmacy, laboratory with imaging
23 radiology, physical therapy, occupational health therapy, an
24 eye clinic, of course, mental health services, our current
25 substance treatment programs, the enhanced services that is

1 projected would be dental, a joint VA DOD Ambulatory
2 Surgical Program, and also a DOD Ambulatory Care Clinic. We
3 have had a lot of interest expressed by a lot of our
4 colleagues that are providing healthcare in the other
5 federal departments to join us in the venture. I think it
6 is the right thing. Active duty Vets should become
7 Veterans, and it is via easy, I think, excellent transition
8 to care for our active duty patients. Next slide, please.

9 At this time, I would like to thank you for your
10 attention and introduce our next presenter, who is Mr. Don
11 Rinker. Mr. Rinker is the current Director of the National
12 Cemeteries Administration Region V. Thank you.

13 Mr. Rinker - Thank you, Dr. Chun. Again, as Ron
14 had mentioned, I am Don Rinker. I am the Director of
15 Memorial Service Network V, located here in Oakland. My
16 office is responsible for the operation of 17 national
17 shrines in nine western states. As Claude had mentioned, we
18 are a system of 125 national cemeteries that were actually
19 transferred to VA by the Department of the Army in 1973. We
20 are currently going through the largest expansion in the
21 history of our service. The National Cemetery System was
22 actually created by President Lincoln to take care of the
23 Civil War dead. We have been authorized by Congress since
24 1999 and 2000 to create 12 more national shrines. Two of
25 those are located here in the State of California,

1 Sacramento Valley, VA National Cemetery in Dixon, and
2 Bakersfield National Cemetery that we just dedicated on
3 December 7th of this month. Our mission as an administration
4 is very simple, very simple. And we have one mission, and
5 that is to enshrine the men and women who have served this
6 country, and their eligible family members. Next slide.

7 As you can see, there is a large number of
8 Veterans here in the greater San Francisco Bay Area. These
9 figures actually do not capture another part of the benefit
10 story, and that is spouses are eligible for burial, as well
11 as dependent children. The figures that you see here are
12 those of Veterans. The demographers -- and we watch this
13 very closely -- are telling us that the death rate in our
14 country of Veterans is still on the incline, but one of the
15 things that we as citizens of the State of California are
16 very much aware of is we are home to 10 percent of the
17 nation's Veterans -- 10 percent. Next slide.

18 Up until about four years ago, there were only two
19 open national cemeteries in the system that were a burial
20 option for Veterans -- San Joaquin Valley National Cemetery
21 in San [inaudible] and Riverside. As you can tell, with the
22 opening of Sacramento Valley, we do have two options for
23 families in the greater San Francisco Bay Area. The radius,
24 the service area, is represented by those 75 mile circles,
25 radius circles. So clearly there are some options for the

1 families in the greater Bay Area -- Golden Gate, as Claude
2 had mentioned, is closed, San Francisco is closed, and the
3 option for families in this area clearly is by distance
4 within the 75 mile radius, but at certain times of the day
5 were all much aware of the very long drive, certainly during
6 commute hours. Next slide.

7 What VA is proposing here would be the first
8 totally above ground cemetery. This would be a series of
9 Columbaria walls; the picture on the left is taken at the
10 National Memorial Cemetery of Arizona, just north of
11 Phoenix. Columbaria walls contain the cremation remains of
12 eligible Veterans and their family members. The inurnment
13 is in a niche, the niches are generally no higher than five
14 levels, so approximately five or six-feet high. The reason
15 for that is family members generally, when they visit and
16 are reflecting, very much would like to touch the niche
17 cover of their family member. The committal shelter that
18 you see to the right, again, we just wanted you to see a
19 picture of such a structure. This is generally a 20 X 20
20 structure, probably 10-12-feet high, and this serves as the
21 setting for a committal service. We do not offer full
22 funeral services. Including the military honors, usually
23 these committal services last between 15 and 20 minutes.
24 But this is kind of a representation of what we are
25 proposing to do here at Alameda. This would be a burial

1 option for those eligible family members, again, it would
2 not be a casket burial option, this would be a totally
3 above-ground burial option for cremation remains. Later in
4 the course of our presentation and our table, if there are
5 any other information items that you would like to receive
6 from us, we certainly will be prepared to provide that. And
7 now I would like to turn it back to Jayni.

8 Ms. Allsep - Well, I hope that provided a helpful
9 overview of what is proposed in terms of the transfer action
10 and the facilities that are proposed by the Department of
11 Veterans Affairs. This slide really just kind of
12 capsulizes, again, what the proposed action is for the Navy
13 and for the Department of Veterans Affairs. For the Navy,
14 it would be for the Fed to Fed transfer of the property,
15 which is about 549 acres, representing the former airfield,
16 and for the VA action, it would be to acquire the property
17 and to develop the property, a portion of the property, with
18 VA facilities, to serve Bay Area Veterans. There is also a
19 component for an enhanced use lease, a term used by the VA
20 to describe a public private partnership program that would
21 allow for the establishment of an in-patient community
22 hospital on the site, as well. It would also be available
23 to VA patients, as well as the community. It would be
24 basically a community hospital, and there would be provision
25 for it to be used by the VA, as well.

1 As Mr. Hutchinson indicated earlier, one of the
2 over-arching goals and objectives of the project is to
3 provide this one VA, and that would be to provide one
4 location for Department of Veterans Affairs services,
5 including the medical care, the Veterans Health
6 Administration care, the National Cemetery Administration
7 Care, and also to be supported by the Veterans Benefits
8 Administration, as well, at one location.

9 When considering alternatives to the proposed
10 action, it was important to consider the sighting criteria -
11 - what is important to consider when you are locating
12 facilities such as what is being proposed. And this slide
13 represents primarily the criteria that is used for the VHA,
14 the Veterans Health Administration facilities, the out-
15 patient clinic, this just really runs down the list on the
16 left side geographically what is desired in terms of being
17 located within a 30-minute drive, and that really translates
18 to the locations there listed. The northernmost limit would
19 be the Alameda Contra Costa County Line, the easternmost
20 would be the Alameda Contra Costa County Line, southernmost
21 -- 98th Avenue in Oakland, and the Bay to the west. So that
22 really represents the geographic area within which the
23 citing criteria could be adhered to. Other consideration
24 include proximity to community hospitals, access to public
25 transportation, avoiding being located under a flight path,

1 due to issues related to Post-Traumatic Stress Syndrome, and
2 of course wanting to have an area with a fairly dense
3 Veteran population, so that the people who need the services
4 most are located in that area. The space requirement for an
5 out-patient clinic which would include the mental health
6 component, at one location, is about 107,000-square-feet and
7 it would be about 15-acres, including that necessary for
8 outdoor area and parking. The VVA need at this point is
9 represented at about 5,000-square-feet for the Veterans
10 Benefit Administration to have a presence there.

11 The National Cemetery Administration also has
12 sighting criteria. Mr. Rinker mentioned the 75-mile
13 distance of residents, of course, not taking into account
14 the travel time that sometimes that translates into, the
15 space requirements for their facility, about 50 acres, and
16 there are other considerations listed there, as well,
17 including some of the sight issues, as well as the size and
18 shape of the property, and an area, again, with dense
19 Veteran population, also wanting to consider any land use
20 compatibility issues, as well.

21 So that all went into determining what
22 alternatives would meet these primary objectives and
23 sighting criteria, and the purpose and need of the project.
24 Alternative 1, which is the preferred alternative, we are
25 calling it the One VA at Alameda Point Alternative. It

1 would provide for that One VA approach where all facilities
2 would be represented at one site. This would involve
3 developing about 113 acres of the 549-acre site total, with
4 the facilities listed here, the Columbaria Cemetery
5 Outpatient Clinic, Community Hospital, which would include a
6 proposed helipad that would be under the private-public
7 partnership program of the VA, and also VA Support Offices
8 for the VVA and other offices, if needed. It would also
9 include some medical office space that would be associated
10 with the proposed community hospital. In addition, there
11 are other uses proposed, including a Nature Center, and that
12 is a term used to describe a facility that could be used to
13 help manage the undeveloped portion of the site, including
14 the nesting colony of the California Least Tern which we
15 will be talking a little bit more about later in the
16 presentation.

17 A Bay trail is proposed, a segment of the Bay
18 Trail that would actually serve as a continuation of other
19 proposed segments of the Bay Trail. We will be showing a
20 graphic here that will orient you to those different uses.
21 And then also, the use of existing bunkers that are out on
22 the airfield site. The VA would like to use those existing
23 bunkers for storage of emergency supplies.

24 So this is a graphic of the alternative that I
25 just reviewed. As you can see, most of the development

1 occurs all at the north end of the site, and starting from
2 left to right in the green would be the proposed Columbaria
3 Cemetery, the proposed hospital with the helipad in the
4 upper central portion, the medical office building space, as
5 well as VA office space located in two buildings, as noted.
6 And then, to the right, further to the east, would be the
7 proposed out-patient clinic, about 107,000-square-feet. The
8 Nature Center, you see noted there to the right of the out-
9 patient clinic. The location of that type of facility, it
10 is small enough to where there would be flexibility in terms
11 of where to locate that in terms of the size and the exact
12 location. And then, noted in pink along the perimeter of
13 the site, running north-south, and east-west, would be a
14 proposed Bay Trail alignment. And, again, that is intended
15 to connect up to planned segments of the Bay Trail, further
16 to the north that go off beyond the 549-acre transfer
17 parcel.

18 So that gets you oriented with Alternative 1. I
19 just wanted to also mention that, as you can see, the Least
20 Tern colony, which is about 9.7-acres, rounded up to 10, and
21 is shown there on the site. We did note a setback, if you
22 will, it is approximately 1,875-feet from proposed
23 buildings, and that is the same distance as the tern colony
24 is from the existing hangar, the closest hangar on Hangar

1 Row, which is the row of blue buildings on the right side of
2 the proposed transfer parcel.

3 Another alternative that we are considering as
4 part of the environmental review process, Alternative 2,
5 would locate the Columbaria Cemetery on the 549-acre
6 transfer parcel, and it would locate the VHA outpatient
7 clinic at another location on Alameda Point. So essentially
8 you would have the Columbaria in the same location as what
9 is being proposed, and we are currently evaluating other
10 possible locations for the out-patient clinic on Alameda
11 Point. And as the planning and master planning of the
12 surrounding base continues, we will continue to evaluate
13 more specific locations as we can identify them. Under this
14 alternative, I would just like to note a couple of things.
15 It is close enough in proximity so that it is close to LVA,
16 but not quite as close as one would really want it to be to
17 really fully comply with that objective. It would likely
18 not include a community hospital, just because, to implement
19 this alternative, the VA would need to purchase or lease
20 property somewhere else on Alameda Point.

21 So the other alternative is similar to Alternative
22 2. It would locate the Columbaria Cemetery on the 549-acre
23 parcel, and locate the VHA outpatient clinic at another site
24 somewhere in Oakland. There would likely again be no
25 community hospital associated with this alternative because

1 the VA would need to purchase or lease the property in
2 Oakland.

3 There are two sites based on some studies that
4 have been completed that would accommodate an out-patient
5 clinic and be within the geographic area that would comply
6 with the siting criteria. Both of those locations, those
7 properties, are located fairly near the Oakland Airport off
8 Heggenberger, one is on Edgewater Drive, a little under 19
9 acres, and one on Pardee Drive, again, a little under 19
10 acres. So they would be large enough to accommodate just
11 the outpatient clinic, only, at one of these two locations.

12 This slide represents what would occur on the
13 site, on the 549-acre Fed to Fed transfer site, under
14 Alternatives 2 and 3. It would include about 53-acres for
15 the Columbaria Cemetery, it would propose use of the bunkers
16 for storage of emergency equipment, it would propose the Bay
17 Trail, and I do not know that we have it shown here, but I
18 believe we would also include the Nature Center or some way
19 of having a facility that would help to control and manage
20 the California Least Tern colony on the undeveloped portions
21 of the site.

22 And under the National Environmental Policy Act,
23 we are required to look at the no-action alternative, and
24 that essentially would mean that the Fed to Fed transfer
25 would not take place, that there would be no VA facilities

1 located on the parcel. The property would remain in Navy
2 ownership until another property recipient could be
3 identified, and the on-site activities would be limited to
4 maintenance, clean-up, and other actions associated with the
5 Navy's caretaker status of the site. The VHA Healthcare and
6 VVA Benefits Services would remain at their current
7 locations, and the National Cemetery Administration
8 facilities would be the existing facilities that have
9 previously been identified, that are open for internments
10 and other burial options.

11 And now I would like to turn it back over to
12 Patrick McCay with the Navy.

13 Mr. McCay - So now you have heard about the
14 project and the alternatives. This portion of the
15 presentation will go into the environmental resources and
16 some of the environmental issues on the property.

17 We are investigating a number of environment
18 issues in our Joint Navy, VA environmental assessment, being
19 prepared in compliance with the National Environmental
20 Policy Act, or NEPA. Tonight we hope to receive feedback
21 from you all, the public, related to the proposed action and
22 the environmental issue areas listed right here on the
23 slide. Some of the issues we have identified that we will
24 be investigating in the environmental assessment include
25 biological resources, transportation, hazardous materials

1 and waste, geology and soils, water resources, utilities,
2 public services, land use, noise, visual resources, air
3 quality, cultural resources and, finally, socioeconomics and
4 environmental justice.

5 These next few slides will highlight a number of
6 environmental issue areas related to the proposed action.
7 Let's start with biological resources. Again, Sandra
8 Baldwin, our project biologist, is here tonight, and she
9 will be available after the presentation to talk with you
10 all.

11 One of our most important issues with this project
12 is, of course, the California Least Tern. The California
13 Least Tern is a migratory bird. It is federally listed as
14 an endangered species. The nesting season occurs annually
15 between April and September, and as you have seen on some of
16 the maps already, the Tern colony is about 9.7-acres, and it
17 is located in a fenced area within the transfer parcel. An
18 interesting fact about the nesting colony at Alameda is it
19 is the northernmost nesting colony for this species.
20 Another important fact is it forages in the San Francisco
21 Bay, so the foraging habitat is another important resource
22 for the species.

23 If the property is transferred to the VA, the
24 Least Tern would continue to be protected in accordance with
25 the requirements of the Endangered Species Act. The VA, as

1 property owners, would also have the responsibility of
2 managing the Tern colony, predator control, and all the
3 other responsibilities that go along with that. The
4 California Least Tern Colony was the primary subject of a
5 formal consultation that was completed back in 1999 for the
6 disposal and re-use of the formal Naval Air Station. In the
7 previous biological opinion, the VA transfer parcel, the
8 subject parcel for tonight, was assumed to be a future U.S.
9 Fish and Wildlife Refuge. At the request of U.S. Fish and
10 Wildlife, the VA and Navy will be preparing a programmatic
11 Section VII consultation that will address not only the
12 proposed VA project, but also future redevelopment of the
13 rest of the base, and that would be at a more programmatic,
14 general level of detail for the rest of the base; however,
15 the VA parcel will be looking at that at a project level.
16 As you can see from some of the slides on the proposed
17 action and alternatives, we do have enough specific
18 information to look at the project level of detail for that
19 portion.

20 Navy and VA are currently preparing a biological
21 assessment for submittal to the U.S. Fish and Wildlife early
22 in the calendar year of 2009. A second consultation for the
23 disposal and redevelopment of the surplus property, the rest
24 of the property would tier off of the programmatic
25 consultation. That second consultation will be initiated

1 once the Master Plan is approved by the City. Next slide,
2 please.

3 The California Brown Pelican is another species
4 that will be addressed in the biological assessment. Again,
5 this is a federally listed endangered species, however,
6 there is a proposed rule for delisting that was published
7 back in February of 2008. Breakwater Island, which is
8 depicted in the map in the lower corner here, is an
9 important roosting habitat for the California Brown Pelican.
10 I just want to make an important point that Breakwater
11 Island and all of the offshore area is not subject to the
12 transfer, it will not be part of this transfer. But there
13 could be effects that we will be addressing from the project
14 itself.

15 Environmental conditions related to hazardous
16 materials and waste can be best summarized through the
17 Installation Restoration Program. Again, tonight we have
18 got our BRAC environmental coordinator, Mr. Pat Brooks, here
19 with us tonight, and he will be available to talk with any
20 of you who want to discuss the Installation Restoration
21 Program. The purpose of the Installation Restoration
22 Program is to identify, investigate, characterize and clean-
23 up hazardous substances, reduce risk to human health in the
24 environment from past disposal operations and spills and
25 releases, to be consistent with the Comprehensive

1 Environmental Response Compensation and Liability Act,
2 commonly known as CERCLA, and finally, complete necessary
3 environmental work and obtain site closure from regulatory
4 agencies. This is an IR Map of the proposed transfer
5 parcel, and this map depicts a number of areas of interest
6 related to the Navy's clean-up program. IR Site 2 includes
7 the West Beach Landfill which is this area primarily here
8 with a lot of the roads mapped on there. And then also,
9 there is the West Beach Wetlands. For the landfill area,
10 soil cover has been proposed as a remedy for that site. We
11 have also proposed enhancements in the wetlands area. These
12 enhancements would include things such as salt marsh
13 restoration and also improving tidal flow through a culvert
14 so that there is better tidal exchange within that wetland.
15 For all practical purposes, IR Site 33, as shown down here,
16 has become part of a much wider ranging site, known simply
17 as the Fed Transfer Parcels. The Fed parcel area includes
18 on this map, and you will see it, and hopefully it is easier
19 to see on the handouts, but corrective action areas, it
20 shows the location of tanks and also pipelines that are the
21 subject of study at this time. Other important biological
22 information include the Least Tern nesting site, which by
23 now you are pretty familiar with, and other wetland areas
24 such as the runway wetland down here in the very southern
25 portion of the site. Finally, I would like to point out

1 that this area here is referred to as the Panhandle area of
2 the Fed Parcel, and you will be hearing more about that in
3 later slides. Next slide, please.

4 This slide provides an overview of the CERCLA
5 process that both IR Site 2 and the Fed Parcels are going
6 through. The first step, you have got the Preliminary
7 Assessment and Site Investigation Phase, then you move on to
8 the Remedial Investigation Feasibility Study Stage, Proposed
9 Plan Remedy Selection, and you end up finally with a Record
10 of Decision or ROD. In this slide, you will see in the very
11 first stage, Preliminary Assessment Site Investigation, that
12 is about where we are at with the Fed Parcels, and then IR
13 Site 2 is in the Proposed Plan and Remedy Selection stage of
14 the IR process. Next slide, please.

15 IR Site 2 has a total acreage of 110-acres. The
16 West Beach Landfill is 77-acres, and the West Beach Wetlands
17 are 33-acres. We completed the Remedial Investigation and
18 Feasibility Study. Proposed Plan and Public Comment are due
19 out in February of 2009. Record of Decision is planned for
20 December 2009. And finally, we plan to prepare the
21 Engineering Design and implement the remedy between 2010 and
22 2013. Next slide.

23 With the Fed Parcels, it is a total acreage of
24 439-acres, Site Investigation has been completed. We are
25 doing Supplemental Site Investigation here in late 2009,

1 where we will be looking at surface stains, washed down
2 areas, electrical transformers, and resting gear structures
3 in the area north of IR Site 2, which is known as the
4 panhandle area. At the Fed Parcels, we hope to submit the
5 Closure Plan based on the results in 2010. And, again, with
6 if you want more specifics, you know, definitely talk to Pat
7 Brooks, the BRAC Environmental Coordinator.

8 This map depicts the vegetation communities on the
9 site as mapped by our contractor, EDAW. Most importantly on
10 this map you will find the seasonal wetlands and salt marsh
11 habitats. Seasonal wetlands are generally these areas in
12 blue. And then, in purple, you will see some salt marsh
13 habitats that are on the site. Once again, you will also
14 find other important constraints on this map, such as the IR
15 Site 2 here, here is IR Site 33. And you have got the Tern
16 colony, once again. This map is also available as a poster
17 to my right. When initially considering the environmental
18 constraints of the entire 549-acre site, which includes the
19 Tern colony, which is a pretty important constraint on the
20 site, we found that the northern-most portion provided the
21 most opportunities for development of the proposed
22 facilities. That is it for me tonight. And, again, if you
23 have any questions, we have got a Navy team here, and I will
24 be available for questions afterwards. Back to Jayni.

1 Ms. Allsep - So I will make this really quick and
2 get onto what we really are most interested in, and that is
3 hearing from all of you. The public comment period will be
4 until January 20, 2009. We expect the publication of a
5 Draft Environmental Assessment in spring of 2009, a draft
6 Environmental Assessment Public Comment Period occurring
7 some time around spring 2009, a Final Environmental
8 Assessment in the summer, and we are early in the process,
9 but we expect a Notice of Availability, and the goal is a
10 Finding of No Significant Impact, FONSI, which would be
11 issued in the summer of 2009. Go to the next slide.

12 I think we have made this pretty clear in terms of
13 your opportunities and different ways to comment. Again,
14 the sign-in sheet, if you have not already done so, please
15 fill that out, fill in your contact information so that we
16 have ways of notifying you in the future. We will now go to
17 the question and answer period, and then followed by the
18 public comment period. I do not know if we have a next
19 slide here, or if that is pretty much it? Yeah. So I would
20 like to introduce Kim Christensen, who will hopefully have
21 your comment cards. If you have not yet filled one out and
22 you would like to address verbally tonight, or ask any
23 questions verbally, please make sure you provide a comment
24 card. And I think you already have some here noted.



1 Ms. Christensen - I do. Is this speaker working?
2 Can you hear me? Okay, great. I am just going to collect a
3 couple cards and then we will get started right away. All
4 right, well thank you for listening attentively to the
5 presentation. There was a lot of information there, and I
6 think we did a good job of conveying that, but also we want
7 to -- if you have any specific questions about the
8 presentation, and need to have more information, that would
9 be great; otherwise, you know, so question and comments, and
10 statements are all welcome during this public comment
11 period. Yes, Art? I have your card, so I -- oh, you have a
12 question, sure.

13 Mr. Feinstein - Hi. Arthur Feinstein. Sierra
14 Club and Arc Ecology. And I do have some comments that I
15 want to make later, but the question I have is that, under
16 NEPA, you are supposed to do, I think, pretty much all
17 reasonable alternatives, and my understanding is that there
18 is still some land on Alameda Point, owned by the Navy, not
19 transferred to the City yet, that would be available to the
20 VA, for example, and large enough to take the Columbaria.
21 And by doing that, and using your alternate sites that you
22 have identified Alternatives 2 and 3 for the other uses, you
23 could then move all of your proposed actions off the refuge
24 site and no longer threaten the endangered Least Tern, which
25 is part of my comments later on. So my question now is why

1 did not you consider that other alternative in here? And,
2 please, would you consider it when you actually do your
3 document?

4 Ms. Christensen - Okay. Let me just -- I needed
5 to go over a couple more process things before we jumped in,
6 but we will include that. I just wanted to let folks know
7 that we have Tahsha over here at this table here, and she is
8 our transcriber/court reporter for the evening, and we are
9 going to have her record this and produce a transcript of
10 the meeting and your comments tonight. So I just wanted to
11 let people know that we are tape recording tonight's
12 comments. And with that, Art, you know, what I want to do
13 is sort of go in order, and you are number 3, okay? So we
14 can address your comment in more detail in terms of the
15 speakers' cards, because I think that was more of a
16 substantive issue, if you do not mind? Okay. I just wanted
17 to let everyone know that we have the meeting set up in
18 terms of a format and a process, and I just want to stick to
19 it. But we will fully get to your questions. Okay? All
20 right. The first card that I have received was actually
21 from Chancellor Elihu Harris, and so I wanted to give the
22 Chancellor an opportunity to speak first, and he is with
23 Peralta Community College, and also, as you know, a former
24 Mayor of Oakland, and Assembly Member. So would you like to
25 address the audience and our speakers?

1 Chancellor Harris - Thank you very much. The
2 first thing I want to say is I am not running for anything.
3 The Peralta Community College represents about 40,000
4 students in Oakland, Berkeley, and Alameda. And one of the
5 things we are obviously interested in is our School of
6 Allied Health, which represents both medical and dental
7 services, working with the various health portions of this
8 project. You know, I think from our perspective, we want
9 obviously to have the environmental balance, but we think
10 this is -- I am sorry, I can speak up -- gosh, I thought I
11 was doing pretty loud without it, but let me speak up -- I
12 was simply saying that Peralta Community College represents
13 about 40,000 students. We have a School of Allied Health
14 that serves both the medical, as well as dental students.
15 And one of the things we obviously are excited about is the
16 ability to provide a partnership in service to the Navy.
17 And we are obviously concerned about environmental balance,
18 but as we look at this project, we think that this is a
19 great location from the standpoint of the population served,
20 having a unified facility, we think, has great benefit for
21 our students, and certainly for the Veterans. How we
22 determine the environmental balance, I think, is obviously
23 the issue that the ladies and gentlemen here are there to
24 serve. But simply from the standpoint of a facility that we
25 believe serves the interest of the broader community,

1 certainly educators and students, as well as those who are
2 beneficiaries of these services, whether it is unfortunately
3 the Columbarium, or the health facilities, we think we can
4 be a great partner with that, and that our students can
5 provide internships and services, learning opportunities,
6 that would in fact be of benefit both to the Veterans, in
7 terms of services at no expense, but also give our students
8 an opportunity to work on mental, physical, and dental
9 health in a constructive way. So those are the only
10 comments that we really wanted to make, and we certainly
11 want to work with the process, and resolve whatever issues
12 there may be. We are sensitive to the Least Tern, but we
13 also think there are some benefits for the human population
14 in the area that could be served in this facility. Thank
15 you.

16 Ms. Christensen - Thank you very much. Next, I
17 would like to call up Deborah Stabbins, who is the CEO of
18 Alameda Hospital.

19 Ms. Stabbins - Excuse my back. My feet are like
20 ice cubes up here. I do not know if anybody else feels like
21 that. I am Deborah Stabbins, and I began as the CEO of
22 Alameda Hospital in November of 2007, and I am pleased to be
23 able to comment on this project tonight, and some of the
24 discussions we have had with the VA leadership in the last
25 few months. Beginning in February of 2008, Alameda Hospital

1 entered into a contract with the Veterans Administration for
2 care of their in-patients and emergency care patients, who
3 could not be accommodated in the VA Hospitals in San
4 Francisco or Palo Alto. VA beneficiaries are currently seen
5 and referred, if appropriate, to Alameda Hospital by the
6 physicians in the Oakland Clinic that Dr. Chun discussed.
7 The relationship, I think, thus far has been very successful
8 for both parties and we feel it is particularly fitting,
9 given the strong tradition of the presence of the military
10 in Alameda, that the hospital is able to serve those who
11 are, or have served our country. Prior to my arrival at the
12 hospital, my predecessors entered into some preliminary
13 discussions with the VA regarding the project you have heard
14 about tonight, including some options for the future
15 location of a hospital as a part of the proposed
16 development. Well, these discussions have remained at the
17 conceptual level. The hospital remains very committed to
18 following the progress of the project closely. As you may
19 be aware, hospitals in California are all required under a
20 piece of legislation called Senate Bill 1953 to upgrade our
21 facilities to meet seismic requirements that come into play
22 by 2013, and even more stringent requirements by 2030. Many
23 hospitals have completed those plans. Other hospitals have
24 not only completed the designs, but have begun construction,
25 and in the current economic climate, many hospitals are re-

1 thinking their ability to maintain their plans under the
2 current time lines, given the limited access to capital that
3 we have under today's economy. The estimated minimum cost
4 for upgrading and meeting these seismic requirements for
5 Alameda Hospital is at least \$10 million. At the hospital,
6 we have just completed two initiatives, one of them is
7 really moving from what was a \$2.5 million loss last year,
8 to breaking even or making a small profitable margin over
9 the last nine months. So we are very pleased with that
10 process. We also have completed a five-year Strategic Plan
11 and, actually, Bill Witherow is a member of our Planning
12 Committee, and a former Mayor of the City of Alameda, which
13 lays out a work plan for the hospital for the next five
14 years in the arena of financial improvement, growth,
15 physician development, and outreach to the community.
16 Having completed those two initiatives, right now we have
17 initiated a Master Plan for our facilities that will
18 evaluate the best option for meeting the needs of the
19 seismic challenges we face. The alternatives we are
20 reviewing include doing some retrofitting of our current
21 campus, some potential for development of additional
22 buildings on our current campus, as well as the feasibility
23 of building a new hospital on Alameda Point, as a part of
24 what you have seen tonight in Option A. I think it is
25 important to clarify, though, because I have read a number

1 of erroneous pieces of information on the local blogs that
2 the hospital, and not the VA, would be responsible for
3 funding a new facility at Alameda Point, should that option
4 be the one that the hospital District Board chooses. The
5 current cost of construction of a hospital bed right now is
6 \$2-3 million per bed, so that means we are talking about a
7 facility that would cost somewhere around probably, at a
8 minimum, \$200-400 million to build. And I think you can see
9 that, given the challenges that the entire economy faces,
10 that is an option that we have to think about very
11 carefully. I think that the discussion of all of these
12 options, we want to make sure that we continue our excellent
13 partnership with the VA, but the VA clearly would not be the
14 participant in helping to finance a new hospital for the
15 District of Alameda. So as I say, this is going to need a
16 lot of observation. But nevertheless, I want to go on
17 record as saying that I think this project has a great deal
18 of merit, regardless of what option for seismic retrofit
19 Alameda Hospital selects. Even if we do not build an in-
20 patient facility on Alameda Point, we think the placement of
21 an expanded presence of out-patient clinics on the point
22 will provide for very significant service improvements for
23 the growing number of patients that the VA and Alameda
24 Hospital serves. Furthermore, speaking as a resident of the
25 East Bay, myself, for 30 years, I think this development on

1 the Point by the VA is a very fitting return to the
2 important tradition of support for the military that the
3 Alameda community has provided. Thank you very much.

4 Ms. Christensen - Thank you. And next up, we have
5 Art Feinstein, who is representing the Sierra Club and Arc
6 Ecology. And he was asking if we could have consideration
7 of another alternative, potentially off-site, and I will let
8 you elaborate further.

9 Mr. Feinstein - Well, I do not really want to take
10 my three minutes to do that. You have heard my question, so
11 I am sure you will be able to answer this either now or
12 later on. When this base was closed in '94, '93, I was the
13 Executive Director of the Golden Gate Audubon Society, and
14 while not many people knew about the Least Tern colony, we
15 did. Of course, we had people monitoring it for the Navy.
16 And so, recognizing how important a site this was, we
17 brought in 11 scientists from around the state, including
18 Fish & Game scientists, to look at the resource values of
19 the Naval Air Station in Alameda, especially the outer 500
20 and some odd acres -- tremendous values, so great were the
21 resource values that in two years, the Fish & Wildlife
22 Service requested the land as a National Wildlife Refuge to
23 endangered species. You have heard about those. A hundred
24 other species of birds and large numbers of insects and
25 small mammals, this place is alive with wildlife, and

1 extremely valuable. The Navy and the Fish and Wildlife
2 Service could not agree on their contaminant clean-up
3 issues, and suddenly, three to five years ago, we learned
4 that the VA was interested in doing this Columbarium, so we
5 engaged the most well-informed person on the California
6 Least Tern, Dr. C.L. Caffrey, who was the monitor for the
7 California Least Tern for the Fish & Wildlife Service and
8 is, as I said, the most knowledgeable person on its biology,
9 to do an analysis of what would be the impact of this
10 proposal, and her response was basically it would possibly
11 mean the demise of the colony, certainly impact it
12 significantly. When the transfer of the base was made to
13 the City of Alameda, Fish & Wildlife Service did what is
14 called a biological opinion, which they do for endangered
15 species to determine what you need to do to make a project
16 work so that a species does not go extinct, or is not
17 eliminated in that site. And they came up with a conclusion
18 that, if I can go here, that this whole site would be a
19 National Wildlife Refuge, there would be no new building
20 over here, and on this site here, you could not do any
21 buildings over a certain amount of height, and they had to
22 be set back 75 or 100-feet from this border. And their
23 restrictions were so stringent that the City of Alameda
24 decided they would just make this a golf course because
25 construction there was really not feasible, because the Fish

1 & Wildlife Service felt that anything there would put in
2 jeopardy that species. Now, why you can suddenly determine
3 that you can instead put construction all along here makes
4 no sense to me. This colony, with the constraints that it
5 has right now, has doubled, nearly tripled in size from
6 where it was when the base was closed. It is a thriving
7 colony for an endangered species. So I really question why
8 we would want to put hospitals and other structures on a
9 place that is going to lead very likely to the demise of
10 this species here, when there are alternate sites -- and we
11 have seen proposed by the Navy alternate sites, there are
12 other alternate sites, especially with this economic
13 climate. Now, the Navy and the Army no longer own them, but
14 Oak Knoll Project has folded, it is not going anywhere. The
15 Oakland Army Base, after many attempts to have a development
16 put there, is empty, and looking for something to do. There
17 are lots of open spaces around right here in Oakland that
18 this could go to and not jeopardize and threaten not only
19 one endangered species, but two endangered species, and a
20 whole lot of other wildlife. There are alternatives here.
21 This is not us vs. the environment. We could have both.
22 And I am not sure why the VA is intent on doing this here
23 when they have all these problems, but we do urge you to
24 look elsewhere and to spread out your alternatives, not just
25 to Alameda Point, but to these other sites, and recognize

1 that you are going to have a very hard time doing this
2 project because the Endangered Species Act, I hope,
3 especially under a new revitalized Administration, that
4 actually appreciates the environment, is not going to go
5 ahead with something that is so damaging. One other thing I
6 do want to say, because our Sierra Club group met last
7 night, we have bets on it, and they complained about the
8 fact that this was not transit accessible easily at all.
9 And those of you that have been in the planning for the new
10 Alameda Point know, when they were trying to talk about how
11 to provide transit for all the new people that are
12 anticipated coming to Alameda -- maybe not right away now
13 with the economy, but eventually -- they were talking about
14 strange things like walkways over the estuary because they
15 could not build -- afford another bridge, and there was no
16 other way to get transit. I mean, you have a huge problem
17 with transit to Alameda. It is not particularly public
18 transit favorable, and I do not think you are doing the Vets
19 a service, and that is certainly what our folks said as
20 Vets, that they did not find this particularly a good site
21 because they are not going to be able to get here. Thank
22 you.

23 Ms. Christensen - Thank you, Art. And I just
24 wanted to remind people, and give people a little bit of the
25 context that this is the beginning of the formal

1 environmental review process, so like we said, while the
2 agencies and the consultants do not have all the answers
3 yet, we are welcoming your suggestions about key issues like
4 Art has raised, things that should be further researched,
5 and addressed in detail, and the environmental document. So
6 if other people have suggestions in that vein, that will be
7 great, too, as well as questions. Let me just ask if Bill
8 Witherow is in the room? Oh, okay. Mr. Witherow, would you
9 like to speak next? Mr. Witherow is currently the Chairman
10 of the Board of the Trustees of Peralta Community College,
11 and also is the former Mayor of Alameda. So, welcome.

12 Mr. Witherow - Good evening. I am the President
13 of the Governing Board and can speak from the standpoint of
14 the educational process, and I endorse what our Chancellor
15 has stated. I might also state that Elihu Harris, our
16 Chancellor, is the former Mayor of Oakland, and so -- and an
17 Assemblyman -- and so he has a broad based sense that is not
18 restricted to the educational process. I am a retired Naval
19 Officer. I spent 24 years as a career officer. I
20 recognize, and have for many years, the importance of the
21 City of Alameda, in supporting our Defense, and I think it
22 is extremely important that we continue in that trend, to
23 take care of our Veterans. That issue is not going to go
24 away. One of the areas, as a retiree, that I am concerned
25 about is the mental health issue with a lot of our Iraqi and

1 Afghanistan Veterans. It is very serious. And I am pleased
2 that it is noted in here that mental health is going to be a
3 focus of the outpatient area.

4 I think that in the trade-off's, in terms of the
5 environment, I think they can be taken care of, personally.
6 I cannot speak for any given body for that, but I believe
7 that there is enough interest in this area. But I also feel
8 that there is also a sense of the community, the community
9 of the city, that having a cemetery and having a one-stop
10 shop facility fits within the culture of our community, and
11 would be fully supported.

12 Ms. Christensen - Thank you, sir. And our next
13 speaker, I would like to invite Mark Raymond Chandler to
14 come forward, and he is with the Veterans Affairs County
15 Commission.

16 Mr. Chandler - Thank you very much. Boy, as cold
17 as I am -- I am shivering. My name is Mark Raymond Chandler
18 and I am a Commissioner on the Alameda County Veterans
19 Affairs Commission. The Commission has been supporting the
20 VA for about five and a half years now in an attempt to find
21 a location for the clinic, and to open a few doors. The
22 Commission represents over 105,000 Veterans, who reside in
23 Alameda County, and of those thousands of Veterans, roughly
24 about 35-36,000 are treated at the VA's Oakland out-patient
25 clinic, the Oakland Army Base, as well as medical facilities

1 as far away as Travis Air Force Base. Since Okino
2 (phonetic) Hospital was removed from the VA inventory and
3 Livermore Medical Hospital is slated for closure, we are
4 left with diminishing healthcare access for our aging
5 Veterans, and anticipated thousands of military men and
6 women coming back from Afghanistan and Iraq. Under the VA's
7 CARES program, Capital Asset Realignment for Enhanced
8 Services, long word, the VA has developed a plan to enhance
9 the level of healthcare treatment provided to the Veterans,
10 as well as save taxpayers' money, by relocating the existing
11 outdated Oakland VA out-patient clinic to Alameda Point, and
12 constructing a modern technically upgraded medical facility
13 and campus. Meetings, research, and proposals have gone on
14 for over five years throughout the Bay Area. Keeping their
15 options open, the VA has researched a number of sites in and
16 around the Bay Area for a suitable location. Since
17 government legislation allows for what is called Federal to
18 Federal land transfer when a military facility falls to
19 closure, the Navy has tendered 549-acres of land at the
20 Alameda Base to the VA. The Alameda Navy Base fits the
21 bill, and the Navy and the VA have both agreed that the
22 relocation of the Oakland out-patient clinic would be a wise
23 and simple move to accommodate the transfer of the land.
24 Just a brief economic and demographic history -- at one
25 time, the former Naval Air Station employed over 10,000

1 aircraft workers. In addition to the economic contributions
2 made by the thousands of military personnel aboard the naval
3 vessels, local vendors also benefit from purchases made by
4 the Navy supply system. For over 60 years, that translated
5 into millions of dollars for the City of Alameda, and in
6 particular to the Alameda Unified School District.
7 Thousands of Navy Base personnel shopped in Alameda and over
8 a third made their homes here. Bringing the Federal
9 facility, the clinic, to Alameda Point, will bring jobs and
10 Federal money to Alameda. With VA hospitals and clinics
11 throughout the state closing down because of budget
12 constraints and reorganizing, the plan by the VA is a timely
13 proposal. Bay Area Veterans, especially Vets from Alameda
14 and the East Bay, can rest assured that they will receive
15 their needed care promptly and closer to home. People who
16 criticize the VA's proposal to build a clinic at Alameda
17 Point do so with misguided, unsupported facts, or, in the
18 case of the environmentalists, disingenuous agendas of their
19 own. For many years, I was employed at the Navy Base. I
20 watched the prop driven and jet aircraft take off and land
21 at the Air Base. The Least Tern and the Navy aircraft
22 coexisted for those many years with very little comment from
23 the environmentalists, or the Least Terns, themselves.
24 Well, the aircraft are gone now, and the Least Tern under
25 the Navy VA Agreement, will benefit from acreage set aside

1 for them, that they did not have when they nested and
2 jockeyed in and around the jet aircraft for over 60 years,
3 and that was throughout -- what -- three or four months a
4 year. Anxieties over transportation and population are also
5 not well thought out. I would like to remind the cynics
6 that, of the Veterans who reside in Alameda, a good number
7 of them are forced to travel outside of Alameda and Oakland
8 for their treatment at facilities as far away as Travis Air
9 Force Base. I am one of them. Relocating the out-patient
10 clinic from Oakland to Alameda not only brings the medical
11 facilities closer to the Veteran, but also reduces
12 transportation problems and saves fuel. And last but not
13 least, many of the employees who work in the Oakland out-
14 patient clinic in Oakland coincidentally live in Alameda.
15 That gives Alameda and East Bay Veterans, as well as those
16 employees, the better of two worlds. The nation promises
17 our dedicated service men and women we would take care of
18 them when they returned from the war. I think it is time to
19 keep that promise. In closing, politicians and healthcare
20 proponents made healthcare the cornerstone of their
21 political campaigns, while conveniently punctuating their
22 speeches with politically expedient support for our fighting
23 men and women. That enthusiasm needs to be translated into
24 positive, productive legislation that will provide
25 healthcare that benefits both our veterans and our

1 community. I visited the former Naval Base quite often, and
2 stand aghast at the deterioration of this once magnificent
3 facility. The whole area is ghostly and it saddens me to
4 see after 11 years nothing but a wasteland remains. But
5 looking at the future, I see something else. I see, to
6 borrow a term from former President Ronald Reagan, a City on
7 the Hill. I see a medical clinic. I see a long-term care
8 facility for our aging Veterans. I see the VA's regional
9 office complex moved from Oakland to save taxpayers, again,
10 money. I see the Columbarium. I see a shared agreement
11 with the Alameda Hospital, to move the main hospital to the
12 Base, as well as a campus atmosphere and learning center,
13 shared by the Air Force from David Grant Medical Facility,
14 the U.S. Army, and the Native American Healthcare Center, in
15 collaboration with the VA to help serve Native American
16 Veterans and their families. I cannot think of a better way
17 to honor our aging disabled Veterans and service men and
18 women coming back from Iraq and Afghanistan, than to make
19 their healthcare our first priority. The City of Alameda
20 and our Veterans should renew the partnership they once
21 shared. Thank you. [Applause]

22 Ms. Christensen - Thank you very much. Next, may
23 I call Frank Matarrese, City of Alameda Council Member.

24 Mr. Matarrese - Thank you. Good evening,
25 everyone. How many of you are from outside Alameda? Can I

1 see a show of hands? Welcome to Alameda. I just wanted to
2 say that because no one has said that before, and welcome to
3 the Hornet. There are a couple of things that I noticed on
4 the slides, and I am not going to speak for the City
5 Council, or the ARRA Board, which we serve for Base re-use,
6 but I just wanted to correct a statement that was made by an
7 earlier speaker, that the land that is east of the project
8 area has not been transferred to the City. The City of
9 Alameda has not received the land for Naval Air Station
10 Alameda. We have had transfer for the FISC, the Fleet
11 Industrial Supply Center. That transfer happened a few
12 years ago, and it is being developed now. We are still
13 running through the process of trying to come to terms with
14 the Navy, and there are two points. One point is the
15 contamination that exists on this Base. And I am hoping,
16 and this is a request personally, and I think that the
17 Council sitting as the ARRA has made this clear, is we want
18 to make sure that any land that is transferred is
19 appropriately cleaned. And we are going to hold fast with
20 that. And we have two of the most contaminated sites on the
21 Base, the Site 2 and Site 1, which are at the far end.
22 Those have made a statement about what the City believes
23 should be done as far as cleaning up those sites. The
24 second issue is, when we are looking at the future of this

1 site, we would like to make sure that we have an appropriate
2 public comment period, and I would like to see that our ARRA
3 Board has the same presentation brought to it that was given
4 tonight, because I thought it was quite informative and
5 valuable. So that is a request I would have on behalf of
6 the City. And if we cannot fit -- because our ARRA meeting
7 meets on the 7th of January, and if that cannot be fit in, we
8 need to extend that period because this is a very large and
9 significant development that I think needs to be vetted by
10 the public. So those are my requests. Again, thank you all
11 for coming out on this rather cold night. This is a very
12 important development, even though it represents change, we
13 need to evaluate it and provide the most opportunity for the
14 public to come out and make a comment. Thank you.

15 Ms. Christensen - Thank you, sir. May I invite
16 Doug Biggs up next? He is with the AP Collaborative. And I
17 need a little more information what AP stands for.

18 Mr. Biggs - My guess would be Alameda Point.
19 There may be a connection. Good evening. My name is Doug
20 Biggs. I am the Executive Director of the Alameda Point
21 Collaborative. We are a supportive housing program for
22 homeless families that was created out of the same BRAC
23 process that you now are involved in. We have 200 units of
24 housing out here, serving 500 residents. Almost 300 of
25 those are children and youth, living in families that were

1 made homeless either because of disabilities or domestic
2 violence. A significant number of our residents at any
3 given time, probably about 100, are Veterans, and one of the
4 main services we provide them is to help them navigate what
5 can oftentimes be the daunting labyrinth of the mini-VA's.
6 So I am very glad to see this concept of a one VA because it
7 has been a challenge to go to a lot of different places. So
8 we are interested in exploring that. I want to talk a
9 little bit about the socioeconomic and environmental justice
10 components of the scoping for the environmental review
11 process. And there are two areas that we want you to look
12 at, one is going to be on the quality of life of the people
13 that are already living out here. The project you are
14 proposing is fairly dramatic, it is going to have a lot of
15 impacts, could have a lot of negative impacts on the quality
16 of life for the residents already living here. Most of the
17 residents we have already have compromised immune systems,
18 do not tolerate a lot of disturbance, a lot of dust and
19 whatnot, and if you have a massive construction project
20 going on, it could have impacts, and that needs to be taken
21 into consideration. Beyond that, you also have the aspect
22 of, as anybody that has been out here for a little bit
23 knows, that the infrastructure is on the verge of falling
24 apart completely. And so, even if nothing else was done at
25 the rest of Alameda Point, any work you are doing out there

1 is going to have to entail an entire overhaul on all of the
2 infrastructure. How do you maintain our quality of life
3 while redoing all of the sewers, all of the water, all of
4 the electricity, and still having this population of 500
5 individuals living in place? That is a daunting task that
6 needs to be taken into consideration. The other point I
7 want you to look at is around socioeconomic. As part of
8 the BRAC process, and with the approval of the City and HUD,
9 part of our agreement is that 15 percent of all new jobs,
10 the goal is to have 50 percent of those jobs filled by
11 residents of the Alameda Point Collaborative, filled by
12 formerly homeless individuals. That is an exciting process
13 and it could be a very innovative situation for the VA to be
14 in, of actually employing people that they are serving. So
15 far we have not been able to implement this. A lot of the
16 local businesses are very interested in it. We have not had
17 very much luck in talking with the Navy and the mini-
18 contractors they hire. But in doing your scoping and
19 looking at this socioeconomic impacts, I would hope that you
20 look at what could be the socioeconomic impacts of
21 fulfilling that goal, of placing 50 percent of the jobs into
22 the hands of formerly homeless individuals. Thank you.

23 Ms. Christensen - Okay, Michael Lynes, next up,
24 with the Golden Gate Audubon Society and Friends of Alameda
25 Wildlife Refuge.

1 Mr. Lynes - Thanks. Many of the things that I
2 wanted to talk about were already covered to some degree by
3 Arthur Feinstein earlier, but I wanted to touch on a few
4 things. First of all, I do not want this -- Audubon and
5 FAWR does not want this to be seen as a Veterans vs. Birds
6 issue, because it is not. There are some very viable
7 alternatives, and we believe the siting does not have to
8 occur right next to this Tern colony. When Patrick
9 mentioned the colony, he did mention that it was the
10 northern-most colony. What he did not say is that it is
11 actually one of the most and most productive colonies for
12 this Tern in California. And by the Fish & Wildlife's
13 estimation, as well as our own biologists, if this colony
14 goes into decline or gets wiped out, it will be a
15 significant hit to this already endangered species. If you
16 do not care so much about the birds, you can think about it
17 from a financial standpoint, maintaining endangered species
18 is incredibly expensive. And if you wipe out a viable
19 colony, one that is the most productive, and because of
20 climate changes expected to be even more productive,
21 compared to other colonies in California over the next 50
22 years, you are putting a lot of pressure on maintaining the
23 species overall. What we are concerned about is that the VA
24 proposed development will undoubtedly impact this colony.
25 As Art mentioned, in 1999, there was a biological opinion

1 which established from the Fish & Wildlife Service, the U.S.
2 Fish & Wildlife Service, which established that even
3 development outside the boundaries of what is now proposed
4 would undoubtedly have a significant negative impact on this
5 colony. And now we are essentially talking about putting
6 buildings right on top of the area. If there were no other
7 alternatives, it would be a different discussion, but there
8 are very good alternatives, and we believe that they are not
9 currently being given the serious consideration they
10 deserve. I wanted to mention, and to kind of go into that,
11 there is a legal process and sort of interesting, we talked
12 about process tonight and how this goes; we are a little
13 concerned that maybe there will not be the acceptance of
14 open public comment to really drive this in a very informed
15 way. And I got a bit of the sense tonight that this was
16 kind of a fete accompli, that everybody up here assumes that
17 the full VA 1 is going to go forward on this land, and that
18 is not the legal process, it is not the process that is set
19 up by NEPA, and it certainly is not anything that looks like
20 it is going to comply with the Endangered Species Act. And
21 what we want to see is a good, solid, well-informed process
22 that makes sure that Veterans get their needs met, and
23 undoubtedly, that is a high priority, and unfortunately a
24 priority we have not seen to the extent necessary,
25 particularly over the last eight years, with the new needs

1 put upon Veterans and the Veterans Administration. So, you
2 know, Golden Gate Audubon, just to give you a little bit of
3 background, we are a large organization of over 10,000
4 supporters in the Bay Area, many more broadly. Many of our
5 members are Veterans, and this is a very important issue to
6 them, and we do not work contrary to our members' interests.
7 This is not all about the birds; it is about birds and
8 people coexisting. And so I want to reiterate that what we
9 want to see is a well-informed process, and we are going to
10 be watching it along the way. I will be having a lot more
11 conversations with Patrick and others. And we believe that
12 we can find good alternatives that also preserves this
13 incredibly important colony of birds for the long term, for
14 both parties. Thank you. [Applause]

15 Ms. Christensen - Thank you. Next, I invite
16 Dorothy Freeman, who is representing herself, yes. Okay,
17 the question was answered earlier. Thank you, Dorothy.
18 Then, how about Richard Neveln, a resident of Alameda.
19 Nevlén, okay, sorry.

20 Mr. Nevlén - I am a former Base worker at the
21 Naval Aviation Depot and I find it very upsetting that all
22 of the alternatives miss and do not mention one of the
23 strategic resources paid for by the American taxpayers, and
24 that is the 8,000-foot runway, Runway 31, that the Least
25 Tern selected next to the busiest taxiway and the busiest

1 runway while the Navy was operating for their colony. We
2 have an 8,000-foot runway, deep water port, and when you
3 have Veterans that are injured, it is good to have flight
4 out facilities to other medical centers. And in
5 emergencies, you need aircraft in and out to bring
6 facilities doctors, and other resources in and out, and I
7 feel it is fundamental that the resource of that 8,000-foot
8 runway that is seen Air Force 1, that 747 in blue, come in
9 here and depart with Bill Clinton -- I do not know what that
10 means -- but it is important to preserve assets that we
11 already have, a fundamental measure of economy, and I can
12 see Veterans coming back, flying into Travis, and then
13 enduring more ground transportation. If they could, if you
14 have had an emergency flight in, if they could land here and
15 you had a medical facility minutes away from the runway, it
16 would better serve the Veterans. Thank you.

17 Ms. Christensen - Thank you, Richard. May I
18 invite Dianne Lichtenstein. Oh, one more, okay. Diane,
19 please?

20 Ms. Lichtenstein - I had a question about the
21 interaction of the community hospital proposed with Alameda
22 Hospital. I was interested to hear what Ms. Stabbins had to
23 say, and also a comment that the hospital would be built in
24 conjunction with Alameda Hospital. I am confused after
25 hearing both of those statements just how our community

1 hospital would be involved with the one proposed. Would
2 they be separate? Would they be interactive? Apparently
3 there is discussion going on about how the two could be
4 proposed together, but in fact it is only discussion, as
5 compared to the agreements that are going on right now. And
6 I think it is very important for the future that we know
7 exactly how this community hospital would affect and impact
8 our local hospital -- hopefully, positively. But it is very
9 unclear as to what the plans are, and I hope that they
10 become much more specific.

11 Ms. Christensen - Thank you very much. Next, may
12 I invite Dolores Butkus? Okay, here she comes.

13 Ms. Butkus - First of all, I would like to chide
14 ex-Mayor Elihu Harris for not getting this wonderful
15 facility situated in Oakland. Also, I do not appreciate
16 being called disingenuous or ignorant. I would like to
17 reiterate what Arthur and Michael have said. I would like
18 to point out that the Oakland Army facility is very
19 centrally located, and it is certainly more available to
20 transportation. Coming over tonight, there was a mile-long
21 wait to get through the Posey Tube, to get over here to
22 Alameda. And how many of you have ever waited for 15
23 minutes while the bridges are up, watching them rise,
24 watching them stay up for ten minutes, watching them close?
25 Alameda is a very difficult place to reach for many parts of

1 the day, so I would like that to be taken into
2 consideration. I certainly respect the Veterans
3 Administration and all the wonderful work they do, but as
4 far as the Columbarium, I would like to focus on the living.
5 I would like to focus on a living endangered species, and I
6 would like to focus on the need for affordable housing for
7 people here in the Bay Area. This site is one of the most
8 desirable locations in the Bay Area. Views that are
9 unbelievable. Certainly, we can find a beautiful
10 alternative place for the Columbarium, leaving access to
11 this beautiful place for the living. Thank you. [Applause]

12 Ms. Christensen - Next, may I invite Helen Sause
13 up, please?

14 Ms. Sause - Other speakers have commented on most
15 of the issues that I wanted to speak on, but not to cover
16 ground that has been well done already, I want to just say
17 it feels a little Alice in Wonderlandish that we have as
18 taxpayers just seen two hospitals close in the Bay Area, one
19 in San Francisco and one in Oakland, and as taxpayers we
20 have supported happily having our own hospital here, and now
21 as a hospital it is coming in here that seems to compete,
22 possibly, with our own hospital. I am curious, as Dianne
23 had said, in having great clarification about what the
24 thinking is on this aspect. The other was just touched on,
25 as transportation. What is the VA doing working with SunCal

1 in the City in providing an island-wide transportation
2 system so people do not wait an hour to get through the
3 tour? An island-wide transit system. You will impact
4 whatever use is out here, the existing fragile
5 transportation system and an island has unique challenges in
6 being able to provide adequately. We are planning on 2,000
7 or 3,000 housing units going out here, and this could add
8 significantly to the load, and it needs the City, the
9 developer, and the VA, I think, to work cooperatively to
10 provide an adequate transportation system for people wishing
11 to come here. Finally, I just had a curiosity about the
12 emergency supplies that are to be stored out here. And we
13 hope it is nothing nuclear. Thank you.

14 Ms. Christensen - I might ask for a little
15 clarification about the storing the emergency supplies in
16 the bunkers. That was one that was not really detailed. Do
17 you know anything about that? Or is it for like earthquake
18 preparedness for the Bay Area? Can you tell us Jayni?

19 Ms. Allsep - I believe I can fill you in a little
20 bit, and others may chime in as necessary. It is my
21 understanding that the bunkers would be used for emergency
22 supplies that would be available to respond to a regional
23 disaster or emergency. And it could include items that
24 could be dispatched to areas in the community, not just for
25 VA facilities, but really serve as a resource. VA does play

1 a role in terms of emergency response, regionally. There
2 are probably others here that could speak to that more
3 specifically than I can. But it would be in association
4 with the VA's role as a responder to regional disasters and
5 emergencies that things like, you know, it is not anything
6 like sensitive types of supplies; it would be those that
7 would be necessary to respond. It might include bandages,
8 it might include things that are fairly non-perishable, you
9 know, not any kind of medicines and things like that. So I
10 hope that helps to clarify. And if others would like to
11 fill in anything that I left out that is important, please
12 do.

13 Ms. Christensen - All right. And the last speaker
14 card I have is Gary Bard. I invite Gary to come up, please.

15 Mr. Bard - Thank you, all. I am the one you have
16 been looking for. Now we can get out of the cold. I
17 actually have a couple of comments. I know that the
18 comments are supposed to be directed toward the upcoming
19 process, but with that regard, I would echo the comments of
20 the Councilman. Because this is over the Christmas
21 holidays, and this place is so difficult to get to, lack of
22 ADA access and transportation, I think we should extend the
23 comment period, and in addition, it would be great if that
24 presentation and all this information could be on the Net,
25 so we could all get at it. Now, my actual comment on the

1 subject is that, with less than 15 percent by your numbers
2 of the people who would use this facility live in Alameda,
3 would it not be better, given all of the transportation
4 issues, that we really look at that whole issue very
5 strongly when you do this, how we are going to get people
6 here, because 15 percent live here, but the other, you know,
7 85 do not. So how are we going to get to the island?
8 Because it is always a huge concern. Many of the facilities
9 that were here and the transportation corridors that were
10 here when the Navy was here, have been closed to us by the
11 City of Oakland, some of the easy ways in and out, they do
12 not exist anymore. So we must address these issues. Thank
13 you.

14 Ms. Christensen - All right. Thank you very much.
15 And just in case we do have another meeting here some time,
16 we did have handicap accessibility tonight, we had a special
17 hydraulic lift outside, so if you have friends that are in
18 wheelchairs, next time, tell them to come along with you. I
19 had one last name sort of scribbled down, and I just wanted
20 to give this person a chance if they are still here. Alton
21 Jelks? Alton? Okay, I think he may have left. All right,
22 if anyone would like to, instead of submitting written
23 comments, if you do not even want to be bothered with that,
24 but if you would just like to submit a verbal comment to our
25 court reporter, Tahsha will be here.

[Adjournment]

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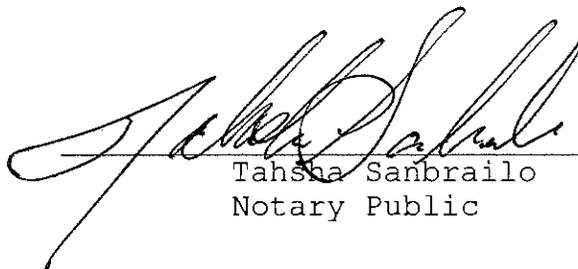
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STATE OF CALIFORNIA) SS.

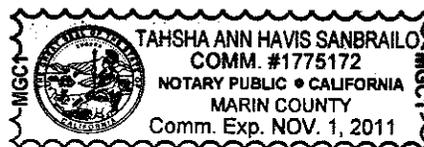
I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a notary public and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF,

I have hereunto set my hand this 22nd day of December, 2008.


Tahsha Sanbrailo
Notary Public





**NAVY - VA Fed-to-Fed Transfer
Former Naval Air Station Alameda
Environmental Assessment**

COMMENT SHEET

(please hand in or mail back)

Name: LARRY TONG
 Organization (if any): EAST BAY REGIONAL PARK DISTRICT
 Address (optional): 2950 PERALTA OAKS CT.
 City, State, Zip: OAKLAND, CA 94605-0381
 E-mail address: ltong@ebparks.org
 Phone number: 510/544-2621
 Preferred form of contact: email mail phone

The U.S.Navy and the Department of Veterans Affairs are interested in your comments regarding the Fed-to-Fed-Transfer of a portion of the former Naval Air Station Alameda. Please hand them in after the meeting or mail them back to the address below by January 20, 2008. Thank you!

Comments

(SEE ATTACHED LETTER)

Handwritten comment area consisting of multiple horizontal lines for text entry.



January 16, 2009

Mr. Larry Janes
VA Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582

Subject: Comments on Alameda Naval Air Station
VA Transfer EA

Dear Mr. Janes:

Thank you for providing the East Bay Regional Park District (District) with the opportunity to comment on the Navy-VA Fed-to-Fed Transfer Former Naval Air Station Alameda Environmental Assessment (EA). The District is providing these comments during the initial public comment period regarding the EA.

The Navy-VA presentations on the EA identified principal environmental resources to be considered in the EA, including but not limited to biological resources, utilities, public services, and land use. Regarding the consideration of biological resources, the EA should adequately address the potentially significant impacts of the project on the least tern colony beyond the proposed radius buffer.

Regarding the consideration of utilities and public services, the EA should adequately address the potentially significant impacts of improving and extending the infrastructure needed to serve the project, including but not limited to water, sanitary sewers, gas and electricity, roads, street lighting, storm drainage and flood safety.

Regarding the consideration of land use, the EA should adequately address the potentially significant impacts of the project on the opportunities to achieve the potential regional parkland (at Alameda Naval Air Station) and potential regional trail (Crown Beach to Alameda) as identified in the District's 2007 Master Plan Map and Master Plan 1997. (See enclosed CD with copies of the District's 2007 Master Plan Map and Master Plan 1997. The District's 2007 Master Plan Map and Master Plan 1997 are also available at the District's website www.ebparcs.org.)

The District looks forward to these items being evaluated in the upcoming Draft EA. District staff would be pleased to meet with Navy and/or VA staff to help clarify these items. Please contact me at ltong@ebparcs.org or 510/544-2621 if there are any questions.

Sincerely,



Larry Tong
Interagency Planning Manager

Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severn Secretary Ward 3	John Sutter Ward 2	Whitney Dossou Ward 1	Ayn Wiestkamp Ward 5	Pat O'Brien General Manager
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Alameda County
**Social Services
Agency**

Department of Adult and Aging Services
Area Agency on Aging
County Veterans Service Office
6955 Foothill Blvd., Suite 300
Oakland, CA 94621
510-577-1900 / Fax: 510-577-1901
SSmith@acgov.org
www.co.alameda.ca.us/assistance

Stewart Smith
Assistant Agency Director

Yolanda Baldovinos, Agency Director

TO: Larry Janes
VA Sierra Pacific Network
2091 Walnut Avenue
Mare Island, 94582

January 13, 2009

Dear Mr Janes:

I am The Alameda County Veterans Service Officer and I assist several veterans who frequently use the Veterans Medical Health Care System here in Alameda County. Too often, local veterans are forced to seek medical treatment at VA medical facilities in Martinez, Mare Island, San Francisco or Palo Alto. Traveling to either the VAMC in Martinez, in some cases, for special treatment either in San Francisco or David Grant Medical Facility at Travis Air Force Base, not only makes it difficult to schedule appointments, but in many cases impossible when the veteran is elderly, does not drive, and cannot afford transportation.

The difficulty is compounded by the influx of elderly veterans now seeking treatment. We are seeing many new clients every day that are reaching old age, have never been in the VA system before, and now find that they must depend on The VA to provide treatment for conditions which used to be covered by other health care providers.

Building a new Outpatient facility at Alameda Point makes perfect sense to me as well as to thousands of other veterans. The overwhelming majority of the counties veterans live in the Oakland area, and a large facility in Alameda would be well situated to handle the increasing tide of new veterans coming into the system. I encourage you to make every effort to succeed in the Department of Veterans Affairs plans to build both the outpatient clinic and the columbaria in Alameda.

Truly Yours:

A handwritten signature in black ink, appearing to read "Michael L. Ennis".

Michael L. Ennis,
Alameda County Veterans Service Officer.



City of Alameda • California

January 20, 2009

Larry Janes
VA Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582
larry.janes@va.gov

RE: Environmental Assessment (EA) for Department of Navy (Navy)/Department of Veterans Affairs (VA) Federal-to-Federal Transfer, Alameda Point, Alameda, California

Dear Mr. Janes:

This letter contains the comments of the City of Alameda (City) and the Alameda Reuse and Redevelopment Authority (ARRA) on the EA for the proposed transfer from the Navy to the VA of approximately 549 acres at Alameda Point. As described at the December 18, 2008 public information meeting, the proposed transfer is for the purpose of developing 53 acres of columbaria; 100,000 square feet (sf) of offices; a 107,000 sf outpatient clinic; and a 250,000 sf hospital (including a helipad) (the "proposed project"). The proposed project consists of new development that was not previously anticipated on this portion of Alameda Point.

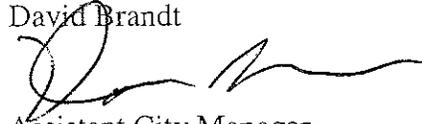
Because the proposed project will require incorporation of a large area of new development into the City, the City and ARRA request analysis in the EA of the proposed project's impacts on municipal services, such as police, fire, street and other backbone infrastructure maintenance, sewer capacity, etc. and that mitigation be identified and adopted. Similarly, the City and ARRA request full analysis in the EA of the impacts of the proposed project on traffic and transportation, which are likely to be affected by the proposed development of the 549-acre site.

Finally, the City and ARRA request a detailed alternatives analysis in the EA that includes a specific alternative location for the proposed project. This alternative should consist of developing the proposed project in the Community Reuse Plan (1996, as amended) Inner Harbor planning area on the property designated in Figure 20 of the Preliminary Development Concept (Feb. 2006) as "Phase III." This alternative locates the proposed project closer to the community that it will serve and will reduce the impacts of the proposed project on the special status species, including the least terns, that inhabit the 549-acre project site.

Development Services Department
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Alameda, California 94501-7552
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Thank you for providing the City and ARRA the opportunity to participate in the NEPA environmental review process.

David Brandt



Assistant City Manager
ARRA Deputy Executive Director

DB:DP:sb

cc: Patrick McCay, BRAC PMO, U.S. Navy



EARTHJUSTICE

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SEATTLE, WASHINGTON TALLAHASSEE, FLORIDA WASHINGTON, D.C.

VIA EMAIL AND UNITED STATES MAIL

January 20, 2009

Mr. Larry Janes
VA Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582

Re: Proposed Transfer by U.S. Navy of Excess Federal Property at the Former Alameda Naval Air Station to the Veteran's Administration and Construction of Veteran's Hospital and Related Facilities

Dear Mr. Janes,

I write on behalf of the Golden Gate Audubon Society, Friends of the Alameda Wildlife Refuge, Sierra Club, Citizens Committee to Complete the Refuge, and Arc Ecology (collectively "Golden Gate Audubon") to comment upon the proposed transfer of 549 acres of former Alameda Naval Air Station ("NAS") from the Navy to the Veterans Administration ("VA") and the VA's proposed future development plans for that property, as described at the Public Information Meeting held by the Navy and VA aboard the USS Hornet on December 18, 2008.

On May 6, 2008, I wrote to Navy Secretary Donald C. Winter and Department of Veterans Affairs Secretary James B. Peake concerning this same subject matter. I hereby incorporate that letter herein by reference. For your convenience, it is attached hereto.

My client, Golden Gate Audubon, has also submitted comments on this proposal dated January 20, 2009. I also incorporate those comments in their entirety herein by reference.

**The Purpose of the Environmental Assessment is to Determine
Whether an Environmental Impact Statement is Required**

We understand that, pursuant to the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321, the Navy and VA are jointly preparing an environmental assessment ("EA") on the proposed transfer and development. Unfortunately, it appears from the presentation at the December 18 public meeting that the Navy and VA have prejudged the question whether a full environmental impact statement ("EIS"), rather than merely an EA, will be required and prepared. *See* Power Point Presentation at 41 ("Public Involvement and Next Steps") (stating that the final EA is expected by summer 2009 and that "Public Notice of Availability and FONSI [Finding of No Significant Impact]" are also expected by summer 2009.) If so, this would violate NEPA by putting the cart before the horse, because the very purpose of an EA is to determine whether an EIS is required.

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NEPA requires all agencies of the federal government, including the Navy and VA, to prepare a “detailed statement” – an EIS – that discusses the environmental impacts of, and reasonable alternatives to, all “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). The EIS process is intended “to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment,” and to “insure that environmental information is available to public officials and citizens *before* decisions are made and *before* actions are taken.” 40 C.F.R. § 1500.1(b)-(c) (emphasis added). See *Robertson v. Methow Valley*, 490 U.S. 332, 349 (1989) (“NEPA ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast”); *Center for Biological Diversity v. U.S. Forest Service*, 349 F.3d 1157, 1167 (9th Cir. 2003).

To determine whether the effects of an agency action may “significantly” affect the environment, thus requiring preparation of an EIS, an agency may first prepare an EA. 40 C.F.R. § 1501.4(b). The objective of an EA is to “[b]riefly provide sufficient evidence and analysis for determining whether to prepare” an EIS. 40 C.F.R. § 1508.9(a)(1). If the EA indicates that the federal action “may” significantly affect the quality of the human environment, the agency must prepare an EIS. 40 C.F.R. § 1501.4; 42 U.S.C. § 4332(2)(C). See generally *Kern v. United States Bureau of Land Mgmt.*, 284 F.3d 1062, 1066-67 (9th Cir. 2002); *National Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 730-31 (9th Cir. 2001) (“*National Parks*”).

If the agency decides that an EIS is not required, it issues a Finding of No Significant Impact (“FONSI”) detailing why the action “will not have a significant effect on the human environment.” 40 C.F.R. § 1508.13. “An agency’s decision not to prepare an EIS will be considered unreasonable if the agency fails to supply a convincing statement of reasons why potential effects are insignificant.” *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1211 (9th Cir. 1998) (“*Blue Mountains*”). See also *National Parks*, 241 F.3d at 730.

Thus, a determination, made prior to the completion of the EA, that this proposed action does not significantly effect the environment is premature: the very purpose of the EA is to assist the agency in making this determination.

**The Proposed Transfer and Construction of a Veteran’s
Hospital and Related Facilities Is A Major Federal Action
Significantly Affecting the Environment, and Therefore An
EIS Must Be Prepared**

Moreover, under the circumstances of this case, a “no significant impact” determination would be erroneous, and arbitrary and capricious. The proposed transfer and construction of VA facilities would clearly be a major Federal action significantly affecting the environment, for which preparation of an EIS is required.

The threshold for requiring preparation of an EIS is very low. The Ninth Circuit has stressed that the evidence regarding the significance of the impacts need not be conclusive in order to compel the preparation of an EIS. Rather,

[A]n EIS must be prepared if substantial questions are raised as to whether a project . . . *may* cause significant degradation of some human environmental factor. The plaintiff need not show that significant effects *will in fact occur*, but if the plaintiff raises substantial questions whether a project may have a significant effect, an EIS *must* be prepared.

LaFlamme v. F.E.R.C., 852 F.2d 389, 397 (9th Cir. 1988) (citations omitted) (emphasis in original). *See also, to the same effect, National Parks*, 241 F.3d at 736; *Blue Mountains*, 161 F.3d at 1212; *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1149-50 (9th Cir. 1998).

In determining whether there may be a significant effect on the environment, the Navy and VA must consider two broad factors: "context" and "intensity." 40 C.F.R. § 1508.27. As the Ninth Circuit has explained:

Context simply delimits the scope of the agency's action, including the interests affected. Intensity relates to the degree to which the agency action affects the locale and interests identified in the context part of the inquiry.

National Parks, 241 F.3d at 730.

Council on Environmental Quality regulations implementing NEPA list a number of factors for evaluating intensity, and, thus, significance. *See* 40 C.F.R. § 1508.27. An action "significantly" affects the quality of the human environment, and therefore an EIS must be prepared, if, among other things, "the action may adversely affect an endangered or threatened species [listed] under the Endangered Species Act of 1973." 40 C.F.R. § 1508.27(b)(9). *See Save the Yaak Committee v. Black*, 840 F.2d 714, 718-19 (9th Cir. 1988) (EA could not support a finding of no significant impact where discussion of endangered species was inadequate); *National Wildlife Fed'n v. Babbitt*, 128 F. Supp. 2d 1274, 1301 (E.D. Cal. 2000) (presence of two federally listed species in vicinity of proposed project site indicates EIS is required).

As discussed in Golden Gate Audubon's comments, construction and operation of the proposed VA facilities would clearly have an adverse impact on the endangered California least tern, and perhaps on the endangered brown pelican. Consequently, the proposed action is "significant," and a full EIS must be prepared.

**The EIS Must Disclose All Impacts of the Proposed Action on
Endangered Species and Must Evaluate All Reasonable
Alternatives**

The EIS must take a "hard look" at all of the direct and indirect environmental impacts of the proposed action. "NEPA regulations and caselaw require disclosure of all foreseeable direct and indirect impacts" of a proposed action. *Idaho Sporting Cong. v. Rittenhouse*, 305 F.3d 957, 963 (9th Cir. 2002); *see also* 40 C.F.R. § 1502.16. As the Ninth Circuit has stated, "[T]he consideration given must amount to a 'hard look' at the environmental effects." Moreover, in addressing the impacts of a proposed action, both the short-term and long-term effects must be considered. 40 C.F.R. § 1508.27(a).

Some of the adverse impacts of the proposed transfer and construction of VA facilities on endangered terns and pelicans are set forth in Golden Gate Audubon's January 20, 2009 comment letter. These must be fully disclosed and discussed in the EIS.

Further, the EIS must honestly consider all reasonable alternatives to the proposed action. As I stated in my May 6, 2008 letter to Secretaries Winter and Peake, NEPA requires federal agencies "to produce an EIS that rigorously explores and objectively evaluates all reasonable alternatives so that the agency can sharply define the issues and provide a clear basis for choice among options by the decision maker and the public to consider alternatives to the proposed action." *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1120 (9th Cir. 2002) (citing 40 C.F.R. § 1502.14). Indeed, this alternatives requirement is the "heart" of the EIS. *Id.* Thus, "[t]he existence of a viable but unexamined alternative renders an [EIS] inadequate." *Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005).

As stated in my earlier letter, the U.S. Fish and Wildlife Service ("Service") has for years been attempting to acquire the property in question for use as a National Wildlife Refuge, a use that obviously would be compatible with the conservation of the terns and pelicans. Transfer to the Service is thus clearly a reasonable alternative that must be considered and evaluated in the EIS. We understand that other agencies could potentially assist in a transfer of the property for purposes of establishing a refuge.

In addition, each of the alternatives set forth in Golden Gate Audubon's comment letter are entirely reasonable and must be set forth and evaluated in the EIS. As described there, among other things the Navy possesses lands outside the proposed National Wildlife Refuge site where the proposed VA facilities could be located. Thus, there are both alternative locations available for the VA and alternative methods to transfer Navy lands that are very reasonable compared with the great difficulty and cost associated with attempting to build within the proposed Refuge site itself. All such reasonable alternatives must be considered and evaluated.

Mr. Larry Janes
January 20, 2009
Page 5

Conclusion

In conclusion, the Navy and VA must prepare a full EIS on the proposed transfer and construction of VA facilities that discusses not only all reasonably foreseeable impacts of the proposed action on endangered species but also all reasonable less environmentally harmful alternatives to the proposed action.

We appreciate this opportunity to comment, and look forward to the opportunity to comment on the draft EA when it becomes available. Please notify me when the draft EA is available for public comment.

Sincerely,


MICHAEL R. SHERWOOD
Staff Attorney

cc: Sec. Donald C. Winter, Secretary of the Navy
Sec. Eric K. Shinseki, U.S. Dept. of Veterans Affairs
Mr. Patrick McCay, U.S. Navy (via email)

ATTACHMENT



EARTHJUSTICE

BOZEMAN, MONTANA DENVER, COLORADO HONOLULU, HAWAII
INTERNATIONAL JUNEAU, ALASKA NEW YORK, NEW YORK OAKLAND, CALIFORNIA
SEATTLE, WASHINGTON TALLAHASSEE, FLORIDA WASHINGTON, D.C.

May 6, 2008

Hon. Donald C. Winter
Secretary of the Navy
1000 Navy Pentagon, Rm. 4E523
Washington, DC 20350-1000

Hon. James B. Peake
Secretary, United States Department of Veterans Affairs
810 Vermont Ave, N.W.
Washington, DC 20420

RE: Proposed Transfer by U.S. Navy of Excess Federal Property at the Former Alameda Naval Air Station to the Veteran's Administration for Construction of Veteran's Hospital

Dear Secretaries Winter and Peake:

I write on behalf of the Golden Gate Audubon Society to express our concern about the proposed transfer from the United States Navy ("Navy") to the United States Department of Veterans Affairs ("VA") of title to 579 acres of excess Federal property on the western end of the former Naval Air Station in Alameda, California and the construction upon that property by the VA of a veteran's hospital.

The proposal includes transfer of the area and subsequent construction of a privately-run hospital, about 90,000 square feet of clinic space for VA services, VA administrative offices, a helicopter landing zone, mausoleum, and columbarium on 114 acres of the 579-acre property. The proposed development would be within the area originally considered by the U.S. Fish and Wildlife Service ("Service") to be the proposed Alameda National Wildlife Refuge and to contain the minimum habitat requirements of the endangered California least tern and California brown pelican.¹

We understand that, instead of preparing a single environmental impact statement ("EIS") on the impacts of the transfer and hospital construction pursuant to the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321, your departments instead have considered preparing an environmental assessment ("EA") on the transfer, and, separately, an EA and/or EIS on construction of the hospital and other facilities. The transfer and construction of the hospital and related facilities, however, legally are interdependent and interconnected parts of a single project and should be evaluated as

¹ The Refuge would also include an additional 375 acres of water.

such. In our opinion, breaking the project into two phases for purposes of environmental impact analysis would constitute an illegal segmentation and would violate NEPA.

This property is of critical importance to the endangered California least tern and the endangered California brown pelican, and it has in fact been managed as a *de facto* National Wildlife Refuge by the Service for about 11 years. Conveyance of the property to the VA and construction of the numerous buildings, columbarium, and mausoleum on the northern portion of the area deemed part of the minimum habitat requirements for the Refuge will likely have serious adverse impacts on nesting terns and roosting pelicans.

For nearly 14 years, since May, 1994, when the Service formally requested conveyance to it of this property, the Service has been seeking to acquire it in order to establish a National Wildlife Refuge for the California least tern and brown pelican. Unfortunately, the transfer to the Service has never taken place due to the Navy's and Service's inability to resolve differences between them concerning responsibility for cleanup of contaminants that might be identified on the property after the transfer takes place. As far as we know, however, the Service has never withdrawn its request, and that request remains pending.

Importance of the Alameda Site to California Least Tern and California Brown Pelican.

A biological opinion issued by the Service on March 22, 1999, pursuant to Section 7 of the Endangered Species Act on the proposed transfer amply documents the importance of the Alameda site to both the California least tern and the California brown pelican. Letter dated March 22, 1999 to Mr. Douglas R. Pomeroy, Navy, from Wayne S. White, U.S. Fish and Wildlife Service, re *Endangered Species Formal Consultation on the Proposed Naval Air Station Alameda/Fleet and Industrial Supply Center Alameda Disposal and Reuse, Alameda County, California* ("Biological Opinion"). As the Biological Opinion, summarizing various studies and reports, states:

[T]he least tern breeding site . . . has played a significant role in recent increases in the number of least terns throughout California. . . . By consistently producing large numbers of fledglings each year, the colony has added large numbers of potential new breeding birds to the statewide population. *Therefore, this site is considered to be one of the most important "source" populations in California serving to balance out losses at many "sink" locations throughout the state.*

Biological Opinion at 7 (emphasis added).

The least tern nesting colony at the site is the most northern significant least tern nesting colony by 178 miles. *Id.* at 8. "Because of its northern location, the . . . site has

been relatively unaffected during El Niño years when many southern California sites experience pronounced breeding failure resulting from limited food availability." *Id.* at 8. This has allowed the colony to be successful in producing new fledglings when southern California least tern colonies had less successful breeding seasons. *Id.*

The Biological Opinion also confirms that the site is critical for brown pelicans because "Breakwater Island, located in the offshore waters just south of the western end of [the former naval air station], supports the only loafing/night roost for brown pelicans in the Bay." *Id.* at 8.

The importance of the Alameda site to these two species has only grown over the last 14 years. The number of California least terns utilizing the area as a breeding and nesting site has increased significantly. Least terns have nested at Alameda at least since 1976. The California Department of Fish and Game reports that from the early 1990s when only about 100 pairs nested at Alameda, the colony has grown to around 400 nests each year in the past four years with a peak of 550 nests in 2005 (Caffrey 1993; Euing 2008 unpublished report). Fledgling success has varied due to predation and other factors, but an estimated 178 to 268 fledglings have been produced annually in the past four years with the exception of 2006 when the site suffered heavy predation (Marschaleck 2008; Euing 2008 unpublished report).

Because Alameda is a source for increasing the overall population of least terns, it plays a critical role in the recovery of the species. For example, in 2002, almost a quarter of all the fledglings in California came from Alameda (Caffrey 2005). The area is also critical for California brown pelicans. In 2007, more than 4,000 California brown pelicans were observed roosting on Breakwater Island, the largest Bay Area roosting site for brown pelicans. (Euing 2008 unpublished report).

Potential Impacts on California Least Terns and California Brown Pelicans of Transfer of the Property to VA and Construction of Veteran's Hospital and Related Facilities.

The proposed transfer and subsequent construction and operation of the planned VA facilities would negatively impact least terns and pelicans. The Alameda least tern nesting site is one of the most important in California for least terns and is the most significant colony within 178 miles (FWS 1999; Caffrey 2005). The proposal would reduce the habitat available below what the Service has determined to be the "minimum of [the] 525 acres of land and 375 acres of open water [] necessary to conserve the [California] least tern and [California] brown pelican with conveyance and reuse of NAS." (FWS 1999, at 3). The proposed modification of the habitat could undermine tern fledgling success and constitutes a threat to the species. Currently, the Alameda site is a source for increasing least tern populations statewide, but could quickly become a sink or be abandoned altogether unless protected.

Buildings in close proximity to the California least tern nesting colony will facilitate increased predation on terns and their chicks. More and higher structures in the area will likely increase the numbers of perching raptors, corvids, and gulls, all of which prey upon the least terns, especially their young. Tall buildings and light posts will increase raptors' ability to attack the colony and hunt more effectively. Additionally, buildings close to the site will bring predators closer to the tern colony, thus reducing the amount of time available to the terns to respond to threats.

Increased human activity will also cause increased predation. Human activity attracts predators. Poorly managed waste disposal inevitably attracts birds and mammals that can become predators of nesting terns and their young. Additionally, the proposed transfer and construction of VA facilities will increase the number of people who will bring feral or unwanted cats to the area, which would have devastating consequences to the tern colony. The operations of the VA facilities themselves, given their close proximity to the nesting site, could cause repeated energy-draining flushing when helicopters and ambulances pass or when birds are more frequently alarmed by increased human activity near the nesting site. These combined anthropogenic effects could eventually drive the least terns away from the site with no equivalent alternative location available for them to nest in large numbers.

Increased boating and other activities in the foraging grounds for least terns could also have a severe negative impact on the species. Alameda Point is an open area with minimal vegetation and is adjacent to waters where forage fish species exist for the least terns. This type of habitat is severely limited in California, which is part of the reason terns have come to Alameda to nest. Improper management of the water areas adjacent to the nesting colony could reduce breeding success by limiting food available to terns and their young if disturbances routinely interrupt feeding or if prey species avoid the area due to human activity or pollution. Prey species availability varies from year to year, which makes minimizing human impacts and proper management crucial to species recovery.

Many of these same impacts would occur to the endangered California brown pelican population at the proposed Refuge. Brown pelicans would suffer from disturbances at their foraging grounds if boating and other activities are not well regulated in the 375-acre open water area adjacent to the former airstrip. Disturbances in the water portion of the Refuge at the only night roosting area for brown pelicans could force the pelicans away from one of the few available areas that is safe from terrestrial predators. The proximity of the hospital and related facilities might also present light and noise disturbances that could force pelicans away from their only night roosting area. Given the significance of the location for roosting pelicans, any potential negative impacts associated with greater human activity at closer proximity must be avoided to prevent loss of this unique habitat.

The National Environmental Policy Act Requires the Navy and the VA to prepare a Single Environmental Impact Statement on the Transfer of the Property and Construction of the Veteran's Hospital and Related Facilities.

NEPA's fundamental purposes are to guarantee that (1) agencies take a "hard look" at all the environmental impacts of their actions before the actions occur by ensuring "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts," and that (2) "the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). "NEPA emphasizes the importance of coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." *Center for Biological Diversity*, 349 F.3d 1157, 1166 (9th Cir. 2003) (internal citation and quotation marks omitted).

To accomplish these purposes, NEPA requires all agencies of the federal government, including the Navy and the VA, to prepare a "detailed statement" (*i.e.*, an environmental impact statement, or EIS) that discusses the environmental impacts of, and reasonable alternatives to, all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). To determine whether the effects of an agency action may "significantly" affect the environment, thus requiring preparation of an EIS, an agency may first prepare an environmental assessment ("EA"). 40 C.F.R. § 1501.4(b).

NEPA requires that "connected actions" be evaluated together in a single EIS. 40 C.F.R. § 1508.25(a)(1). "Connected actions" are actions that "are closely related and therefore should be discussed in the same impact statement." *Id.* Actions are "connected," if, among other things, they "[c]annot or will not proceed unless other actions are taken previously or simultaneously" or they "[a]re interdependent parts of a larger action and depend on the larger action for their justification." *Id.*

The proposed transfer of the property and construction of the hospital are connected actions within the meaning of 40 C.F.R. § 1508.25(a)(1) because, among other reasons, they are closely related interdependent parts of a larger action and depend on the larger action for their justification; therefore, they should be discussed in the same EIS. *Id.*; *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985). As the Ninth Circuit stated in *Thomas*, "Not to require this would permit dividing a project into multiple 'actions,' each of which individually has an insignificant environmental impact, but which

collectively have a substantial impact." *Id.* (internal citations omitted). *See Also Earth Island Institute v. United States Forest Service*, 351 F.3d 1291, 1305 (9th Cir. 2003).²

That the conveyance of title and construction of the hospital and related facilities are but two interconnected and interdependent phases of a single project is self-evident: without the transfer, the VA cannot build the hospital and other facilities; unless it is able to construct the hospital, the VA would not be interested in the transfer.

The EA/EIS Must Consider Reasonable Alternatives Including Transfer of the Property to Available and Willing Transferees That Would Conserve and Not Jeopardize the California Least Tern and California Brown Pelican.

NEPA requires federal agencies "to produce an EIS that rigorously explores and objectively evaluates all reasonable alternatives so that the agency can sharply define the issues and provide a clear basis for choice among options by the decision maker and the public to consider alternatives to the proposed action." *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1120 (9th Cir. 2002) (citing 40 C.F.R. § 1502.14). "NEPA regulations describe this alternatives requirement as the 'heart' of the EIS." *Id.* Thus, "[t]he existence of a viable but unexamined alternative renders an [EIS] inadequate." *Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005).

As indicated above, the Service has for years been attempting to acquire the property in question for use as a National Wildlife Refuge, a use that obviously would be compatible with the conservation of the terns and pelicans. Transfer to the Service is thus clearly a reasonable alternative that must be considered and evaluated in the EA/EIS. We understand that other agencies could potentially assist in a transfer of the property for purposes of establishing a refuge.

Additionally, the Navy possesses lands outside the proposed Refuge where the proposed VA facilities could be located. The acreage of Phase Three of the Point Alameda development would seem to be sufficient to meet the needs of the VA while still providing the Navy with land to sell at auction.

Thus, there are both alternative locations available for the VA and alternative methods to transfer Navy lands that are very reasonable compared with the great difficulty and cost associated with attempting to build within the proposed Refuge site itself. All such reasonable alternatives must be considered and evaluated.

² Transfer of the site and construction of a hospital could also be considered to be cumulative actions having cumulatively significant impacts within the meaning of 40 C.F.R. § 1508.25(a)(2); therefore, they should be discussed in the same environmental impact statement for this reason as well.

The Navy's and VA's Legal Responsibility for the California Least Tern and California Brown Pelican.

Under Section 7(a)(1) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(1), all federal agencies, including the Navy and VA, "shall, in consultation with and with the assistance of the Secretary [of the Interior], utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to [the ESA]." "Conservation" is defined as meaning the recovery of listed species to non-endangered status. 16 U.S.C. § 1532(4).

Thus, the Navy has an affirmative responsibility to aid in the recovery of listed species on its properties. So long as the Navy retains the property, therefore, it will remain responsible for managing that site so as to conserve the least tern, brown pelican, and any other listed species found on the site. Clearly, a National Wildlife Refuge would provide the ideal situation for managing for the recovery of these listed species, and therefore transfer of the lands to the Service for this purpose would be perfect way for the Navy to fulfill its ESA duty to conserve these species and assist in their recovery.

In addition, Section 9(a)(1)(B) of the ESA, 16 U.S.C. § 1538(a)(1)(B), makes it unlawful for any "person" to "take" any listed species. "Person" means "any officer, employee, agent, department or instrumentality of the Federal Government," and therefore includes both the Navy and the VA. 16 U.S.C. § 1532(13). Thus, so long as the Navy retains ownership of the site, it remains civilly and criminally liable for any unauthorized take of the least tern or brown pelican.³ And if the property were transferred to the VA, that agency would then become liable for any unauthorized take of terns or pelicans caused, either directly or indirectly, by construction and/or operation of the hospital and related facilities.

Because of the importance of this site for these endangered species and because the current configuration and management of the site have proved to be so successful in conserving these species over the ten years following closure of the former Naval Air Station, we are very concerned that any other use or management may threaten the conservation of these species.

³ "Take" is very broadly defined to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed species. "Harm," in turn, includes habitat degradation or modification that adversely affects listed species. 50 C.F.R. § 17.3.

In sum, it is the Navy's responsibility under the ESA to administer this property in a manner best suited for the conservation of these species. Completion of the requested transfer to the Service would fulfill this duty, and eliminate any further responsibility of the Navy to these species at the site. Transfer of the property to the VA for purposes of construction of the proposed hospital and related facilities, on the other hand, would be contrary to that duty. Moreover, upon transfer, the VA would be responsible for these species' conservation, and would become liable for any unauthorized taking.

Conclusion.

The Navy has been a responsible steward and contributed greatly to the success of the Refuge as a sanctuary to breeding California least terns and roosting California brown pelicans, both endangered species whose recoveries have benefited from the Refuge. We appreciate that the Navy has taken this obligation seriously and worked with the Service to ensure that both species have been protected. We sincerely hope that Navy will continue those efforts and will seriously consider alternatives to the proposed VA plans for the Refuge.

Golden Gate Audubon has committed itself to working collaboratively with the Navy, the VA, and other stakeholders to find a creative solution that meets the needs of the VA while preserving the integrity of the proposed Refuge. We hope that by raising our concerns now, we can resume discussions and seek resolution of the cleanup and transfer of excess Navy lands at Point Alameda.

We are concerned, however, about the agencies' stated plans to segment the environmental analysis. We have made a number of inquiries in an attempt to determine the status of your NEPA review of the transfer and hospital construction, and have received conflicting responses, most recently that you are not planning to bifurcate the analysis after all. Please advise us as to the following:

- What is the status of both the Navy's and the VA's NEPA review of this project?
- Is it your intent to prepare separate NEPA review documents on the transfer of title and on construction of the VA facilities, or a single EA/EIS for both?
- When will public comment be possible?
- What public notice will be given?
- If an EA will be prepared, which agency is preparing it, and when will a draft be available for public review and comment?

Hon.'s Donald C. Winter and James B. Peake
May 6, 2008
Page 9 of 10

- If you do not intend to circulate a draft of the EA for public review and comment, what alternative vehicles and opportunities for public comment do you intend to provide?⁴

We look forward to an update on the status of any transfer plans. Thank you for your prompt reply.

Sincerely,

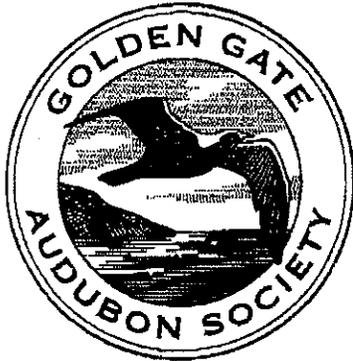

MICHAEL R. SHERWOOD
Staff Attorney

cc: Dirk Kempthorne, Secretary of Interior
H. Dale Hall, Director, U.S. Fish and Wildlife Service
Lyle Laverty, Assistant Secretary of the Interior
Steve Thompson, Regional Director, California and Nevada Region,
U.S. Fish and Wildlife Service
Marge Kolar, Assistant Regional Director for Refuges, California and Nevada
Region, U.S. Fish and Wildlife Service
Mendel Stewart, Project Leader, San Francisco Bay National Wildlife Refuge
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Pete Stark
Congresswoman Nancy Pelosi
Congresswoman Barbara Lee
Elizabeth Murdock, Executive Director, Golden Gate Audubon Society
Eli Saddler, Conservation Director, Golden Gate Audubon Society

⁴ As the Ninth Circuit Court of Appeals has recently stated, "An agency, when preparing an EA, must provide the public with sufficient environmental information . . . to permit members of the public to weigh in with their views and thus inform the agency decision-making process." *Bering Strait Citizens for Responsible Development v. United States Army Corps of Engineers*, 511 F.3d 1011, 1026 (9th Cir. 2008).

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- (1) Caffrey, Carolee (1994) California least tern breeding survey, 1993 season. California Department of Fish and Game, Wildlife Management Division, Nongame Bird and mammal Section Report 94-07, Sacramento, CA.
- (2) Caffrey, Carolee (2005) The California Least Tern source population at the proposed Alameda National Wildlife Refuge. Submitted to the US Fish and Wildlife Service.
- (3) Euing, Susan (2008) Breeding Status of the California Least Tern at Alameda Point, Alameda, California 2007. Unpublished draft report prepared for the U.S. Navy and U.S. Fish and Wildlife Service. Fremont, California.
- (4) Marschalek, D A (2008) California Least Tern Breeding Survey, 2007 season. California Department of Fish and Game, Wildlife Branch, Nongame Wildlife Program Report, 2008-01. Sacramento, CA
- (5) U.S. Fish and Wildlife Service (1999) Endangered Species Formal Consultation on the Proposed Naval Air Station Alameda/Fleet and Industrial Supply Center Alameda Disposal and Reuse, Alameda County, California



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TO:
MR. LARRY JANES

FROM:
MICHAEL LYNES

MATTER:
COMMENTS RE NAVY/VA
PROPOSAL FOR FORMER
ALAMEDA NAVAL AIR
STATION

DATE: JANUARY 20, 2009

FAX NUMBER:
(707) 562-8369

TOTAL NO. OF PAGES
INCLUDING COVER: 17

NOTES/COMMENTS:

Mr. Janes,

Attached please find comments co-authored by the Golden Gate Audubon Society, Friends of the Alameda Wildlife Refuge, Arc Ecology, Citizens' Committee to Complete the Refuge, and the San Francisco Chapter of the Sierra Club. Please contact me if you have any questions or difficulty in receiving this transmission.

Thank you for your consideration,

Mike Lynes
Conservation Director
Golden Gate Audubon Society

**Arc Ecology • Citizens Committee to Complete the
Refuge • Friends of the Alameda National Wildlife
Refuge • Golden Gate Audubon • Sierra Club**

January 20, 2009

Mr. Larry Janes
Veterans Administration, Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582
Email: larry.janes@va.gov

Re: Proposed Transfer by U.S. Navy of Federal Property at the Former
Alameda Naval Air Station to the Veteran's Administration and
Construction of Veteran's Clinic and Related Facilities

Dear Mr. Janes:

Golden Gate Audubon Society, the Friends of the Alameda Wildlife Refuge, the San Francisco Bay Chapter of the Sierra Club, the Citizens Committee to Complete the Refuge and Arc Ecology write to express concern regarding the proposed transfer from the United States Navy ("Navy") to the United States Department of Veterans Affairs ("VA") of title to 549 acres of federal property on the western end of the former Naval Air Station in Alameda, California and the construction upon that property by the VA of an outpatient clinic, columbarium, offices, and hospital.

As an initial matter, we strongly emphasize our support veterans and wholeheartedly agree that they should be afforded the best care and service possible. However, it is also important that the laws of our nation be followed and that endangered species not be jeopardized. Moreover, given the current economic crisis, the government must undertake new projects in the most economically efficient manner, steering clear of undue delays or complexities where prudent. It is our opinion that the VA will better serve Bay Area veterans by developing the proposed facilities at sites other than the portions of the former Naval Air Station inhabited by the endangered California least tern, the California brown pelican, and a multitude of other wildlife.

The proposal presented by the VA on December 18, 2008 is substantially similar the VA's previous proposal upon which Earthjustice commented on behalf of Golden Gate Audubon in its letter of May 6, 2008. Without addressing the concerns raised in the May 6th letter, the VA has continued to propose development within the area originally proposed by the U.S. Fish & Wildlife Service ("FWS") to become the Alameda National Wildlife Refuge. In proceeding with its proposed project, the VA appears to have ignored the determination by FWS and leading least tern biologists that the habitat within the proposed Wildlife Refuge is the minimum needed to protect the California least tern colony in Alameda. The VA appears also to have disregarded the fact that the Alameda colony is essential to the preservation of the species.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 2 of 16

As explained more fully below, we believe that the VA proposal seriously threatens the existence of the endangered California least tern in the Bar Area and will unduly disturb other local wildlife, including the endangered California brown pelican. We ask the Navy and VA to reconsider the transfer and proposed development and to conduct a robust environmental review of any proposed project at the former Air Naval Station.

II. The Colony at the Former Alameda Naval Air Station Is Essential to the Survival of the Survival of the California Least Tern

A. The Colony at the Former Naval Air Station Has Flourished to Become a Source Population for California Least Terns in California

As early as the late 1970s, a small population of endangered California least terns had already been nesting along the tarmac of the then-operational Alameda Naval Air Station. White, Wayne S., *Endangered Species Formal Consultation on the Proposed Naval Air Station Alameda/Fleet and Industrial Supply Center Alameda Disposal and Reuse, Alameda County, California* (USFWS, 1-1-98-F-2, March 22, 1999) ("1999 Biological Opinion").¹ Navy personnel at the Air Station took great pride and care in protecting the colony and the fledglings each spring. See, e.g., Laura Collins and Steve Bailey, *California Least Tern Nesting Season at Alameda Naval Air Station 1982* ("Collins et al. 1982"); Leora Feeney, pers. comm. (2009).

With the exception of a few years, the colony has grown considerably since the 1970s, particularly after the base was closed in 1997, and in 2008 included, from preliminary data, at least 323 breeding pairs. See Caffrey, Carolee, *The California Least Tern Source Population at the Proposed Alameda National Wildlife Refuge* (July 27, 2005) ("Caffrey 2005"), at 5-6; Feeney, pers. com. (2009). Indeed, for over fifteen years, the colony has been considered one of the most important source populations for the California least tern as a species. 1999 Biological Opinion, at 7; Caffrey 2005, at 5-6. Therefore, it is not surprising that the FWS has concluded that

the least tern breeding site at [the Alameda Naval Air Station] has played a significant role in recent increases in the number of least terns in California By consistently producing large numbers of fledglings each year, the colony has added large numbers of potential new breeding birds to the statewide population. Therefore, this site is considered to be one of the most important

¹ Due their collective size, the cited references are not provided as attachments to this letter. However, Golden Gate Audubon will provide copies of any of the references upon request. In addition, Golden Gate Audubon will subsequently submit several of the cited references to the VA to facilitate its review of available information regarding the biological importance of the site.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 3 of 16

'source' populations in California serving to balance out losses at many 'sink' locations throughout the state.

1999 Biological Opinion, at 7.

Since at least the 1980s, California least terns have consistently nested at 30-44 discrete sites each year, which cluster into five geographic regions along the coast.² Caffrey 2005, at 2. From 1990-2004, the Alameda colony consistently was among the four most successful colonies for fledgling success and fledged at least 2500 fledglings during that period. *Id.* at 6. The Alameda colony's importance is particularly observable in years when the southern colonies experience reduced breeding success. For example, in 1999, the colonies at Alameda and two other sites produced over 50% of fledglings statewide. *Id.* In 2002, the Alameda colony alone produced approximately 24% of fledglings statewide. In 2004, the colonies at Alameda and three other sites produced approximately 70% of fledglings statewide. As the northernmost colony for the species, the Alameda colony has succeeded even when colonies in Southern California have faltered due to El Nino events that resulted in warmer-than-average ocean temperatures and fewer prey. 1999 Biological Opinion, at 8; Caffrey 2005, at 6-7. As climate change intensifies and ocean temperatures warm, the southern colonies may continue to face prey shortages and subsequent breeding failure, and the Alameda colony may continue to play an increasingly important role in maintaining the species. *See* Caffrey 2005, at 8.

The Alameda colony has flourished, in part, because of the property's characteristics, which include the broad, open tarmac that acts as a buffer zone against predation and human disturbance, which have plagued colonies in other parts of the State. 1999 Biological Opinion at 9. The buffer zone is inhospitable to predators and permits the terns to observe predators as they approach. *Id.* Moreover, the colony is surrounded by grasslands and wetlands to the south, west and northwest, which provide abundant prey for would-be predators and draws them away from the terns. *Id.* Finally, the area is conducive to predator control efforts by managers, and active predator control is essential to the maintenance of all least tern colonies. *Id.* at 9, 11.

FWS and independent biologists have determined that the 579-acres proposed as the Alameda Wildlife Refuge by FWS in 1996 is the minimum, undisturbed acreage necessary to protect the colony. FWS, *Draft Comprehensive Conservation Plan, Alameda National Wildlife Refuge* (Dec. 1998) ("Draft CCP"), at 2³; *see also* Letter to

² The geographic regions for California least tern colonies are typically divided into the following: San Francisco; San Luis Obispo/Santa Barbara County; Ventura County; Los Angeles/Orange County; and San Diego County. Caffrey 2005, at 2. Terns may travel between the geographic regions to breed. *Id.*

³ The precise acreage of the area remains uncertain. In May 1994, FWS requested 713 acres of land in a federal-to-federal ("fed-to-fed") transfer: 595 acres in fee title, 118 acres in easement, with an additional 375 acres of open water. Draft CCP, at 1. FWS subsequently surveyed the

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 4 of 16

Director Michael Spear ("Spear Letter"), at 2-3. From this conclusion alone, we believe it is self-evident that development within the boundaries of the proposed refuge would remove some of the minimum habitat required to keep the Alameda least tern colony viable.

While California least terns show significant site-tenacity, they will abandon a colony where they encounter reproductive failure. Caffrey 2005 at 1-2. FWS has already determined that given the loss of other Bay area least tern nesting sites, the Alameda colony is especially important and that the terns overall are "highly vulnerable to stochastic extinction in the Bay." 1999 Biological Opinion, at 15. Given the importance of the Alameda colony to the species as a whole, it is obvious that we cannot afford to put the Alameda colony at risk by developing within the boundaries previously demarcated by the FWS as the minimum habitat required for the colony.

B. History of Management and Proposed Transfers of the Property

Congress mandated the closure of the Alameda Naval Air Station in 1993. In 1994, FWS formally requested a portion of the land and adjacent open water for creation of the Alameda National Wildlife Refuge. Draft CCP, at 1. The purpose of the proposed Refuge is to protect migratory birds and other wildlife, particularly threatened and endangered species with a special emphasis on the California least tern. *Id.* at 5-6. The Refuge would also provide a valuable asset to the community and be available for public education and limited public use. *Id.* at 5-6.

In 1995, the Alameda Reuse and Redevelopment Authority ("ARRA") developed a plan for reuse for portions of the former Air Station and proposed a refuge size of 390 acres. *Id.* at 2. FWS reviewed the proposal and determined that 390 acres was insufficient to maintain the colony and that the 579 acres previously requested by FWS is the minimum necessary to preserve the least tern colony. *Id.* In early 1996, Golden Gate Audubon submitted a letter from seven eminent least tern biologists in support of FWS' conclusion and stating that the entire acreage of the proposed Wildlife Refuge was necessary to support the tern colony at Alameda. Spear Letter, at 2-3.

The Air Station closed in 1997. Since that time, the Navy's presence has been limited to security, maintenance, and environmental restoration. Draft CCP, at 2. FWS has had primary responsibility for the monitoring of the least tern colony and other wildlife at the site. The Friends of the Alameda Wildlife Refuge, a project of the Golden Gate Audubon Society, has organized monthly "work days" to bring volunteers to the site to augment and maintain the tern colony's habitat, has monitored the colony, and has provided educational outreach to local school children and community members. Feeney, pers. com. (2009); *see also* Draft CCP at 31.

area and developed a digital estimate of 565 acres and 413 acres of open water, resulting in a total of 978 acres for the refuge. *Id.* at 2.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 5 of 16

In 2003, talks between FWS and the Navy stalled due to disagreement over which agency should assume long term responsibility for the cleanup of contaminants at the site. Presentation from the Public Information Meeting, Navy/VA Fed-to-Fed Transfer, Former NAS Alameda (Dec. 18, 2008) ("Navy/VA Presentation"), at Slide # 5. Subsequently, the Navy made the VA aware of the property as a potential site for VA facilities. *Id.* In 2004, then VA Secretary Principi sent a formal letter of intent to the Navy expressing the VA's interest in acquiring the property. *Id.* at Slide # 7. The VA then completed its feasibility study and decided to proceed with the proposed transfer and development. *Id.* To our knowledge, this feasibility study has not been made public.

Moreover, to our knowledge, FWS' 1996 request for the Fed-to-Fed transfer has never been formally rejected or withdrawn, and it remains pending. Thus, the Navy is now in receipt of two requests for the property. However, the December 18th presentation fails to discuss a transfer to FWS as a viable alternative to the proposed project.

III. Alternatives Nos. 1, 2, and 3 Will Harm the California Least Terns and Brown Pelicans that Rely on the Former Naval Air Station

We reiterate that we strongly support the VA's decision to offer improved services for veterans in the Bay Area. Our concerns arise from the VA's proposal to build a columbaria, clinic, offices and hospital, or some subset thereof, within the minimum boundaries required to keep the Alameda least tern colony viable. We are also concerned that this proposal will not meet the needs of veterans because of the poor public transit accessibility of the proposed location and the significant constraints present in Alameda that makes the improvement of such transit accessibility unlikely in any reasonable time frame.

With the exception of Alternative # 4, each of the VA's proposed alternatives would pose a significant threat to the least tern colony and to other native wildlife on the property. Moreover, FWS has already determined that "the areas surrounding the colony will be crucial in the future for expanding the size of the current colony site to support additional breeding pairs of least terns to meet the survival and recovery needs of this species." 1999 Biological Opinion, at 12. The VA's proposed development alternatives would reduce habitat available to the terns and other wildlife, introduce and subsidize predators, increase human disturbance, and place the Alameda colony at greater risk of extirpation. For these reasons, we ask the Navy and VA to reconsider their decision to conduct the transfer and to develop the property.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 6 of 16

A. Alternative No. 1's Development of the Columbaria, Helipad, Outpatient Clinic, Offices, and Hospital Will Cause Significant Harm to the California Least Terns on the Property and the Brown Pelicans that Rely on Adjacent Breakwaters

In its presentation, the VA outlined four alternatives for the proposed project, with a clear and repeated preference for Alternative #1. Under this Alternative, the VA would acquire a 549-acre parcel from the Navy via a Fed-to-Fed transfer. A portion of the site would be developed as follows:

- 53 acres – Columbaria cemetery;
- 15 acres / 107,000 sq. ft – VHA Outpatient clinic;
- 25 acres/ 250,000 sq. ft – privately-operated community hospital; and
- 20 acres / 100,000 sq. ft – VA administrative and medical offices.

Other proposed uses would include a Bay trail for public access, a nature center, and use of existing bunkers for storage of emergency medical supplies. The Navy and VA did not explain which agency would retain long-term responsibility for the clean-up of the area, though, given the impasse with FWS, we assume that responsibility will pass to the VA. At the December 18th meeting, the VA repeatedly emphasized its preference for Alternative #1 to create "one-stop shopping" for veterans and their families.

The VA's preferred alternative would occur within the boundary of the previously proposed Wildlife Refuge and include the construction of buildings, roads, light structures, and parking lots that would reduce habitat available to the terns, subsidize predators, and increase human disturbance of wildlife in the area. Given that the 1999 Biological Opinion found that any development adjacent to the proposed Refuge property would have a significant impact on the colony,⁴ we were surprised by the VA's determination that the pending environmental assessment of Alternative #1 would result in a "finding of no significant impact" ("FONSI"). Navy/VA Presentation, at Slide # 42.

In issuing its incidental take statement in 1999, FWS concluded that the then-proposed project would "have adverse effects on least terns throughout the life of the

⁴ The 1999 Biological Opinion addresses a proposal to transfer surplus federal property from the Navy to other entities for reuse and redevelopment. 1999 Biological Opinion at 4. Proposed development adjacent to the proposed Alameda Wildlife Refuge included 58 acres of maritime-related light industrial use, a 168-acre golf course, a 17-acre outdoor sports complex, and a 29-acre regional park. *Id.* at 5. Despite the fact that *none* of the property proposed for transfer was within the boundaries of the proposed Alameda Wildlife Refuge, FWS concluded that these proposed developments would: (1) increase predation pressure from avian and mammalian predators; (2) increase human-related disturbance of least terns and brown pelicans; and (3) potentially cause contaminant-related adverse effects on the least terns and brown pelicans. *Id.* at 8.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 7 of 16

project." 1999 Biological Opinion, at 15. To be exempt from Section 9 of the ESA, the Navy was required to ensure the following, among other requirements:

- No buildings could be constructed within 200 feet of the northern boundary of the proposed wildlife refuge and a maximum of three 20-foot high buildings could be built within 200-300 feet of the northern boundary. *Id.* at 16.
- Roads could only be built 300 feet from the northern boundary. *Id.*
- Light posts could not exceed six feet in height. *Id.* Nighttime lights were not permitted during the tern breeding season. *Id.* 22.
- No trees or landscape could be planted within 100 feet of the northern boundary. *Id.* at 21.
- Trees could not exceed twenty feet and shrubs could not exceed six feet, and could only be planted in a density of one tree or shrub per 550 square feet. *Id.*

Despite the restrictions set forth in the 1999 Biological Opinion, the VA has proceeded with its plan to build and landscape within the proposed Refuge boundary thus bringing it much closer to the least tern colony nesting site and clearly violating the constraints imposed in the 1999 Biological Opinion. Though the 1999 Biological Opinion states that no buildings could be built within 200 feet of the northern boundary of the proposed refuge, the VA proposes to build its complex *within* that boundary and *within* its own proposed "buffer". The VA's proposal states that it would create a buffer of at least 1,875 feet from the boundary of the colony, yet the presentation clearly shows that considerable development would occur *within* the northern portion of that buffer zone. Navy/VA Presentation, Slide # 26. The VA intends to develop portions of the hospitals, medical office buildings, Veteran's Administration offices, parking, landscaping, and the entire nature center within the buffer. *Id.* Likewise, the VA would construct roads, install lights, and landscape within the boundary while the 1999 Biological Opinion set strict limits on such additions and activities north of the proposed refuge boundary.

Clearly the VA's proposal runs afoul of the requirements set forth in the 1999 Biological Opinion. We see no way that FWS can issue a new biological opinion for the VA's proposed project that would allow any of the VA's proposed development alternatives given the threats posed, as discussed further below.

1. The Proposed Project Would Increase Predation of the California Least Terns.

Predation is one of the primary pressures on the least tern population and increased predation pressures must be considered to be a significant threat to the Alameda colony. See 1998 Draft CCP, at 38 (citing Caffrey 1995); Spear Letter at 2. When discussing increased predation pressures in the 1999 Biological Opinion, FWS concluded that the then-proposed development would reduce the buffer space between

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 8 of 16

the colony and adjacent developments, would provide additional perches for avian predators and cover for mammalian predators, and would increase food availability and waste that would attract predators to the area. 1999 Biological Opinion, at 9-10. Landscaped areas would attract potential predators such as crows, kestrels, and hawks. *Id.* at 11; *see also* Spear Letter, at 2. As predators such as cat, rats, raccoons, and red foxes increased around the newly-developed areas, population pressures would force them towards the terns. 1999 Biological Opinion, at 10. Overall, FWS found that the proposed developments would increase the carrying capacity for potential predators of the terns for the area. *Id.*

Here, the VA's Alternative #1 would undoubtedly increase predation pressures on the colony at least as much as the proposal covered by the 1999 Biological Opinion. The new structures for the columbaria, hospital, outpatient clinic, administrative offices and nature center, which would include parking areas and lights, would provide new perches for avian predators and cover for mammalian predators. Alternative #1 also includes landscaping, which will attract predators such as crows, kestrels and hawks. Avian predators would not only prey on terns within the colony boundaries, but also terns that are foraging or engaging in courtship behavior in the air near the colony. *Id.* at 12. Moreover, the loss of upland habitat—with its abundant sources of alternative prey for potential tern predators—would force area predators towards the colony. Draft CCP, at 25; Spear Letter at 2. Finally, humans working at or visiting the new structures would leave behind litter and food waste that would also attract additional predators. *See* 1999 Biological Opinion, at 12. Notably, the VA's proposal fails to discuss these potential impacts.

2. The Proposed Project Would Increase Human Disturbance of the California Least Terns and Other Wildlife.

Human disturbance is one of the two most significant factors (the other being predation) that contribute to tern breeding failure. 1998 Draft CCP, at 38 (citing Caffrey 1995); Spear Letter at 2. In the 1999 Biological Opinion, FWS determined that the then-proposed project would increase the presence of people near the colony above historic levels. 1999 Biological Opinion, at 12. With an increase in authorized visitors, FWS also anticipated an increase in unauthorized human disturbances in the area. *Id.* Ensuring *de minimus* human disturbance is essential to maintaining the viability of the colony. 1998 Draft CCP, at 38-39.

Here, the entire purpose of the VA's Alternative #1 is to attract more visitors to the area. VA intends to serve thousands of visitors with the columbaria, clinic, hospital and other services to draw in patients and families from all over the Bay Area and adjacent counties. Alternative #1 would undoubtedly exceed the levels of disturbance anticipated by FWS in its 1999 Biological Opinion for development outside the boundary of the proposed refuge.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 9 of 16

In addition to erecting structures, paving a parking lot, and inviting thousands of people to visit the site on a daily basis, the VA also proposes a 25-acre helipad at the site. Helicopters cause significant noise and wind disturbance to adjacent areas, potentially waking sleeping humans and disrupting normal speech. *See, e.g., Helicopter Noise Analysis for University of California San Francisco Mission Bay Hospital Site* (2008), at 30 (available at http://community.ucsf.edu/helicopter_noise.pdf) (last visited Jan. 13, 2009). We believe that helicopter use near the colony would cause undue disturbance to the terns. Moreover, helicopter traffic in the area can be expected to disturb the California brown pelicans and other birds that use the adjacent breakwaters, shore and open water.

3. The Proposed Project Fails to Address Contaminant-related Effects on the California Least Terns.

In the 1999 Biological Opinion, FWS assumed that the Navy would retain responsibility for remediation of all contaminated areas on the former Naval Air Station. 1999 Biological Opinion, at 14. Moreover, FWS found that the proposed golf course, industrial facilities, and landscaped areas would potentially expose the terns to increased petroleum-based contaminants and other chemicals, including herbicides, pesticides, and fertilizers. Such pollutants would also enter the adjacent Bay waters with greater frequency. *Id.* The VA's December 18th proposal fails to address the increased pollutant discharges as a result of construction, increased traffic, and other activities at the site. Nor does the presentation address the potential for increased exposure to pollutants by the California least terns or other wildlife in the area, including discharges of polluted storm and waste water to the Bay. The VA must consider the increased likelihood of such discharges and the consequences of increased exposures to contaminants for the least terns.

4. The Proposed Project Fails to Address the Effects of Artificial Lighting on the Colony.

The VA proposal is silent as to the extent of artificial night-lighting that will occur at the development site. Given that the proposed facilities include a clinic, offices, a hospital, and parking lots, it is likely that the development site will be lit throughout much of the night. Artificial lights can lead to increased activity by both humans and predators in the lit area and environs. *See Harder, Ben, Deprived Darkness: The Unnatural Ecology of Artificial Light at Night*, 161 *Science News* No. 16 (2002) (available at <http://www.celfosc.org/biblio/bio/020420sciweek.htm>) (last visited Jan. 13, 2009). Artificial lighting can also affect bird breeding and foraging behavior. Longcore, Travis and Catherine Rich, *Ecological Light Pollution*, *Frontiers in Ecology and the Environment*. 2(4): 191-198 (2004). The VA has not adequately considered these effects and must do so before proceeding with its proposed project.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 10 of 16

5. The Project Proposal Fails to Discuss How Development to the North and Northwest of the Colony Will Impede Foraging by Least Terns.

The VA's proposed project does not anticipate the transfer of the open waters adjacent to the property. These waters, which include the 375 acres of open water requested by FWS as part of the proposed refuge, are vital foraging habitat for the terns and are relied upon by other wildlife, including the endangered California brown pelican, wintering waterfowl, and sea mammals.

The least terns fly north, west and south from the colony to forage in the Bay, Middle Harbor, and the Oakland Estuary. Feeney, pers. com. (2009) According to at least one biologist that has studied the Alameda colony for more than 25 years, the terns do not fly south, over buildings, to reach foraging waters. *Id.* At a minimum, the VA needs to determine whether the proposed structures to the north of the colony would act as a barrier to the terns' flight path to their feeding grounds.

Moreover, as discussed above, the proposed structures would provide additional perching sites for avian predators that could use them to hunt terns that are flying to or from the colony and/or are engaging in courtship flights around the colony. *See* 1999 Biological Opinion, at 12. The VA's proposal fails to address this issue.

6. The VA Proposal Excludes the Open Waters and Breakwater Island Adjacent to the Proposed Site.

Within the proposed Alameda National Wildlife Refuge boundary is located the Air Station Breakwater, which provides haul-out sites for the California harbor seal as well as the only known night-roosting site in San Francisco Bay for the endangered California brown pelican. 1998 Draft CCP, at 40. In recent years, surveys have shown over 6000 brown pelicans roosting on the Breakwater. Golden Gate Audubon Society, unpubl. data.

To ensure proper administration of these waters and Breakwater Island, they must be included with the property in any Fed-to-Fed transfer. The waters must be protected to prevent disturbance by boaters and other recreational users of the water. *See* 1999 Biological Opinion, at 13. Pelicans and harbor seals are highly susceptible to human disturbance and may abandon a site permanently if regularly disturbed. *See id.* The VA must address this issue and provide protections for these species and their Breakwater habitat.

B. The Siting of the Columbaria on the Property in Alternatives Nos. 2 and 3 Poses Significant Risks to the California Least Terns.

Under the VA's Alternatives Nos. 2 and 3, the VA would acquire the parcel from the Navy and develop the columbaria cemetery at the site adjacent to the tern colony. In

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 11 of 16

Alternative #2, the outpatient clinic would be established at some other location in Alameda Point, while in Alternative #3, the clinic would be located at an undetermined location in Oakland. In both alternatives, the VA regional offices would remain in their current location in downtown Oakland. There would be no new hospital at the site either. Both alternatives are silent as to whether a nature center would be established as in Alternative No. 1.

While Alternatives Nos. 2 and 3 would have less impact on the least tern colony, these alternatives suffer from many of the same problems as Alternative #1. First, the columbaria would draw in many more people to visit the site, increasing the overall human disturbance to the area. Second, the increased human presence, trash and waste, and landscaping would attract avian and mammalian predators. Third, artificial night-lighting at the site could negatively affect the terns and enhance predation. Fourth, the increased human use and landscaping would increase the potential for exposure to pollutants and the discharge of pollutants into the adjacent Bay waters. Fifth, both Alternatives exclude the 375-acres of open water and Breakwater Island from the transfer, resulting in the problem of administration and protection of the foraging habitat discussed above.

At the December 18th presentation, the representative for the VA stated that the VA had concerns about siting its facilities adjacent to the Oakland International Airport because, in part, some veterans are particularly sensitive to aircraft noise as a result of post-traumatic stress disorder. Navy/VA Presentation, Slide # 23. We are confused, then, by the VA's proposal to include a helipad as part of the proposed development. *Id.*, Slide # 25. Moreover, the property and colony is under the bad weather flight-path for the Oakland International Airport. Feeney, pers. com. (2009). We ask that the VA explain these inconsistencies in its response to this comment letter.

C. Alternative No. 4 Is the Only Viable Alternative to Ensure No Significant Impact on the California Least Tern Colony.

Alternative #4 is the "No Action" alternative, under which the Navy-VA transfer would not take place and nothing would be constructed at the site. Navy/VA Presentation, at Slide # 31. The Navy would retain ownership and responsibility for the property. The VA facilities would remain in their current Oakland locations and veterans would continue to use the NCA cemeteries in Santa Nella or Sacramento. The VA did not provide an explanation why other parcels in the Bay Area are infeasible for establishing the veterans' columbaria. Because this alternative would not make any changes to the current site, and therefore would not increase predation pressure, disturbance, and pollution exposure for the terns and other wildlife, it is the only acceptable alternative of those proposed by the VA on December 18th.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 12 of 16

D. The VA Fails to Consider Viable Alternatives on the Former Air Station and in Oakland.

The VA proposal fails to give adequate consideration to developing its complex at other sites in Oakland or on the former Naval Air Station. Several sites in Oakland would be perfect candidates for some or all of the development. Large tracts of Navy land on the former Naval Air Station—all outside the boundary for the proposed Refuge—are also available for transfer and development. These other sites already have the infrastructure needed for the proposed development and would not require the kind of environmental stewardship necessary to protect the least terns at the proposed site.

Given the importance of the proposed site to protect endangered wildlife, we strongly encourage the VA to consider other, local sites for providing its services to veterans—ones with better access to transportation and utilities. Our organizations would gladly partner with the VA to identify other potential Bay Area sites that would meet the VA's needs without threatening a critical population of an endangered species.

1. Alternate Lands Already Have Completed Infrastructure.

Other potential sites in Oakland and on the former Naval Air Station already have much of the infrastructure, such as roads and utilities, necessary for the VA's proposed project. For example, much of the other land at the former Air Station was used for administration, light industrial activities necessary for base operations, and housing. These lands could be more easily converted to the VA's purposes than the proposed project site.

The proposed VA site currently consists of abandoned runways and natural areas that are located on the northern peninsula of the former Air Station. The area sits near sea level and on engineered landfill of questionable stability. We find it surprising that VA is proposing to develop in an area with no infrastructure, and where installation of infrastructure may be expensive or infeasible, instead of on other parts of the former Air Station that have had stable, developed infrastructure for more than sixty years.

Putting aside the issue of preserving the least tern colony, the VA will encounter significantly greater costs and time delays if it must develop the infrastructure necessary to support its proposed development. These costs will be borne by the VA and will involve work outside the proposed project boundary (within Alameda Point itself), which would require approval from the City of Alameda. To date, two Master Builders have failed to develop an Alameda Point proposal acceptable to the City.

Given the nation's current financial crisis, any such development would require a long time frame that would delay the VA's ability to provide services to Bay Area veterans. On the other hand, fewer additional costs and delays would accrue from developing the VA complex on another, already developed part of the Air Station of in Oakland.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 13 of 16

2. The Proposed Project Site Still Requires Substantial Remediation While Other Areas of the Former Air Station Have Been Fully Remediated.

As the VA acknowledged in its presentation, at least two areas in the proposed project area (IR-1 and IR-2) are still undergoing substantial remediation efforts to remove the toxic contaminants that remain from the Navy's usage of the land. *See Navy/VA Presentation, at Slides ## 36-38; see also Draft CCP, 28, 30.* Such remediation is extremely expensive and spans years. Moreover, we question the wisdom of putting a health care facility atop or adjacent to a site with significant toxic contamination.

We believe that the VA and veterans would be better served if the new facilities were sited elsewhere at the former Air Station where remediation has been completed or has not been necessary. Such an approach would reduce the overall cost of the VA's proposed project, reduce delays in development, and better safeguard veterans' health.

3. Alternate Sites Will Not Necessarily Require Consultation with FWS.

The VA's proposed project would require a consultation with FWS for a new Biological Opinion and an incidental take permit for operations that harm the terns or any other listed species. Work cannot begin at the site until the consultation is complete and FWS is satisfied that the terms of its permit are met. Given FWS' 1999 Biologist Opinion for a proposed development farther from the colony, we do not believe that the VA can expect FWS to permit Alternatives Nos. 1, 2, or 3 to proceed as the VA plans.

Other sites at the former Air Station and within the City of Oakland exist that would not necessarily require such consultation. For example, the Oakland Army Base remains undeveloped and, to our knowledge, does not provide essential habitat to an endangered or threatened species. We encourage the VA to explore these other sites to permit more rapid construction—perhaps of more extensive facilities—that will more immediately benefit veterans and their families.

4. Alternate Sites Do Not Suffer from the Same Access and Transit Problems as the Proposed Site.

The VA proposal fails to address the access/transit problems associated with the proposed project. Alameda is an island with limited access points that often back-up during commute times or due to traffic accidents. Mass transportation to and from the island is severely limited and there is no direct access to BART.

A VA site located in Oakland is more likely to provide venues more accessible by public transit and less likely to exacerbate traffic on the island. We believe that veterans and their families would be better served by easier access to the new facilities.

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 14 of 16

Moreover, we believe that the VA's proposed project would put an even greater burden on the congested traffic conditions on Alameda, further contributing to air pollution and unnecessarily inconveniencing the island's residents.

V. The VA Proposal Does Not Address Other Environmental Impacts at the Site.

The VA proposal does not discuss impacts of the project on wildlife other than the California least terns or California brown pelican. The VA proposal also fails to address its impact on plants and discrete habitats at the site.

First, the proposal does not discuss its potential impacts on any species other than the California least tern and, briefly, the California brown pelican. In fact, the property provides important foraging, nesting, and resting habitat for several species of birds and mammals. (Feeney, pers. com. (2009)). For example, the site also has provided nesting grounds for a Caspian tern colony of regional importance and hosts thousands of overwintering waterfowl. Draft CCP at 40-42; Feeney, pers. com. (2009). Lands adjacent to the tern colony also provide nesting and foraging habitat for other bird species, including Western and California Gulls, double-crested cormorants, and great blue herons. Draft CCP at 43-44. The adjacent open waters and Breakwater Island are also important resources for harbor seals and potentially other marine mammals. *Id.* at 42-43.

Second, the proposal does not discuss the fate of existing wetland or upland habitats at the site. There are two distinct tidal wetlands at the site that are important to birds and other wildlife. *See* Draft CCP, at 11, 17, 40-42. Moreover, grasslands are important both for birds and for small mammals that serve as a prey base that draws predators away from the tern colony. *Id.* at 44-45. Even where impacts on the habitat are obvious (e.g., development is shown over the seasonal wetlands and grassland shown in Slide # 40), the VA's proposal is silent on the overall environmental impact or its plan to mitigate those impacts. *See* Navy/VA Presentation, Slide #40.

Third, the VA presentation does not address the fact that the entire area is constructed on engineered landfill that was placed over submerged land and tidal flats between 1939 and 1940. Draft CCP, at 11. The fill includes soil, rocks, sunken barges and other, unidentified refuse. *Id.* For example, biologists at the site recently discovered a sunken fuel tank only after it flooded and brought oil to the surface, which came into contact with nesting least terns at the site. (Feeney, pers. com. (2009)) An expensive removal project was subsequently necessary. *Id.* Given the foundation of fill, the area is prone to developing sinkholes and may act unpredictably in the occurrence of a significant earthquake. These concerns must be addressed in the VA's environmental review of the project.

Fourth, the VA proposal fails to address the effects of exotic plant species introduced as a result of its project or a change in management of the property. FWS has determined that grasslands and other uplands at the site must be carefully managed to

Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 15 of 16

ensure an adequate prey population to draw predators away from the tern colony. *Id.* at 44-45. Landscaping and the introduction of additional exotic plants at the site could confound management for the colony.

Fifth, the VA's presentation fails to discuss the effects of climate change on the property and dependent wildlife. It is estimated that sea levels will rise one meter or more by 2100. *See, e.g.,* Cal. Environmental Protection Agency, *California Climate Action Team Climate Action Team Report to Governor Schwarzenegger and the Legislature*, 2006, at 31-33 (available at http://www.climatechange.ca.gov/climate_action_team/reports/index.html) (last visited Jan. 20, 2009). Such an increase could inundate the proposed project and/or cause subsurface tidal flooding as currently occurs at the site's tidal wetlands. (Feeney pers. com. (2009)). Given that the San Francisco Bay Conservation and Development Commission anticipates that much of the low-lying areas around the Bay will be inundated within the next century because of sea-level rise, it seems unwise to locate a medical complex in such a vulnerable area.

VI. CONCLUSION

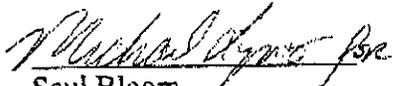
Golden Gate Audubon Society, the San Francisco Chapter of the Sierra Club, ARC Ecology, and the Citizen's Committee to Complete the Refuge once again commend the VA on its effort to improve care for local veterans in their family. We believe that such progress can be made without harming the endangered California least terns and other wildlife that depend on the former Alameda Naval Air Station. The VA's proposed Alternatives Nos. 1, 2 and 3 will undoubtedly harm the terns and run afoul of the 1999 Biological Opinion. Alternate sites in Alameda or Oakland will better meet the VA's needs without the added complexity, delay, and costs associated with protecting and managing the endangered tern colony and other wildlife in the area.

We also do not believe that the Navy and VA have complied with the National Environmental Protection Act ("NEPA"), 42 U.S.C. § 4321, and that, at a minimum, the Navy and VA must complete an environmental impact study regarding impacts at the proposed site. These concerns are addressed more fully in the letter of today's date submitted by Earthjustice, with whom we continue to consult.

This letter provides only a small portion of the studies and data available that emphasize the biological importance of the area, particular for the California least terns and brown pelicans. We ask the Navy and VA to become fully familiar with these studies and to evaluate new alternatives in light of such information. Sadly, there are too few places left in the Bay Area offering refuge to our wildlife, and those scant jewels are becoming ever more essential for the preservation of species. There are better sites, both for humans and the animals, for the VA to proceed. We ask you to seriously consider them.

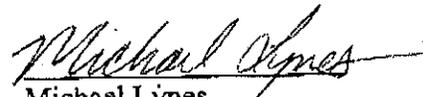
Mr. Larry Janes, U.S. Dept. of Veterans Affairs
January 20, 2009
Page 16 of 16

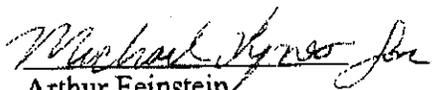
Respectfully Submitted,


Saul Bloom
Arc Ecology


Florence LaRiviere
Citizen's Committee to Complete the
Refuge


Leora Feeney
Friends of the Alameda Wildlife Refuge


Michael Lynes
Conservation Director
Golden Gate Audubon Society


Arthur Feinstein
S.F. Chapter of the Sierra Club

cc (U.S. Mail): Sec. Donald C. Winter, Secretary of the Navy
Sec. Eric K. Shinseki, U.S. Dept. of Veterans Affairs

cc (Email): Michael R. Sherwood, Esq., Earthjustice
Mr. Patrick McCay, U.S. Navy



OceanHealth.org

PO Box 10672
Oakland, CA 94610
January 20, 2009

Larry Janes
Veterans Administration, Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582

Dear Mr. Janes:

I am writing on behalf of OceanHealth.Org, an environmental nonprofit with grave concerns about the proposed Veterans Administration facilities proposed at Alameda Point and their impact on the endangered California least tern breeding colony there. OceanHealth.Org is a strong supporter of any efforts to improve services for our veterans, but cannot support the preferred alternative proposed by the Department of Veterans Affairs. Given the options presented, OceanHealth.Org opposes the preferred alternative and supports the "No Action" alternative.

I did not receive a notice of the public meeting and, therefore, did not attend the December 18, 2008, public meeting. After reading a news article about the meeting, I contacted you for further information and any relevant documents so that I could respond on behalf of OceanHealth.Org, as well as to encourage others to participate in the process. However, I have only ever seen a copy of the slides, which suggest that this information is an Environmental Assessment for the proposal. If the Department of Veterans Affairs and the Navy are asserting that this process has adequately satisfied their obligations under the National Environmental Protection Action (NEPA), then I respond that these documents would not satisfy the NEPA requirements and will join others in challenging the VA and Navy.

The Biological Opinion for the proposed Alameda Wildlife Refuge clearly stated that the acreage set aside for the California least tern breeding colony was the minimal habitat needed for the survival of the colony. The Navy and VA have not provided any new information to dispute this original finding. Therefore, the preferred alternative will cause the failure of the Alameda Point California least tern colony and cause jeopardy to the recovery of the species as a whole. OceanHealth.Org urges the VA and Navy to abandon their plans, which clearly cannot be justified by sound scientific manner.

The California least tern is protected under the federal Endangered Species Act (ESA) and both the VA and the Navy are obligated to prevent this important source population from experiencing jeopardy by any federal action. It is abundantly clear from the existing Biological Opinion that the actions proposed would lead to jeopardy of the species and violate the ESA. The serious nature of this problem will likely lead to lengthy and costly legal challenges with funds that would be better used to serve our veterans and will cost time that would be better be used for finding a better location where the facilities can be built promptly.

The amount of activity, light, and noise that will come with the proposed development of all the facilities suggested are incompatible with the ongoing success of the least tern breeding colony. The proximity of such activities within the area that the Fish and Wildlife Service has already determined is the minimum habitat requirements alone should be sufficient to require this project to be moved to a more suitable location. It would be unreasonable to expect that helicopters, guns firing salutes for veterans, or ambulances would not frighten and disturb sensitive birds during their mating season and possibly completely extirpate the breeding colony from the location.

The most concerning flaw in the logic of the proposal is that the California least tern simply limit their activity in a circular manner around the existing nesting site and based on the closest building. There is no scientific basis for this assertion. Birds do not limit themselves to such neat compartments of activity. Studies of foraging of the California least terns clearly demonstrate that they use the whole habitat and that the proposed facilities would block them from passage to the Middle Harbor Shoreline Park, a significant foraging habitat. There is no evidence that the terns can and will fly over the facilities, which also likely explains why they do not frequently fly past the tallest nearby building. Furthermore, there is no water for foraging in the direction of the nearest buildings so it is not unexpected that they might not be disturbed by their proximity in that direction, which absolutely cannot be said of the areas proposed for development by the VA, especially given the critical foraging area needs required to sustain the colony. Simply put, the terns cannot successfully reproduce without access to the food resources to sustain themselves during breeding and their young once breeding has occurred. Any additional energetic burden on the California least terns during their breeding season will result in diminished success of the colony, which is currently an important source population for the recovery of the species. Causing terns to be disturbed frequently or to fly around active facilities will drain them of the resources to breed successfully. Therefore, the circle drawn around the existing colony as a justification of the development (in contradiction to the existing Biological Opinion) not only is unfounded in scientific fact, but will certainly thwart the recovery of the overall species and, in particular, cause the failure or decline of the Alameda Point California least tern breeding colony.

It has been clear from the obstacles faced by other development schemes that the reclaimed land at the former Alameda Naval Air Station is toxic and seismically unstable. Furthermore, the nature of the fill placed for the original airport is crumbling into the San Francisco Bay and, given climate change, will eventually be submerged by future sea level rise. This area should never have been built on in the first place because of its importance as sensitive wildlife habitat, but the Navy and VA have the opportunity to rectify the situation by permitting the land to be used as habitat for the California least tern and as public park space that will serve the broader

community. There is sufficient of land still retained by the Navy in Alameda and in Oakland (where the largest of population of veterans live) that offer viable alternative locations without the waste of financial resources that should be devoted to serving our veterans instead of using that money to build on land unsuitable for medical facilities. As a public health matter, it makes little sense to build medical facilities on toxic lands in a location difficult to access when there are alternatives that might, in the long-term, be more cost effective than the current proposal shown in the preferred alternative and better serve our veterans.

On a personal note, as the son and grandson of a veteran, I do not think that the veterans in my family are honored for their service when the proposed VA facility will not only cause jeopardy to the survival of an endangered species, but also is conceived in a manner that does not serve the best interests. Either keeping the facilities closer to more convenient public transportation in Oakland or at least in another area of Alameda, such as the Phase 3 area retained by the Navy for sale, would make more sense than the current proposals. It is especially frustrating to know that there exist several possible alternative locations that would serve our veterans better while not imperiling the California least terns, but the VA even after repeated consultation with wildlife experts, community members, and several nonprofit entities. This situation should not pit the survival of an endangered bird species against creating facilities in a convenient location for our veterans that service their needs.

Thank you for this opportunity to provide comments, albeit abbreviated ones, with regard to the proposed transfer of lands at Alameda Point from the Navy to the VA and the proposed development of those sites as described in the document from December 18, 2008. Again, on behalf of OceanHealth.Org and other concerned citizens, I plead with the VA and Navy to stop this course of action, which ultimately benefits few and harms many when there are clear alternatives that are a logical and compassionate choice to make.

Sincerely,

Eli Saddler, JD, MPH, MA
Director, OceanHealth.Org

January 15, 2009

Honorable Secretary Kenneth Salazar
United States Department of the Interior
1849 C Street NW
Washington, District of Columbia 20240

Honorable Robyn Thorson, Pacific Regional Director
United States Fish & Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232

Honorable Geoffrey Haskett
Assistant Director for the National Refuge System
4401 N. Fairfax Drive
Arlington, Virginia 22203

Honorable Donald C. Winter
Secretary, United States Department of the Navy
1000 Navy Pentagon, Room 4E523
Washington, District of Columbia 20350-1000

Honorable James B. Peake
Secretary, United States Department of Veterans Affairs
810 Vermont Avenue NW
Washington, District of Columbia 20420

**Re: Comments on December 18, 2008 Powerpoint of Proposal to Construct
New Veterans Affairs Facility on Site of Proposed National Wildlife
Refuge on Alameda Point**

Dear Mssr. Salazar, Thorson, Haskett, Winter and Peake:

The City Parks Project at Golden Gate University School of Law ("GGU City Parks Project") was founded in 2005 and focuses on creating additional open space and parkland resources for low-income and minority residents in the San Francisco Bay Area.

In October 2007, the GGU City Parks Project published a report titled *Access to Parkland: Environmental Justice at East Bay Parks*. *Access to Parkland* noted that increasingly "the notion of environmental justice is invoked as a framework for analysis and advocacy for the rights of low-income minority residents to a fair share of environmental

benefits”¹ such as open space, parklands and wilderness, and also reported that the majority of parks and open space in the East Bay

are located in the hillsides where the surrounding communities are today generally more affluent. These hillside parks serve to a certain degree as the extended backyard of these adjacent neighborhoods. Yet the majority of residents in Alameda and Contra Costa counties live in the flatlands...And it is in the flatland neighborhoods [] that we today generally find higher percentages of low-income and minority residents.²

These findings are corroborated in other studies. In 1969, the San Francisco Bay Conservation and Development Commission (“BCDC”) published its *San Francisco Bay Plan* which provided:

The Bay and its shoreline [in the flatlands] offer particularly important opportunities for recreational development in urban area where large concentrations of people now live close the water but are shut off from it. Highest priority should be given to recreational development in these areas, as an important means of helping immediately to relieve urban tensions.³

In 1984, the East Bay Regional Park District published a report titled *A Vision Achieved* that noted:

With the passage of time, the public served by the [Park] District has experienced a remarkable change. Similar to urbanization found in other high-density areas of the United States, the [Park] District’s majority now includes some special populations with particular needs and identification – i.e. older Americans, physically and/or emotionally disables, ethnic minorities, single parents, latchkey children and new immigrants...The [Park] District’s task includes a profound responsibility to accommodate the needs of these groups...With this special responsibility comes the recognition that for a variety of reasons such as physically disability, financial limits, age and lack of privately-owned transportation, many urban residents cannot normally enjoy the benefits of the [regional park] system.⁴

Finally, in 2007 the national conservation group the Trust for Public Land released the results of its *Bay Area Parks Equity Needs Analysis*, which indicated that the East Bay flatland neighborhoods with the greatest density and lowest income tend to be the same neighborhoods with the greatest unmet park needs.

¹ Page 4 of *Access to Parkland: Environmental Justice at East Bay Parks* (October 2007 Report by Golden Gate University School of Law City Parks Project).

² Page 1 of *Access to Parkland: Environmental Justice at East Bay Parks* (October 2007 Report by Golden Gate University School of Law City Parks Project).

³ *San Francisco Bay Plan*, Section on “Develop Waterfront Parks and Recreation Facilities” (BCDC, 1969)

⁴ *A Vision Achieved: Fifty years of the East Bay Regional Park District*, Section on “Service to Urban Populations” (East Bay Regional Park District, 1984).

In light of these conditions, in recent years residents and open space agencies (such as the East Bay Regional Park District and the California Department of Parks) have increasingly focused on expanding parkland and open space resources for underserved residents in the East Bay flatlands. The creation of Point Pinole Regional Park in the early 1990s and the creation of Eastshore State Park a few years ago are part of this focus. Efforts over the past few decades to preserve and restore the approximately 500-acres on the west end of Alameda Point (on the former Alameda Naval Air Station) are also a critical part of addressing open space inequities in the East Bay.

The United States Fish and Wildlife Service (“USFS”), a subagency of the United States Department of the Interior, demonstrated great leadership in designating these 500-acres as a proposed National Wildlife Refuge. In its *1998 Draft Conservation Plan* for the Alameda National Wildlife Refuge, the USFWS determined:

Alameda NWR [National Wildlife Refuge] will be a valued asset and source of community pride to the people of Alameda Point, the City of Alameda, and the East Bay. The proposed public use program, with its emphasis on environmental education and interpretation of natural history, will benefit from the endangered species, migratory birds and other wildlife of the Refuge, and this benefit will extend beyond the boundaries, ultimately for the continuing benefit of the American people.⁵

Looking west and south there are sweeping, panoramic views of the horizon, Bay Bridge and San Francisco skyline from many areas within the proposed Refuge. Because the Refuge is flat and has few structures, the views of the bay area are unobstructed.⁶

The USFWS wildlife refuge initiative was an important step for East Bay flatland residents with inadequate access to open space, particularly those residents that live in the flatland neighborhoods adjacent to Alameda Point. In the urbanized East Bay, these 500-acres present a remarkable opportunity to create a landmark bayfront nature park.

When understood in this context, the Alameda Point development plan now suggested by the United States Department of Veterans Affairs (“VA”) is at cross-purposes with the proposed Alameda National Wildlife Refuge and broader plans to preserve and restore the site as open space and parkland.

Page 32 of the VA’s December 18, 2008 powerpoint presentation discussed the proposed environmental impact assessment process anticipated for the VA’s Alameda Point plans under the federal National Environmental Policy Act (“NEPA”). Here the VA stated that “environmental justice” and “visual resources” will be among the principal environmental

⁵ Section 1.5, Refuge Vision Statement, *Draft Comprehensive Conservation Plan for Alameda National Wildlife Refuge* (USFWS December 1998).

⁶ Section 3.6.3, Views from and of Alameda NWR, *Draft Comprehensive Conservation Plan for Alameda National Wildlife Refuge* (USFWS December 1998).

resources considered as part of this NEPA assessment. Yet the powerpoint presentation then predicts (on page 41) that the VA should be able to fulfill its NEPA responsibilities by adopting a Finding of No Significant Impact ("FONSI") rather than preparing an Environmental Impact Statement ("EIS"). It is difficult to understand how the VA could determine there would be no significant environmental justice impacts from scuttling one of largest open space proposals in the East Bay flatlands in decades. It is similarly difficult to understand how the VA could determine that a series of large buildings obstructing previously unimpaired views of San Francisco Bay, the Bay Bridge and downtown San Francisco skyline would not constitute a significant adverse impact on visual resources.

In its December 18, 2008 powerpoint presentation, the VA suggested that it can make its Alameda Point development environmentally benign by building a nature hut and creating a buffer around small 10-acre pilot tern habitat site. This approach, however, disregards the much broader range of ecological, scenic and public open space considerations that led the USFWS to designate the entire 500-acre site as a proposed National Wildlife Refuge. The environmental relevance of this site is not simply about the 10-acre tern pilot site – it is about a once-in-generation opportunity to create an expansive waterfront park that will serve wildlife and people from the local community, the region, the state, the nation and beyond.

We need to meet the needs of our veterans, but we do not honor our veterans by constructing new VA facilities on a parcel that the nation's leading wildlife agency has already determined should be preserved as an open space legacy for generations to come.

Yours,



Paul Kibel
Visiting Assistant Professor
Director, City Parks Project

Cc: United States Congressman Peter Stark
California State Senator Lori Hancock
California State Assemblymen, Sandre Swanson
United States Senator Barbara Boxer
United States Senator Diane Feinstein
Mike Anderson, Assistant Director, East Bay Regional Park District
Doug Dehan, Alameda City Council
Whitney Dotson, Board Member, East Bay Regional Park District
Leora Feeny, Chair, Friends of the Alameda Wildlife Refuge

Janes, Larry G.

From: Bill Hodges [REDACTED]
Sent: Friday, January 16, 2009 10:48 PM
To: Janes, Larry G.
Subject: Alameda VA Outpatient Clinic

Sir: I am a veteran of the Vietnam Era, and, unfortunately, have need of using the facilities of the VA Outpatient Clinic in Oakland.

Parking there leaves a lot to be desired, and is not that easy to get to.

I look forward to visiting the new unit at the former NAS Alameda location.

I also support my fellow veterans by working with the Oakland Veterans Memorial Building, and serving on the Alameda County Veterans Affairs Commission.

Thank you,

Bill Hodges
Oakland, CA

I am continually with you; you hold my right hand.

—Psalm 73:23

Mr Jones

May you know His wonder,
be comforted by His warmth,
and feel His love
this Christmas and always.

I think getting a VA Hospital + Cemetery on Alameda Point
Is a great long overdue Idea Dont let Anybody Talk
you out of it

Sincerely
Carol Lutens

PS I have been looking for a Veterans Office to send
a Christmas Card to for a long time



Carol Ireland

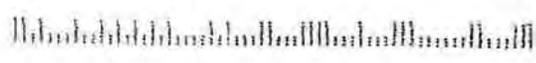
Alameda, CA

POST OFFICE BOX 100
ALAMEDA, CA 94501



Lenny Jones
VA Sierra Pacific Network
201 Walnut Ave
Moreland Island 94582

94582+1407



Janes, Larry G.

From: David Howard [REDACTED]
Sent: Friday, January 16, 2009 12:19 PM
To: Janes, Larry G.
Cc: patrick.mccay@navy.mil
Subject: Formal written submission on Alameda V.A. Proposal for Nepa Document

David Howard
[REDACTED]
Alameda, CA [REDACTED]
[REDACTED]

Mr. Larry Janes
VA Sierra Pacific Network :
201 Walnut Avenue
Mare Island, CA 94582

January 16th, 2009

Re: Proposed VA Facility for Alameda Point

Dear Mr. Janes,

I am writing in response to the public presentations on a proposed V.A. facility for Alameda Point, as presented to the public on December 18th, 2008 and at subsequent meetings. Please consider this a formal written submission for inclusion in the public record.

I wish to express my general support for a V.A. facility at Alameda Point in some form, along the lines of the various alternatives presented to public. However, I would even go one step further. I stand in opposition to the current plans by SunCal to build some 4,500 odd homes on the 770 acre parcel to the East of the proposed V.A. parcel and which the Navy is currently allocating to the City of Alameda/SunCal. My preference would be to see the VA facilities realized on this City of Alameda/SunCal parcel instead of SunCal building all of that housing and creating the attendant problems. While I don't know how to make this happen, I think this can be a win-win solution for the V.A., our veterans, the residents of Alameda, and the environmentalists opposed to building the VA facility on the current proposed 550 acre western parcel.

I believe there is strong opposition to SunCal's proposal across Alameda, and strong support for our veterans here. Further, there is a pro-housing development group here in Alameda which is really just an extension of the City of Alameda's developer-friendly planning department, and that group is advising "caution" through public statements and letters to the local newspapers about the proposed V.A. facility. I encourage you to discount their statements, as I believe they are operating solely out of self-interest, and not in the interest of Alameda residents as a whole, nor in the interests of veterans.

Thank you for your consideration.

1/16/2009

Sincerely,

David Howard

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]



Janes, Larry G.

From: [REDACTED]
Sent: Tuesday, January 20, 2009 7:02 AM
To: Janes, Larry G.
Subject: Proposed Alameda National Wildlife Refuge

January 20, 2009

To: Mr. Larry Janes
Capital Assets Manager
Veterans Administration Sierra Pacific
larry.janes@med.va.gov

Re: Proposed Alameda National Wildlife Refuge

Dear Mr. Janes:

I am writing to oppose the health care complex proposal on the former Alameda Naval Air Base that the Veterans Administration is considering.

I have lived in the East Bay for 41 years. One of the jewels of the East Bay is undeveloped waterfront access. There is not that much of it. A wildlife refuge on the former naval air base would be a unique asset - for wildlife and human beings - for generations to come. I have seen people of all ages and ethnicities enjoying the East Bay parks near the water. I have seen many species of wildlife, some of them endangered or of concern using these parks. If put to a vote I strongly believe the citizens of the East Bay would endorse turning the former Alameda air base into a wildlife refuge.

Please find an alternate site for the obviously necessary and important Veteran's Administration health care facility.

Thank you for your attention.

Yours truly,

David Rice

[REDACTED]
Berkeley, Ca [REDACTED]



**NAVY - VA Fed-to-Fed Transfer
Former Naval Air Station Alameda
Environmental Assessment**

COMMENT SHEET

(please hand in or mail back)

Name: Donald Dvorak

Organization (if any):

Address (optional):

City, State, Zip: Santa Clara CA

E-mail address:

Phone number:

Preferred form of contact: email mail phone

The U.S.Navy and the Department of Veterans Affairs are interested in your comments regarding the Fed-to-Fed-Transfer of a portion of the former Naval Air Station Alameda. Please hand them in after the meeting or mail them back to the address below by January 20, 2008. Thank you!

Comments

See Attached Sheet

I am responding to the public meeting conducted by the Veterans Administration and the Department of the Navy held on 18 December 2008, aboard the USS Hornet located at Alameda Point, California, where I was in attendance.

I see the need to support both the nesting site for the endangered Least Tern at Alameda Point, California, and to expand and improve VA hospital facilities. As a former sailor stationed at NAS Alameda in the mid-sixties, and as a person who sees the need to protect our endangered species and protect open space, I am conflicted with the choices set forth by the Veterans Administration. However, I must support continuing to maintain the nesting site with minimum disturbance. I therefore support Alternative 3.

Several issues presented by the Veterans Administration need to be addressed.

This location of the hospital is not suitable for persons under the treatment for Post Traumatic Stress Syndrome because Alameda Point lies under the flight path of Oakland Airport. The noise of aircraft taking off from Oakland Airport and flying overhead was very apparent during the meeting

Travel to the VA facilities would be time consuming and difficult, with limited access of only three bridges and one underground tube to and from Alameda.

The VA hospital would be built on landfill subject to liquefaction instability during an earthquake. There will be significant expense for earthquake proof structures.

Building a hospital at toxic site is not in keeping with the proper hygiene associated with a hospital. There will be significant expense for toxic cleanup.

Above all, the installation of the VA hospital will change the ecology of the current refuge and nesting site, resulting in a disruption to breeding cycle of the Least Tern, especially during the construction phase.

Prior to the decommissioning of NAS Alameda, the Navy realized the need to protect and preserve the Least Tern nesting site. They setup a program that allowed the Least Terns to continue their breeding cycle. This protection must continue with no disruption to the survival of Least Tern.

The holding of the public meeting on 18 December 2008 was improper, at a time when much of the public was away for the holidays and unable to attend. The cutoff date for public input needs to be extended.

The stewardship of the Alameda Point refuge must remain with the Department of Fish and Wild Life, which is best qualified.

Respectfully submitted on 19 January 2009

Donald Dvorak
Donald Dvorak

██████████
Santa Clara, CA ██████████

DONALD D. DVORAK
SANTA CLARA, CA

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Lary Jane VISN
VA Sierra Pacific Network
201 Walnut Ave.
Marine Island, CA 94582

34532+1107



January 18, 2009

Dear Mr. Janes,

I am writing to oppose the 110+- acre columbarium/health care complex proposed for the former Alameda Naval Air Base, Alameda, California as planned by the Veterans Administration (VA).

I am a wildlife biologist and am fortunate to have participated in approximately 40 avian surveys of the proposed Alameda National Wildlife Refuge (ANWR). The project site provides an important buffer to the nesting colony of endangered California Least Terns. Although the impact area may superficially appear weedy, it provides grassland/ruderal habitat that greatly increases the refuge biodiversity. Species contributed by this habitat type at ANWR includes Western Meadowlark, Savannah Sparrow, and Say's Phoebe. The area evidently harbors a substantial prey base because foraging raptors are common. This includes Red-tailed and Ferruginous Hawks*and Northern Harriers*. Two other species in particular decline throughout the state observed near this area are the California Burrowing Owl*and the Loggerhead Shrike*. Both of these two species have nested in recent years near the impact area; both utilize open habitat for foraging. To date, almost 140 bird species have been observed on the proposed Refuge.

Besides its importance to wildlife, ANWR is important to *Homo sapiens*. The refuge is in the heart of the urban jungle; when there no traffic is audible yet there is a dramatic view of the San Francisco skyline shimmering in the distance like the Emerald City of Oz. During most seasons the observer is thrilled by hundreds of birds (pelicans, gulls, shorebirds, loons, etc.) and in some springs (e.g. 2005) huge swathes of blooming gentians that turned portions of the refuge into a vast pink prairie studded by Killdeer and the occasional Burrowing Owl. At present, the Refuge provides a unique sense of space and solitude.

Although I understand and am sympathetic to the critical needs of our veterans, this is a project that could and should be constructed elsewhere, perhaps in some blighted portion of Oakland. It should be situated closer to BART to facilitate access for the disabled.

As a 40-year resident of the East Bay, I believe we need a large and undeveloped refuge to escape the demands of our fast-paced society; in short, a mental health facility for us city dwellers, the nature-deprived denizens of the East Bay. We need to VA to work with us to support completion of the Refuge, an urban project that will also provide tremendous benefit to both veterans and civilians alike.

Thank you kindly for consideration of my views,

Emilie Strauss

██████████
Berkeley, CA ██████████

*These species are California Species of Special Concern. They are declining throughout the state and have been placed on this list to prevent their population from reaching the endangered level.

Janes, Larry G.

From: [REDACTED]
Sent: Monday, January 19, 2009 4:58 PM
To: Janes, Larry G.
Subject: Alameda Naval Air Base

January 19, 2009

Dear Mr. Janes,

I'm appalled at the proposal by the Veterans Administration to place 110 acre columbarium-health care facility on former Alameda Naval Air Base, Alameda.

This area has long provided habitat for many species, including the endangered Least Tern. In the past I have assisted in censuses and surveys of this area, and in the study of the Least Tern, and I feel it is crucial to preserve these areas, especially as habitat throughout the Bay Area shrinks.

I urge you to do what you can to place this facility elsewhere.

Thank you,

Helen A. Green

[REDACTED]
Berkeley, CA [REDACTED]



**NAVY - VA Fed-to-Fed Transfer
Former Naval Air Station Alameda
Environmental Assessment**

COMMENT SHEET

(please hand in or mail back)

Name: KENNETH C. MORRISSEY

Organization (if any): NAVY LEAGUE, VOTER

Address (optional): [REDACTED]

City, State, Zip: ALAMEDA CA [REDACTED]

E-mail address: [REDACTED]

Phone number: [REDACTED]

Preferred form of contact: email mail phone

The U.S.Navy and the Department of Veterans Affairs are interested in your comments regarding the Fed-to-Fed-Transfer of a portion of the former Naval Air Station Alameda. Please hand them in after the meeting or mail them back to the address below by January 20, 2008. Thank you!

Comments THE PROPOSAL IS THE BEST USE OF THE LAND SO FAR OFFERED. I AM IN FAVOR OF PROCEEDING WITH THE TRANSFER.

THE BIGGEST PROBLEM WILL BE THE "BIRDS". FOR THE PROPOSED TRANSFER TO BE SUCCESSFUL THE PUBLIC MUST BE MADE AWARE THAT THERE WILL BE NO HARM TO THE TERN COLONY. NOT DEFENSIVE BUT A POSITIVE APPROACH.

THE BIRDS WERE HAPPY WHEN THEY NESTED BY AN ACTIVE RUNWAY AND THEY WILL BE MORE HAPPY WITH A 10 ACRE BUFFER ZONE

Rm Morrissey

Janes, Larry G.

From: Kerry Easthope [REDACTED]
Sent: Tuesday, January 20, 2009 2:46 PM
To: Janes, Larry G.
Subject: Veterans Administration proposal for Alameda Point

To Whom It May Concern:

On December 18, 2008, I attended the Veteran Administrations presentation on its development plans for Alameda Point. As a concerned citizen who is interested involved in the long term growth and development off the Alameda community, I feel that the proposed development would help generate growth and innovation that is much needed on the island.

In addition, the development would be a reflection the communities long time support of the military personnel whom, for so many years, have been an integral part of Alameda's history.

The development would create new jobs and help stimulate other business development on the island; all of which are greatly needed in a time of economic crisis. I feel that the concerns expressed over the endangered birds has been adequately mitigated in the plan design.

The VA has my support.

Sincerely,

Kerry E

This electronic message contains information that may be legally confidential and/or privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it.

Alameda Hospital 2008

Leora Rose Feeney

████████████████████
████████████████████
Alameda, CA ██████████
████████████████████
████████████████████

January 19, 2009

Lawrence G. James
Capital Asset Manager
Department of Veteran Affairs
VA Sierra Pacific Network
VISN 21
201 Walnut Avenue
Mare Island, CA 94592

Dear Mr. James,

This letter is in response to the Power Point presentation given by the VA and Navy on December 18, 2008 on the U.S.S. Hornet at Alameda Point proposing a multi-service veterans facility on property currently proposed for a wildlife refuge.

Having spent the last 15 years working on the refuge dream, it was particularly disappointing to have missed the meeting due to a previously planned family holiday. I was sorry that the first Power Point copy I received had two slides per page and poor resolution. I did eventually get a better copy, but it delayed my ability to review it. I was disappointed that the talk-over points were not available for those who could not attend the meeting. In particular the only information about wildlife in what I received came as photos of a least tern and a brown pelican. There was no discussion about them or their intended care if Alternative 1, 2, or 3 should be developed. It did not address other wildlife issues on the site.

Although, I am a member of PAWR and comments are coming to you from us in a collaborative letter, I wanted to write an additional letter with my personal comments.

For the sake of brevity I will list my concerns:

1. How will the seismically unstable thin skin of fill at the site house infrastructures such as sewers, water, communication services, and electricity?
2. How will the stability of structures on the fill be guaranteed?
3. Is it appropriate to have veteran health care centers and burial facilities on the same property?
4. Will there be military salutes during funeral services? How will this impact veterans with health problems who suffer from Post Traumatic Stress Syndrome (PTSS)?

5. How will veterans with PTSS respond to helicopters flying in an out of the facility?
6. I'm concerned about the number of acres changing in various documents. The Power Point presentation acreage (using both 549 and 539 acres) is different than the 579 mentioned in earlier VA papers. It is different than old city of Alameda documents, which is different than the more recent US Fish and Wildlife Service documents. What is the means of determining the acreage and can the acreage be referenced (with methods and source) to provide some confidence?
7. I am very concerned about removing the open SF Bay water portions of the proposed refuge from habitat considerations for the least tern, brown pelicans, and other wildlife associated with the refuge natural resources. It is difficult enough for one agency to manage resources, but for two to work in concert at best creates delays to crisis response and could result in conflicting interests and failed protection of important resources.
8. Why weren't tidal habitats on the property illustrated on the habitat map? Some are inland by ¼ to ½ mile suggesting that water is flushing in and out of the subsurface of the site and making it quite vulnerable to sinkholes and difficult for installation of infrastructures and surface construction.
9. How will costs of construction and infrastructures on fill over tidal washes compare with costs on land where infrastructures are already in place?
10. Have levees been evaluated for seismic stability or storm resistance?
11. Has the noise from the Port of Oakland been considered with its ship loading and off loading 24 hours a day 7 days a week for either a memorial park, health center, or hospital?
12. How will endangered species be addressed with each of the alternatives? Who will be responsible/accountable? What methods will be adopted? Who and how will it be funded?
13. The VA created an ill-conceived buffer zone based on the buildings to the east of the least tern colony, not considering that to the north, west, and south flight routes to foraging waters are vital for parents feeding young. It is not known if least terns will fly over buildings to foraging waters. The current Biological Opinion for the site would not allow them to build on the site, let alone within their proposed buffer zone outside the site.
14. Why does the VA have construction within their own proposed buffer zone?
15. How will contaminants on the site which may be found in the future be handled?
16. Based on your own statistics it appears that Alameda is not the best location for either health services (Oakland would be better) or memorial park (West Bay would offer better balance in Northern California). I repeat my confusion about having health care facilities next to a burial ground.

There are so many issues regarding the inappropriateness of this site for the purpose intended. Our veterans deserve better. And I know there are many issues unaddressed above regarding wildlife. I can not believe you think there won't be a need for an EIS/EIR.

I am very disappointed in having to respond to a non-document that is hard to decipher or understand. No where on the Power Point is there response contact information. There is no identification of the preparer of the presentation. No one seems accountable. The

keys of some slides are difficult to understand. I am surprised that no transcript was available for those who could not attend this event in the middle of the holiday season.

The best use of the western portion of Alameda Point is that of open space for its remaining wildlife, for people to experience, enjoy, and learn from. This is the last possible Central SF Bay location to host a gem refuge that could/would have global significance. This site has gorgeous distant views. Any construction will reduce this resource. The site often hosts thousands of birds at one time, and always hundreds. Any development will reduce this resource. The people in the city of Alameda, the East Bay, the Bay Area, and beyond would be best served having this site preserved as wildlife habitat in perpetuity. And I truly believe that veterans would be best served if their facilities were chosen with more consideration for them.

The existence of the CA least tern is fragile. Although numbers have increased with protection, it is well known that colonies need management for success, and even with careful management we can have brutal failure. Failure for one year is heartbreaking. Failure for more years is an absolute threat to the species. Putting additional risk to them at this site is putting them at risk of multiple year failures.

The tern colony grew with biological management while the Navy was there. They had military protection. Trespassers were not a problem. The least tern was the NAS Alameda mascot. Our officers and sailors took care of them, and they were proud of their little flyers. They closed the main (North-South) runway during fledgling season, but for emergencies. And even then they did vehicular flushing of birds on the runway before aircraft landings. The colony has flourished since the Navy left. It's grown by 100s of pairs. But in 2006 there was a sink year meaning we had very few fledglings. Fortunately, 2007 and 2008 were better, but those of us close to the terns know how delicate the situation is and how much work it is to insure a successful breeding year.

I am very concerned about future management and encroachment on predator foraging areas that could force predators to focus on the least tern colony. I am very concerned about building on important nocturnal least tern roost sites (outside the fenced colony site). I am very concerned about areas where fledglings are learning to fly, practicing their skills with increased predator pressure, practicing their skills with reduced rest locations. I am very concerned about contaminants from any development's landscaping getting into their foraging water, and especially developments near the colony where contaminants could be airborne too.

Please, choose Alternative 4.

Sincerely,

Leora R. Feeney

Co-chair of Friends of the Alameda Wildlife Refuge
A committee of Golden Gate Audubon Society

Janes, Larry G.

From: Michael McClaskey [REDACTED]
Sent: Monday, January 19, 2009 10:21 PM
To: Janes, Larry G.
Subject: hospital and columbarium at wildlife refuge

To: Larry Janes
Capital assets manager VA sierra pacific

Dear Mr. Janes,

I have recently learned that the VA proposes to build a new hospital and columbarium within the proposed Alameda NWF.

I have been to this site on multiple occasions, and find it impossible to imagine that such a development could be built without significant impacts to the Least Tern breeding colony.

It also strikes me that this is a remote location for serving the many disabled persons that the VA is mandated to serve.

A location more readily served by the existing mass transit services would seem to be of high priority and much less at odds with good planning procedures.

Please register my opposition to the proposed project, and provide notice of further publicly noticed developments regarding this project.

Thank you for your kind attention,

Mike McClaskey

[REDACTED]
Point Reyes Station CA [REDACTED]

--

Mike

Janes, Larry G.

From: Pat B. [REDACTED]
Sent: Friday, January 16, 2009 10:55 PM
To: Janes, Larry G.
Subject: Alameda, California

Dear Sir:

I would like to express my support for a VA Hospital at the closed Navy Base in Alameda, California. It would be an economic boost that our small community could use. It would also stop the plans for the over development of the base. The proposed development will create many more problems that will be a disaster for such a small island. Alameda has limited transportation options for an influx of hundreds of more residents.

Thank you for your consideration.
Patricia Bail

Janes, Larry G.

From: Phila Rogers [REDACTED]
Sent: Monday, January 19, 2009 6:36 PM
To: Janes, Larry G.
Subject: proposed development for alameda

To whom it may concern:

I am strongly opposed to the proposed 113-acre columbarian and health care center proposed for our Alameda National Wildlife Refuge. Our refuges are vital to the birds that visit such places and should not be used for such developments when other sites are available.

Sincerely,

Phila Rogers

Janes, Larry G.

From: [REDACTED]
Sent: Tuesday, January 20, 2009 7:00 PM
To: Janes, Larry G.; patrick.mccay@navy.mil
Subject: Veterans Facility at Alameda Point

Dear Sirs,

I understand that the deadline to receive public input is today, January 20th. So, due to this deadline, I am addressing this letter to both of you. I have lived in Alameda for 35 years, and while I have no military ties, I am very, very, much in favor of a Veterans facility at Alameda Point. I believe we need a fine new facility for our Veterans which is centrally located. And Alameda is most definitely a central location in the Bay Area.

Additionally, due to the area's military history, I think it would be most appropriate and fitting to have a healing and hopefully state of the art Veterans facility at the old base.

I also believe that you would find that the Alameda community would be very positive about the idea, and as a whole, the community would very much welcome such a facility.

I sincerely hope that this idea will be seriously pursued by the Veterans Administration and other concerned parties.

Thank you.

Reyla Graber

[REDACTED]
Alameda, Ca. [REDACTED]

Ronald Barklow

[REDACTED]
Oakland, California [REDACTED]
[REDACTED]

January 15, 2009

Mr. Larry Janes
VA Sierra Pacific Network
201 Walnut Avenue
Mare Island, CA 94582

Subject: Navy – VA Fed-to-Fed Transfer, Former Naval Air Station Alameda,
Environmental Assessment – Comments due January 20, 2009

Dear Mr. Janes:

I attended the Public Information Meeting held on December 18, 2008, on the proposed transfer of property from the Navy to the VA at the former NAS Alameda. I have the following questions and comments relating to the Environmental Assessment (EA) currently under preparation by the Navy and VA and ask that they be addressed in the document.

Extensive fill was used to create the former runways: sand pumped from the bay into cells, even some old ships were buried, overlying many feet of bay mud. For this reason the proposed site seems unsuitable for construction of such buildings as hospital, clinic and medical office buildings because of potential danger and damage in the event of earthquakes. Will land subsidence damage roadways to the new buildings? After the 1989 Loma Prieta earthquake, for example, paved roadways and water lines to the Caltrans buildings at the east end of the San Francisco Bay Bridge were damaged due to subsidence of up to 8 inches. You had to zigzag around the damaged roadway to get where you were going. Water lines had to be repaired or replaced. If the same thing happened at the Alameda Point site – i.e., damaged roadways, water lines, etc. -- it could have serious consequences in access to and operation of the hospital and clinic. How do construction costs on this site compare because of soil conditions to other alternative sites without this problem?

One of the speakers at the meeting stressed the importance of not selecting a site located under the flight path of airports because of the noise causing additional stress to veterans receiving care. The Alameda Point area under consideration is under the flight path of Oakland Airport. In fact, during the December 18 meeting, at least half dozen planes flew overhead. How many planes are expected to use this flight path daily?

The Port of Oakland operations of loading and unloading ships should be addressed because of the noise and bright lights. This activity can go on 24 hours a day, seven days a week. Will this be addressed in the EA?

Transportation to the proposed VA facilities is a problem that needs to be addressed. There currently is little or no public transportation to the site. Where will the funding come from to provide such service? Why does the Alameda Community Hospital, which is currently centrally located, need to be relocated to Alameda Point, which is not centrally located?

Will the levees protecting the area be upgraded and/or repaired? They appear to be in need of repair now. Will global warming be considered in evaluating the need for raising the levees? Who pays for this?

Who will be responsible for the proposed nature center? The San Francisco Bay National Wildlife Refuge? East Bay Regional Park District? Other? Will the current volunteers (FAWR) maintaining and monitoring the California Least Tern colony continue to have a role?

Will there be fencing near the buildings to keep people and pets from going into the nesting colony area?

Why won't the new proposed buildings interfere with or change the feeding flight paths of the California Least Terns? What studies have been done/will be done to determine this?

The noise and displays of Fourth of July fireworks can be a problem as this is nesting time for the terns. How will the terns be protected from disturbance? How will people and fireworks displays be kept out of the area?

How many funerals are expected per year at the columbaria? Will there be gun salutes? What impact would the firing of guns have on the tern nesting colony?

I can't understand why the VA doesn't consider the former Oak Knoll Navy Hospital site in Oakland. It was convenient, centrally located, accessed by public transportation, and a beautiful peaceful scenic setting for those patients needing time to regain their health. Please keep me advised on the Alameda proposal by mail or by Email at


Sincerely,



Ronald Barklow
FARW member and volunteer

Janes, Larry G.

From: Rosemary McNally [REDACTED]
Sent: Friday, January 16, 2009 7:52 PM
To: Janes, Larry G.
Subject: Yes Alameda wants you!

I would like to support the Veterans Association in their move to Alameda at the NAS.
Please work to develop your services here.

Thank you.

Sincerely,

Rosemary McNally
Alameda resident
[REDACTED]

Janes, Larry G.

From: Rusty Scalf [REDACTED]
Sent: Tuesday, January 20, 2009 12:13 PM
To: Janes, Larry G.
Subject: Alameda California site

January 20, 2009

The Veterans Administration

I write to ask that the Veterans Administration reconsider your development plans for the former Alameda Naval Air Station, and in particular that you not view this as Plan B vs. a Plan A for the use of vacant property. Please see that this land isn't vacant at all. The site is being utilized in a most valuable way, and a way that is extremely difficult to replicate anywhere else.

Viable, productive wildlife areas are rare in urban environments and the proposed Alameda National Wildlife Refuge is valuable and productive well out of proportion to its size. The refuge is a nesting site for the endangered California Least Tern, one of a handful of such sites left on the Pacific Coast of North America. As it currently stands, the buffer zone around this tern colony is minimal.

This is not simply a concern about open space, where one encounters plants and animals common to a region. This site is extraordinarily valuable for its support of nesting Least Terns and is a part of our wildlife legacy. Many caring people have worked hard to preserve this site in the hopes that these small marine birds will continue to exist, to the marvel of our children and grandchildren.

Please, reconsider.

Thank you for your attention.

Russell Scalf

[REDACTED]

Berkeley, CA [REDACTED]

[REDACTED]

[REDACTED]

Janes, Larry G.

From: [REDACTED]
Sent: Sunday, January 18, 2009 11:05 AM
To: Janes, Larry G.
Cc: [REDACTED] patrick.mccay@navy.mil
Subject: VA Medical Facility Alameda

Dear Mr. Janes:

As a disabled Vietnam Veteran and user of the excellent VA facilities in Oakland, San Francisco, and Martinez, California, I strongly endorse the construction of a new VA medical facility on the former Naval Air Station Alameda.

As a retiree of Kaiser Permanente and as a disabled veteran, I would be happy to serve on a Consumer-Veteran-Community Advisory Committee to help plan for the VA Hospital Alameda.

Enclosed is an Editorial that I wrote which was published in our Alameda newspapers in 2008. This will give you an insight into my thinking and communication skills. I currently am a Middle School Science Teacher in Alameda.

Sincerely,
William Dodge

William Dodge
Lt, USNavy(disabled)
Kaiser Permanente(ret.)
Lincoln Middle School Science Teacher

[REDACTED]
[REDACTED]
Alameda, California [REDACTED]

Published in the two Alameda newspapers in 2008:

Alameda Hospital vs. Alameda Education

By William Dodge

The City of Alameda can not afford both quality education and a quality hospital. In fact, Alameda has neither. Alameda Hospital has become a money pit. The new Alameda Hospital Administrator is paid as much as the President of the United States, \$400,000 per year in salary and benefits. This is just plain wrong.

You might ask how Alameda got in this fix. The closing of the Alameda Naval Air Station 11 years ago left both education and hospital under funded. As a result, Alameda Hospital loses money every year. And, every year, Alameda education cuts budgets. Our elected representatives in the State Legislature have done nothing to help.

When the Navy funded Alameda Hospital, it was a full service acute-care facility. Today, the hospital does not provide inpatient obstetrics or pediatric services, although Alameda residents need this medical care. Its emergency service refers to other hospitals for the critical traumas and for the cardiac cases that require catheterization. The inpatient occupancy rate of the 100 acute beds is 40%. This is a losing proposition.

Without Navy monies, Alameda does not have the population to support a hospital. Federal healthcare guidelines suggest that it takes a dedicated population of 100,000 to support a 100-bed hospital. But, almost half of Alameda's 75 thousand residents are members of Kaiser Permanente.

So how does Alameda Hospital financially survive? Two of the largest contributors are property taxes and Kaiser Permanente. Annual property taxes of \$298 per parcel pay \$6

million and Kaiser's contract for surgeries pays \$8 million. But, Kaiser is building a new Oakland hospital to be completed in 5 years. What happens when Kaiser leaves?

And the story gets worse. By 2013, Alameda Hospital must spend over \$6 million to retrofit all three of its buildings. Does this mean that the buildings are unsafe now? Delaying the retrofit might save money but at the expense of safety.

When the Alameda Naval Air Station closed, it left Alameda schools in as bad financial shape as Alameda Hospital. In 2007, the \$116 annual property tax for Alameda schools was not sufficient enough to stop a \$2 million budget cut and did not allow employees and teachers a salary increase to keep up with inflation.

In 2008, State budget cuts of 10% in education loom. Alameda schools have already closed schools and reduced sports, physical education, and some arts. Classroom student numbers are at a maximum. Qualified teachers are leaving the District for higher paying jobs. There is no immediate solution to bailout Alameda education. Alameda's property values are partially based upon the success of its education. And, property values are going down.

It's time for Alameda to decide whether they want quality education or a quality hospital. Alameda can not afford both. Giving the annual \$6 million Alameda Hospital tax to Alameda Education might make sense. But, there are many healthcare services that Alameda Hospital does provide quite successfully.

It's time to consider selling Alameda Hospital. Sell to the Veterans Administration, to Summit, or even to Kaiser. The Veterans Administration recently announced that they want to have medical services in Alameda by 2012. The V.A. seems willing to sign short-term contracts with Alameda.

Why not long term or permanent? How about a buy-out?

Wouldn't it be nice for all residents of Alameda to have quality veteran-civilian medical services in Alameda and not have to pay the \$298 annual property tax?

Wouldn't it be nice for Alameda Schools to receive that \$298 annual property tax to deliver quality education?

If you would like to comment on what to do with Alameda Hospital and Alameda education, please email me at [REDACTED].

Sincerely,

William Dodge
Resident of Alameda

[REDACTED]
Alameda, California [REDACTED]
[REDACTED]
[REDACTED]