

# **Thomas & Associates**

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*Engineering and Environmental Services*

October 12, 2009

Ms Kathy Gleason  
CNWS Neighborhood Alliance

**SUBJECT: COMMENTS ON DRAFT REVISED ENVIRONMENTAL IMPACT REPORT (DEIR), DATED AUGUST 2009**  
**RE: CITY OF CONCORD'S COMMUNITY REUSE PLAN for THE CONCORD NAVAL WEAPONS STATION (CNWS)**

Dear Ms. Gleason:

As requested, I have performed a cursory review of the referenced DEIR, or more specifically a cursory review of the summary, and Chapters 1, 2, 3, 10, 11, and 18. Having worked on many, many EIR's and more recently for the City of San Jose's EIR for its new Airport, as former Environmental Manager for the airport, the following are my comments of the CNWS DEIR (not in any particular order of priority):

1. The DEIR does not appear to identify all "standards of care" that are reasonably applicable to the alternatives. A table summary these standards of care should be prepared comparing how each standard of care will be satisfied as they apply to each key element or phases of each alternative. There are clearly more standards of care than those that might be in any CEQA guidelines, whose non-attainment may adversely impact the City and the community as well as the surrounding communities for short or long periods of time.
2. There was no discussion on how other similar land use projects in other states or regions or locals compared to similar BRAC closures, such the short and long term pros and cons. This would help put the use of this land and its future development into better perspective based upon real time experiences.
3. The "Community Reuse Project" or its "Preferred Alternative", as it is called on the City of Concord's web sites and in the DEIR entails an extremely large development on over 5,000 acres of land that will increase the City's population by over 25%. However, there appears to be an almost total absence of any discussion on how this development will benefit the City or the surrounding communities impacted by this development as required by the CEQA guidelines. Given the scope of the Preferred Alternative, all applicable agencies, not even discussed in the DEIR, must have input and approval of any alternative prior to that alternative proceeding.

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## **Comments on CNWS DEIR (cont.)**

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4. The DEIR appears to briefly summarize the origin of this project, but merely references key details or findings to the City of Concord's web site: <http://www.concordreuseproject.org>. However, none of these key details or findings that are referenced in the DEIR is actually found on this web site. That is a major deficiency in the DEIR in order to allow the reader to understand how the project evolved initially in 2005 as I understand until when the DEIR was published in August 2009.
5. The DEIR briefly talks about prior alternatives considered for this project, but is totally absent on what they were specifically until the City arrived at the three alternatives discussed in this DEIR. That is another deficiency in the DEIR. A complete understanding of all prior alternatives, and why they were even considered relevant to benefiting the City or community should have been summarized to put into perspective how the City arrived at the three (3) alternatives in this DEIR: The Preferred Alternative (i.e., Clustered Village), the Concentration and Conservation Alternative, and the No Project Alternative.
6. The DEIR is also deficient in discussing the process for transfer of the CNWS to the City and its developers and stakeholders in order to clearly understand the scope of any liabilities, and associated costs (i.e., who is going to do what by when, and even who is required to pay for what by when). That seems to be very poor planning by the City. This should have been summarized in Chapter 1, with details provided in an Appendix.
7. The Preferred Alternative, which appears to provide a more wide spread development over the CNWS based upon review of Figures 2-5, 2-6 and Table 2-3 as a minimum, was reported in the DEIR to have been approved by the City in a "Resolution 09-5" in January 2009. The resolution and all supporting rationale should have been provided in an appendix to the DEIR, in order for the reader to understand its significance. Otherwise, it appears the City has already chosen an alternative prior to completing an independent and objectively fair analysis of all applicable and feasible alternatives for their appropriateness for the community, a deficiency in the DEIR which seems to be contrary to the CEQA process.
8. The DEIR discusses the Community Advisory Committee (CAC) and the Technical Advisory Groups (TAG), but does not provide a listing of their composition. There are some personnel listed in Chapter 18, but none of these listed personnel are identified as to their roles or responsibilities. A much clearer understanding of who is responsible for what is required under CEQA.
9. There are a lot of terms used in the DEIR, specifically related to the goals of the project as defined by the City, such as sustainability. However, there are absolutely no definitions of any of these terms in order to put them into perspective on why the City believes this project is necessary and actually benefits the community.

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## **Comments on CNWS DEIR (cont.)**

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10. The DEIR appears to show the areas of CNWS where its activities resulted in many contaminated areas or areas where there are abandon or remaining hazardous materials or other unsafe conditions that would adversely affect future development and land use. However, the DEIR does not appear to have sufficient mitigation measures on dealing with these hazards. In fact, the DEIR appears to suggest that future, unnamed owners must take the responsibility to take care and pay for the removal of these hazards. That appears to totally inappropriate, and contrary to state and federal law.

There appears to be some areas that might be deed restricted due the presence of “remaining hazardous waste”. Therefore, these areas can not be developed at all or with very limited development, depending on the conditions of the deed restrictions. All deed restricted areas should have been identified and the actual deed restrictions provided in an appendix of the DEIR.

More importantly, if the land will be used for any sensitive receptors, such as for the elderly and children, then those areas must be cleaned-up to stricter standards and certified that the standards are met before any future development occurs. Passing them onto future owners or developers is not only inappropriate, but will drive up the costs, and result in considerable delays to any appropriate development of the property.

11. Table 2-3 provides an overview of the differences between the “Preferred Alternative” and the” Concentration and Conservation” alternative. However, this table should have included the No Project alternative too.

Further, there should have been similar tables to compare the impacts (by group and number of impacts), and their corresponding mitigation measures for all three alternatives. A summary with mitigation measures and why there will be best suited for the community, along with the costs to implement the mitigation measures, with an overall summary and grading the appropriateness of each alternative, should have been provided in order to assist the community and the City to make decisions.

12. There should be a table on all three alternatives which summarize: 1) the pros and cons of each alternative; 2) associated capital and operation & maintenance costs; and 3) schedules to implement various key elements of each alternative, including a simple discussion of who is going to pay for what by when. This is necessary so that the community can clearly see the impact of any future development, such as on: a) existing citizens versus, b) the City versus, c) the developers, versus d) the population that might reside in the new development, etc. In this way, a much clearer understanding of the impacts and reducing them for each alternative can be realized.

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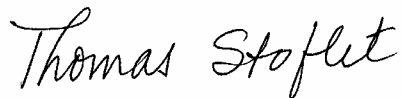
## Comments on CNWS DEIR (cont.)

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13. There should be a summary table identifying all applicable performance standards and comparing if the basic elements of each alternative will satisfy these performance standards and how. Typical performance standards could include as a minimum: 1) Implementability, 2) Reliability, 3) Health, 4) Safety, 5) Cost, 6) Schedule, 7) Reducing Impacts on Resources and Infrastructure, 8) Population Control, 9) Reducing Impact on Traffic and Roads, 10) Mandating Ordinances for use of Alternative Energy, Alternative Fuels, and Alternative Fueled Vehicles or Mass Transit, etc. These performance standards should be ranked in importance to sustainability or equivalent, with a methodology on how the ranking was determined.
14. Both alternatives, the Preferred and Concentrated alternatives, will have population densities that are about twice the population density of current Concord, a condition or impact not apparently discussed in the DEIR. Further, there is absolutely no rationale in the DEIR why the City or community thinks or believes this is not only in their best interests, or in the best interests of the surrounding communities impacted by these alternatives.
15. Clearly the two project alternatives, (not withstanding the no project alternative), will increase the population of Concord by over 25%, resulting in impacts to as a minimum to: air quality, roads and traffic, noise, utilities infrastructure, site restoration standards and clean up costs prior to development and future land use, etc. The DEIR contains insufficient information to demonstrate why these alternatives are in the best interests of the City or community including surrounding communities.
16. There was insufficient analysis in evaluating the No Project alternative.

Additional information is required in the DEIR and from the City. I wish you and the communities in success with this ambitious project. If you have any questions or comments, or desire additional review and any other expertise, please do not hesitate to contact me.

Sincerely



Thomas Stoflet  
Project Director

<http://thomas.vpweb.com/default.html>.