

ALLIANCE FOR A CLEAN WATERFRONT

A Network of Diverse Community, Political and Environmental Justice Organizations

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Southwest Division
BRAC Operations Office
1220 Pacific Highway
San Diego, CA 92132-5190
Attn: Melanie Ault

Re: FINAL EIS FOR THE DISPOSAL AND REUSE OF HUNTERS POINT SHIPYARD, SAN FRANCISCO, CALIFORNIA; SCH # 95072085

Dear Ms. Ault:

Thank you for sending a copy of the FEIS and providing us with the opportunity for further comment. We appreciate that the Navy has responded to a number of our requests for additional information, and has provided more detailed explanations of your reasoning on some key points.

However we continue to have concerns about the adequacy of the document. Some comments (submitted by us, by other public interest organizations, and by public agencies) critiquing the DEIS have been misunderstood by the Navy; on others, there is continuing disagreement. A short description of some of our concerns follows.

1. Hazardous Waste

The Navy repeatedly interprets comments about the mismatch between environmental cleanup and the Preferred Reuse Plan as if they were comments on the cleanup process itself. We acknowledge that it is not the purpose of this EIS to review the environmental impacts of the cleanup process. However, this EIS has an obligation to analyze the potential impacts that the transfer and reuse of the property could cause, given the particulars of the cleanup process as it is developing.

For example, we have commented that in its plans for disposal of the property, there is no evidence that the Navy is taking precautions to prevent the loss of institutional memory about assumptions underlying cleanup decisions. [see Comment P12-18, 12-21, 12-22]. The Navy needs to ensure that environmental information collected about the site, that assumptions in the risk analysis, and all other information about the site cleanup will be easily accessible to and usable by the City, to new owners, and to all subsequent users well into the future when the Navy no longer owns the site.

Although not required to review the environmental impacts of Shipyard remediation decisions, the Navy *is* obligated to examine whether the Preferred Reuse Plan is consistent with the cleanup that the Navy is planning for the site. Although the EIS claims that cleanup will be consistent with the Preferred Reuse Plan, a March 8, 2000 letter from Navy Undersecretary for Installations and Environment, Robert B. Pirie, Jr. to Congresswoman Nancy Pelosi suggests otherwise. (See attached.) The letter describes a meeting at which the "Navy presented several strategies to integrate the cleanup with redevelopment, including the possibility of an early transfer and a lump sum, fixed price conveyance/remediation agreement."

To meet their cleanup responsibilities under CERCLA, the Navy would provide San Francisco with funds to clean up only soil that will not be covered by structures or paving. In effect, the Navy is proposing to dispose of the Shipyard property with terms that would, lock the City of San Francisco into a detailed site plan. This "integrated cleanup" proposed by the Navy would be part of an early transfer.

Setting aside the shortcomings of this approach to environmental cleanup, we must question whether property disposal by the Navy according to such terms would be consistent with the Preferred Reuse Plan scenario evaluated in this EIS. In the EIS, the Navy states repeatedly that this program level EIS addresses land use in very general terms rather than by specific locations. However, if the Navy's actual terms of property disposal effectively limit reuse of the Shipyard to one specific site plan, the EIS must analyze that site plan as a reasonably foreseeable consequence of Navy disposal.

2. Lack of Adequate Alternatives

The analysis in the EIS suffers because the document does not include an adequate range of alternatives. We raised this issue in our comments P12-59. USEPA offered related criticisms in their comments F2-4, F2-5, and F2-6. The Navy's response deepens our concerns.

First, the Navy confuses the City's planning process, during which the community considered a number of alternative reuse scenarios with the designation of alternatives for purposes of environmental review. Devising alternatives for the environmental review process was not a part of the community planning process.

Second, the Navy suggests that nothing is to be gained by Navy exploration of alternatives to a BRAC Reuse Plan because the Navy will not be in control of the property reuse.

Third, the Navy in effect concludes (with respect to the Reduced Alternative) that any plan other than the City's plan would be unacceptable because it would not achieve the goals of the project. The authors of the EIS designed the Reduced Alternative to meet the single objective of providing 2,700 new jobs. They then reject this alternative because it provides 2,700 new jobs instead of the 6,000 projected for the Preferred Alternative. This alternative appears to have been designed for rejection.

The Navy appears to lose sight of the purpose of NEPA review, which is to examine a range of alternatives, to explore tradeoffs, and potentially to modify a proposed action in order to avoid environmental impacts. Unfortunately the misunderstanding over the role of alternatives generally undermines the entire EIS. The document generally reflects the Navy view that they have no role to play in preventing environmental impacts when they dispose of the Shipyard property.

The Navy is obligated to prepare an EIS for their disposal action in order to determine how they could modify their actions to avoid environmental impacts. This presupposes a willingness to make modifications to their actions if necessary. The finding of the EIS of unmitigable traffic and air impacts suggests the need to explore additional alternatives and/or mitigations.

3. Traffic

Almost every comment letter mentions that the Transportation Management System Program, the main mitigation for traffic and air pollution impacts, is too vague to ensure any predictable effect. The Navy's response in every instance is to claim that the TMSP is adequate. The Response to Comments provides no more commitment to mitigation outcome than the Draft EIS.

4. Air Pollution Impacts that Come and Go

The first draft of this EIS did not identify air pollution impacts of the Project. The subsequent Draft found impacts. The Final EIS finds that there are no air impacts of the Project. If a subsequent version of the EIS were to be written, we can only wonder whether air pollution impacts would again be found.

5. Biological Impact

The National Marine Fisheries Service raised questions about impacts of property disposal, to which the Navy responded that they have not identified impacts that would be the result of reuse. [F1-2] The National Marine Fisheries Service also clarified their lack of concurrence on the Navy's determination of no adverse effect. The Response to Comments assumes that additional information will produce the desired concurrence. There is no evidence presented of such concurrence.

6. Environmental Justice

We concur with EPA's comment [F2-11] that the Navy conclusion of no significant impacts is not supported by evidence in the EIS with respect to "double exposure" to contaminants to people who will both live and work at the Shipyard.

7. General Plan noncompliance

The FEIS, in its review of the Redevelopment Plan, does not adequately discuss its conflicts with the San Francisco General Plan.

On its face, the HPS Reuse Plan is not consistent with the General Plan.

- The land use map in the South Bayshore Area Plan shows the Shipyard as a public facility.
- The land use map in the Residence Element shows the Shipyard partially as mixed use (including residential uses) and partly as public/open space.
- The land use map in the Land Use Index also shows the same mix of uses and characterizes the mixed use classification as predominantly residential R-C District.
- None of these General Plan maps matches the land use map in the Preferred Reuse Plan.

The FEIS is factually incorrect in its assertion that the San Francisco General Plan does not include maps and policies specific Hunters Point Shipyard.

Please contact us if additional explanation or information is needed.

Yours truly,

Eve Bach
Arc Ecology
Staff Economist/Planner