



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

December 11, 2006

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

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

Dear Ms. Clemente:

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

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

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

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

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

Sincerely,

/s/

Paula Bisson, Manager
Environmental Review Office
Communities and Ecosystems Division

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

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

Purpose and Need/Alternatives Analysis

Formulating alternatives

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

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

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

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

Recommendation:

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

Criteria for assessing purpose and need

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

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

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

Recommendation:

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

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

Biological Resources

Integrated Natural Resource Management Plan (INRMP)

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

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

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

Recommendation:

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

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

Compensation ratios

The DEIS indicates that burned disturbed Diegan coastal sage scrub, coastal sage scrub-chaparral, Diegan coastal sage scrub, and disturbed Diegan coastal sage scrub are considered regionally rare and declining habitats (p. 4-44, line 26). While the DEIS states that compensation ratios for the project, originating from the INRMP, were adjusted if low habitat

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

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

Recommendation:

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

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

Grasslands

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

Recommendation:

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

Habitat corridor

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

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

Recommendation:

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

Good site design and practice

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

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

Recommendation:

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

Clean Water Act Section 404

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

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

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

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

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

Recommendation:

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

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

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

Air Quality

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

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

Recommendation:

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

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

- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.

Federal Leadership in Sustainable Building

Water conservation and renewable energy

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

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

Recommendation:

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

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

Solid Waste

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

Recommendation:

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