



October 11, 2012

Via US Mail & Email

Mr. Anthony Magliola  
Base Closure Manager  
BRAC PMO West  
7040 Trabuco Road  
Irvine, CA 92619  
Anthony.megliola@navy.mil

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

RE: Alameda Naval Air Station Transfer and Development

Dear Tony and Larry:

We are writing on behalf of the Golden Gate Audubon Society and the Sierra Club to seek information and express concerns about the proposed transfer of land at the former Alameda Nava Air Station ("ANAS") from the US Navy to the US Department of Veterans' Affairs ("VA"). While we continue to hope for success of the compromise agreement, we still have concerns about the impacts of the project on the endangered California Least Terns and other wildlife that depend on the property identified as the "VA Undeveloped Property", which we refer to as the Alameda Wildlife Refuge ("the Refuge").

Under the compromise agreement, the Navy will transfer the land to the VA for the purposes of constructing an outpatient clinic on the Northwest Territories and a columbarium on the northwest portion of the Refuge.<sup>1</sup> The VA will also assume management responsibility for the California Least Terns and other species that rely on the Refuge. The project will significantly increase human activity in the area and effect a permanent change to the Refuge and the surrounding area.<sup>2</sup>

The August 29, 2012 Biological Opinion ("BO") issued by the US Fish & Wildlife Service clearly concludes that the project will increase predation pressure, perceived predation, and disturbance rates on the California Least Terns. The Service concludes that these impacts likely negatively affect the terns and restrain or reduce the least tern population at the Alameda Wildlife Refuge.<sup>3</sup> The BO focuses primarily on activities on the Refuge during the tern breeding

---

<sup>1</sup> Biological Opinion, at 7-10.

<sup>2</sup> *Id.*

<sup>3</sup> Biological Opinion, at 40 ("[W]e expect the effects of implementation of the proposed project to permanently decrease, by a small but measurable extent, the future reproductive potential and long term average size of the least tern colony at NAS Alameda."). The impact will arise in part due to a decrease in predator control, increase in perceived and actual disturbance and predation, and loss of foraging habitat. *Id.*

season and does not substantially discuss activities during the non-breeding season that may affect the local environment and result in negative consequences to the terns when they return. Moreover, the BO concentrates only on the terns while not addressing impacts to other ecological values of the Refuge.

We have five primary concerns that we hope can be immediately addressed:

1. The VA and Navy must comply with the spirit and letter of the National Environmental Protection Act (NEPA) by preparing a thorough Environmental Assessment, which we believe will find that an Environmental Impact Statement ("EIS") is necessary.<sup>4</sup> The project will increase predation pressures and perceived predation on the endangered California Least Tern at one of its most important and productive colonies; there is no doubt that such an impact is significant and thus triggers the need for an EIS.<sup>5</sup>
2. The VA and Navy must commit to protecting important habitat areas on the periphery of the Refuge, particularly wetlands and other habitats on the Refuge and the Northwestern Territories. These areas draw predators away from the tern colony; if they are compromised, the ecological integrity of the site will suffer and the terns will endure greater predator pressures.<sup>6</sup>
3. The VA needs to more clearly define the project, especially the use of the bunkers at the site and the use of the Refuge for staging during emergencies and preparedness training.<sup>7</sup>
4. The VA should more clearly explain any other activities it intends to conduct on the Refuge and identify them in the NEPA process. The BO is largely silent regarding activities that occur outside of the tern breeding season; however, those activities could have significant negative impacts on other species (such as Western Burrowing Owl) that winter at the site and, subsequently, could compromise the overall ecological balance at the site and threaten the terns.
5. The VA should indicate its intent, preferably with a written commitment, to preserve the integrity of the Refuge. Basing the Refuge solely on the presence of the California Least Terns provides an incentive to VA to have less interest in preserving the tern colony.

Our organizations have additional concerns and will follow up with direct communications and subsequent correspondence to lay them out in more detail. As a starting point, our organizations would have greater confidence in the VA's commitment to properly manage the terns if it clearly

---

<sup>4</sup> See Council on Environmental Quality (CEQ) Regulations § 1501.4.

<sup>5</sup> See, e.g., *Anderson v. Evans* (9th Circuit 2002) 314 F 3d. 1006 (finding impacts to whales in Puget Sound constituted a significant impact to the environment).

<sup>6</sup> Caffrey, C. 1995. *Characteristics of California Least Tern Nesting Sites Associated with Breeding Success and Failure, with Special Reference to the Site at the Naval Air Station, Alameda*. Report submitted to the Naval Facilities Engineering Command, Western Division, Dept. of the Navy, at 54 ("The present configuration of prey- and predator-supporting habitat relative to the large barren area enveloping the tern site fortuitously channels predators away from the terns to the grassy and wetland areas, among which they apparently move back and forth. (Laura Collins, pers. comm..)")

<sup>7</sup> Biological Opinion, at 7, ¶ 2(d).

stated its intention to retain the US Fish & Wildlife Service as the primary manager and monitor of the tern colony. At a minimum, a management plan should be developed and included in the NEPA analysis to ensure informed decision-making.

Thank you for consideration of our concerns. If you would like to discuss these issues, please do not hesitate to contact Mike Lynes at (510) 847-9393 or at [mlynes@goldengateaudubon.org](mailto:mlynes@goldengateaudubon.org).

Sincerely,

Michael Lynes  
Conservation Director

Arthur Feinstein  
Sierra Club

Cc (email): Cay Goude, US Fish & Wildlife Service  
John Russo, City of Alameda  
Jennifer Ott, City of Alameda  
Bob Doyle, East Bay Regional Park District  
Mike Sherwood, Earthjustice