

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or DSN 656-4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 30, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0070 AMC

SYSTEM NAME:

Resumes for Non-Government Technical Personnel (*February 22, 1993, 58 FR 10002*).

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add to entry 'DoD Directive 4205.2, Acquiring and Managing Contract Advisory Services; Army Regulation 5-14, Management of Contracted Advisory and Assistance Services.'

PURPOSE(S):

Delete entry and replace with 'To provide a source of qualified scientists and technical personnel to solve scientific and technical problems for the Federal government.'

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STORAGE:

Delete entry and replace with 'Paper records in metal containers, magnetic discs, and tapes.'

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A0070 AMC

SYSTEM NAME:

Resumes for Non-Government Technical Personnel.

SYSTEM LOCATION:

U.S. Army Research Office, 4300 South Miami Blvd, Research Triangle Park, NC 27703-9142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resumes of candidates who can provide scientific and engineering

discipline services to federal agencies, namely mathematics, physical science, and geosciences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, personal history resume, affiliations, area of expertise, Social Security Number, record of remuneration for services provided, and performance evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD Directive 4205.2, Acquiring and Managing Contract Advisory Services; Army Regulation 5-14, Management of Contracted Advisory and Assistance Services; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a source of qualified scientists and technical personnel to solve scientific and technical problems for the Federal government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in metal containers; magnetic discs, tapes.

RETRIEVABILITY:

By candidate's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized, properly trained personnel who have official need therefor.

RETENTION AND DISPOSAL:

Retained for life of the contract; destroyed by shredding when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Army Research Office, 4300 South Miami Blvd, Research Triangle Park, NC 27703-9142.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should

address written inquiries to the Contracting Officer, U.S. Army Research Office, 4300 South Miami Boulevard, Research Triangle Park, NC 27703-9142.

Individuals should provide his/her full name, current address and telephone number, position title, and current employer.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Contracting Officer, U.S. Army Research Office, 4300 South Miami Boulevard, Research Triangle Park, NC 27703-9142.

Individuals should provide his/her full name, current address and telephone number, position title, and current employer.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual candidate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 98-29577 Filed 11-4-98; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Mare Island Naval Shipyard, Vallejo, CA

Summary

The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4332(2)(C), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500-1508, hereby announces its decision to dispose of Mare Island Naval Shipyard in Vallejo, California.

Navy and the City of Vallejo analyzed the impacts of the disposal and reuse of Mare Island Naval Shipyard in a Joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), as required by NEPA and the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code, § 21000, *et seq.* The EIS/EIR analyzed three reuse alternatives and identified the Mare Island Final Reuse Plan, described in the EIS/EIR as the Reuse Plan Alternative, as the

Preferred Alternative. The Reuse Plan Alternative proposed industrial, commercial, residential, and educational uses, the development of public parks and recreational areas, expansion of the existing golf course, and extensive roadway improvements.

Navy intends to dispose of the property in a manner that is consistent with the Mare Island Final Reuse Plan dated July 1994, as modified in March 1998 (Reuse Plan). The City of Vallejo, the Local Redevelopment Authority (LRA) for Mare Island Naval Shipyard, prepared the Reuse Plan.

In deciding to dispose of Mare Island Naval Shipyard in a manner consistent with the Reuse Plan, Navy has determined that a mixed land use will meet the goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. This Record Of Decision does not mandate a specific mix of land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entity and the local zoning authority.

Background

Under the authority of the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-5 10, 10 U.S.C. § 2687 note, the 1993 Defense Base Closure and Realignment Commission recommended the closure of Mare Island Naval Shipyard. This recommendation was approved by President Clinton and accepted by the One Hundred Third Congress in October 1993. Mare Island Naval Shipyard closed on April 1, 1996, and Navy is currently maintaining the property in an inactive caretaker status.

Mare Island Naval Shipyard is located on the western edge of the City of Vallejo in Solano County, California, about 30 miles northeast of the City of San Francisco. The 5,252-acre property consists of four parcels: Mare Island comprising 5,197 acres; main entrance complex and railroad spur comprising 26 acres in the City of Vallejo; a housing complex comprising 29 acres in Vallejo; and a bulkhead in Vallejo.

Most of the Shipyard is situated on Mare Island, which lies west of the Napa River and Mare Island Strait into which the river flows. About 3.5 miles long, the island is just west of the City and its axis runs approximately northwest to southeast. The eastern half of Mare Island is developed with about 960 buildings that contain about 10.5 million square feet of space. It lies adjacent to Mare Island Strait. The

western half of Mare Island is composed largely of wetlands, dredge material disposal ponds, and submerged lands. It lies adjacent to San Pablo Bay. The southern end of Mare Island touches Carquinez Strait.

The State of California granted about 3,629 acres of tidal and submerged lands to the United States for the establishment of a Naval base at Mare Island. These grants were issued in 1854, 1897, and 1963. By the terms of these grants, title to the property reverts to the State of California when the United States no longer occupies the ceded lands for military purposes, as in the case of the 1854 statute, or no longer continues to hold and own the adjacent lands, as in the case of both the 1897 and 1963 statutes. Navy has no discretion regarding the return of this property to the state of California nor any authority to control its use after reversion.

During the Federal screening process, six Federal agencies requested interagency transfers of base closure property at Mare Island. These included the Department of Agriculture's United States Forest Service, the United States Coast Guard, the Department of the Interior's United States Fish and Wildlife Service, the Department of the Army, the Department of Justice's Immigration and Naturalization Service, and the Department of the Air Force.

Navy will transfer 207 acres of Shipyard property to four of these Federal agencies. Navy has already transferred part of the former Combat Systems Technical School (Buildings 1306 and 1324) and about 8 acres of land in the southern part of the base to the United States Forest Service for use as the headquarters for its Pacific Southwest Region.

Navy will transfer about one acre in the southern part of the base to the Coast Guard for the operation of a communications tower. Additionally, Navy will grant the Coast Guard easements to permit it to continue operating a navigational aid and vessel traffic service remote radar on Pier 35 at the southeastern tip of Mare Island.

Navy will transfer about 162 acres in the north central part of the base that contain wetlands, dredge material disposal ponds, and Building 505 to the United States Fish and Wildlife Service. The Service will use this property to enlarge the San Pablo Bay National Wildlife Refuge and establish a wildlife interpretive center. While the Service initially requested 670 acres, 508 of those acres will revert to the State of California. Thus, only 162 acres were available for this interagency transfer.

Navy will transfer about 36 acres in the southeastern part of the base to the Department of the Army for use as an Army Reserve Center. Army initially also requested an interagency transfer of 600 housing units at Roosevelt Terrace but later withdrew that request.

The Immigration and Naturalization Service initially requested an interagency transfer of three buildings on Mare Island for use as a detention facility, but subsequently withdrew its request. Similarly, the Department of the Air Force expressed interest in 481 housing units and supporting facilities on Mare Island, but subsequently withdrew its request.

After the Federal screening process had concluded, Navy received additional expressions of interest in base closure property at Mare Island from the United States Department of Agriculture and the Department of the Interior's National Park Service. Both agencies subsequently withdrew their requests.

The remaining property, comprising about 1,416 acres, is surplus to the needs of the Federal Government. Therefore, in this Record Of Decision, the Federal action is the disposal of 1,416 acres of surplus Federal property associated with Mare Island Naval Shipyard.

Navy published a Notice of Intent in the **Federal Register** on September 1, 1994, announcing that Navy and the City of Vallejo would prepare a Joint EIS/EIR to analyze the impacts of disposal and reuse of the land, buildings, and infrastructure at Mare Island Naval Shipyard. Navy and Vallejo held a public scoping meeting at the John F. Kennedy Library in Vallejo on September 22, 1994, and the scoping period concluded on October 21, 1994.

On September 1, 1995, Navy and Vallejo distributed a Draft EIS/EIR (DEIS/EIR) to Federal, State, and local agencies, interested parties, and the general public. On September 27, 1995, Navy held a public hearing concerning the DEIS/EIR at Vallejo City Hall. During the 45-day review period after publication of the DEIS/EIR, Federal, State, and local agencies, community groups and associations, and the general public submitted oral and written comments concerning the DEIS/EIR. These comments and Navy's responses were incorporated in the Final EIS/EIR (FEIS/EIR), which was distributed to the public on May 1, 1998, for a 30-day review period that concluded on June 1, 1998. Navy received nine letters concerning the FEIS/EIR.

Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this surplus Federal property. In the Joint EIS/EIR, Navy and Vallejo analyzed the environmental impacts of three "action" alternatives that could result from the disposal of Mare Island Naval Shipyard property. In the NAPA process, Navy also evaluated a "No action" alternative that would leave the property in a caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

The City of Vallejo developed the Reuse Plan with extensive public involvement and comment that began with its establishment of the Mare Island Futures Project in October 1993. Vallejo created the Mare Island Futures Work Group to guide the reuse planning process. This Group was composed of representatives from local government, labor, business, educational institutions, environmental organizations, and private citizens who were interested in the reuse of Mare Island Naval Shipyard.

In November 1993, the Work Group completed a Conceptual Reuse Plan that was accepted by the Vallejo City Council in December 1993. In April 1994, Vallejo evaluated the market feasibility of the Conceptual Reuse Plan. Based upon the findings of the market feasibility study and an economic analysis, the Work Group prepared the Final Reuse Plan. During preparation of the Final Reuse Plan, all Work Group meetings were open to the public. This Plan addressed all of the property associated with Mare Island Naval Shipyard, and in July 1994, the Vallejo City Council accepted the Mare Island Final Reuse Plan.

After the Plan was completed and the reversionary property and Federal agency requests for base closure property were considered, Navy determined that about 3,629 acres on Mare Island would revert to the State of California and about 207 acres on Mare Island would be transferred to other Federal agencies. In March 1998, Vallejo modified the Final Reuse Plan to take account of the Department of the Army's request for an interagency transfer of base closure property.

The Preferred Alternative, designated in the FEIS/EIR as the Reuse Plan Alternative, would implement the Reuse Plan for the surplus Shipyard property. This alternative proposed extensive use of existing structures and land uses that were similar to Navy's use of the property. In particular, the Reuse Plan

Alternative proposed industrial, commercial, residential and educational uses as well as expansion of the nine-hole golf course to 18 holes and relocation of the rifle range activity from the center of Mare Island to an undeveloped area in the southeastern part of the island.

The Reuse Plan also proposed to build a bridge across Mare Island Strait and to redevelop the southeastern part of Mare Island for retail commercial and residential uses. Additionally, this alternative proposed to make extensive roadway improvements that would serve the proposed redevelopment. Under the Reuse Plan, there are about 81 acres of wetlands in the northeastern, central, southern and southeastern parts of the base available for disposal that will be protected by conservation easements or similar real estate instruments.

The Reuse Plan designated 13 Reuse Areas on the eastern side of Mare Island and identified wetland, submerged land, and dredge material disposal areas on the eastern and western sides and at the southern end of Mare Island. Although not included within these 13 Reuse Areas, the main entrance office building and causeway bridge, the railroad spur, the Roosevelt Terrace housing complex, and the bulkhead are also addressed in the Reuse Plan.

Reuse Area 1, the North Light Industry Area, covers about 192 acres at the northern end of Mare Island. It contains buildings that are surrounded by paved or grassy open areas. Navy used this part of the base for warehouse activity and light industrial, retail, administrative, residential, and recreational activities. Under the Reuse Plan, this area would contain an industrial park. The 29-acre wetland area on its eastern boundary will be protected by a conservation easement or similar real estate instrument.

Reuse Area 2, the Neighborhood Center, covers 85 acres located south of the North Light Industry Area. It contains recreational facilities, *i.e.*, the base theater, gymnasium, and athletic fields. Under the Reuse Plan, this area would be used for community and social services and housing.

Reuse Area 3, the Office and Light Industry Area, covers 111 acres and consists of historic and non-historic industrial and office buildings in the eastern part of Mare Island, south of the North Light Industry area. Under the Reuse Plan, this part of the base would be redeveloped as a small business and residential complex. Some buildings would be subdivided to provide residential units, and other buildings would be demolished to provide space

for parking. A waterfront promenade would extend along the length of this Reuse Area.

Reuse Area 4, the Historic District, covers about 47 acres along the waterfront in the east central part of Mare Island. The historic resources located here such as Saint Peter's Chapel, Alden Park, 21 houses, and Drydock 1 are components of the area that the Secretary of the Interior designated in 1976 as the Mare Island Naval Shipyard National Historic Landmark. Under the Reuse Plan, the area along the waterfront would be used for ship repair, historic ship restoration, and an extension of the waterfront promenade. Saint Peter's Chapel and Alden Park would be used for tours and special events and as visitor attractions. The historic houses would be used for permanent private residences, guest lodging, restaurants, and as office space. Because of the presence of these historic structures, there would be very little demolition in this Reuse Area.

Reuse Area 5, the Heavy Industry Area, covers 119 acres along the waterfront south of the Historic District. Navy will transfer Pier 22, Buildings 573 and 743, and about 7 acres here to Army for use as part of the Reserve Center. The remaining 112 acres are available for reuse. This area, which Navy formerly used for shipbuilding and ship repair, contains some of the largest buildings on Mare Island, two drydocks, and several overhead cranes.

Under the Reuse Plan, this property would be used for manufacturing, *e.g.*, metal processing and fabrication and biotechnology. The railroad lines that serve this area would remain in their present configuration. Historic buildings and landmarks would be preserved, and the waterfront promenade would be extended, to the extent practicable, into the industrial shoreline area.

Reuse Area 6, Farragut Village, covers 107 acres and is located west of the Historic District. It contains duplex residences, barracks, an elementary school building, and adjacent playgrounds. About 15 acres in this Reuse Area, where 30 duplex housing units are located, will revert to the State of California. The remaining 92 acres are available for reuse.

Under the Reuse Plan, these 92 acres would contain residential structures and retail stores. The Vallejo Unified School District would continue to operate the elementary school and playgrounds. The 32-acre wetland at the northwest boundary of this Reuse Area will be protected by a conservation easement or similar real estate instrument.

Reuse Area 7, the Developed Recreation Area, covers 48 acres in the

center of Mare Island, south of Farragut Village. This Reuse Area contains the rifle range, open laydown storage areas, and undeveloped lands. About 36 of the 48 acres in this part of the base will revert to the State of California, including most of the property where the rifle range is currently located. The remaining 12 acres are available for reuse. Under the Reuse Plan, this property would be redeveloped for recreational uses, *i.e.*, athletic fields and enlargement of the nine-hole golf course. The rifle range activity would be moved to the southeastern part of Mare Island.

Reuse Area 8, Coral Sea Village, is a 70-acre residential development with a parade ground located southeast of the Developed Recreation Area. Under the Reuse Plan, this area would be used for housing. The parade ground would be used as a recreational field.

Reuse Area 9, the Education and Office Area, covers 101 acres in the south central part of the base between Reuse Area 5 (Heavy Industry) and Reuse Area 8 (Coral Sea Village). It contains the 30-building school and campus of the former Combat Systems Technical School, office buildings and a large electrical shop (Building 866). Navy has transferred Buildings 1306 and 1324 and about 8 acres of land to the Forest Service for use as the headquarters for its Pacific Southwest Region. Navy will transfer 9 buildings (A-272, 726, 776, 930, 934, 936, 938, 1294, and 1296) and about 13 acres here to Army for use as part of the Reserve Center. The remaining 80 acres are available for reuse. Under the Reuse Plan, the school and campus, the office buildings, and the electrical shop would be used for educational activities and as a conference center.

Reuse Area 10, the Retail and Residential Area, covers 94 acres adjacent to Mare Island Strait in the southeastern part of the base, south of the Heavy Industry Area. Navy will transfer Pier 23, 6 buildings (A-279, 597, 724, 736, 762, and FA1-0) and about 16 acres here to Army for use as part of the Reserve Center. The remaining 78 acres are available for reuse.

This Reuse Area contains vacant lots and many small buildings that would be demolished. Under the Reuse Plan, a retail commercial complex and residential apartments and condominium units would be built in this part of the base. The 9-acre wetland area along the eastern edge next to Mare Island Strait will be protected by a conservation easement or similar real estate instrument. Where practicable, the waterfront promenade would be

extended into Reuse Area 10. A southern crossing bridge across Mare Island Strait, connecting Mare Island with the City of Vallejo, would be built in this area but its precise location has not yet been determined.

Reuse Area 11, the Golf Course Area, is located in the south central part of Mare Island and covers about 172 acres. It consists of the existing nine-hole golf course and clubhouse and undeveloped open space. Under the Reuse Plan, the nine-hole golf course, now covering about 100 acres, would be expanded to 18 holes over 172 acres. The existing clubhouse and parking facilities would also be expanded.

Reuse Area 12, the Regional Park, covers about 241 acres of undeveloped property at the southeastern end of Mare Island. The FEIS/EIR erroneously stated that Reuse Area 12 contained 172 acres and that 69 acres of dredge material disposal ponds were available for disposal. There are actually 241 acres of property in Reuse Area 12, and there are no dredge material disposal ponds here. Navy will transfer a one-acre site in this part of the base to the Coast Guard for its communications tower, and about 10 acres will revert to the State of California. The remaining 230 acres are available for reuse.

Under the Reuse Plan, public recreational facilities would be built here. Walking, bicycling, and equestrian paths and trails would link the various parts of Mare Island, particularly the wetland and dredge material disposal ponds to the west with the waterfront promenade along the eastern shoreline. These trails would be designed and built in a manner that preserves the natural terrain and character of the island. The 11-acre wetland area along the southeastern edge of Reuse Area 12 will be protected by a conservation easement or similar real estate instrument. The Regional Park would also provide horse stables and a rifle range. These facilities are currently located on reversionary property in the center of the island. The cemetery in Reuse Area 12 would be preserved as an historic cemetery.

Reuse Area 13, the Open Space and Recreation Area, covers 92 acres and is located on a landfill site between the dredge material disposal ponds and the nontidal wetlands in the northwestern part of Mare Island west of the wetlands adjacent to Reuse Area 2, the Neighborhood Center. The entire area is located on property that will revert to the State of California.

There is additional surplus Shipyard property that is located off the island in the City of Vallejo and covers about 55 acres. The main entrance office

building, the causeway bridge, the railroad spur, and the bulkhead cover about 26 acres, and the Roosevelt Terrace housing complex covers about 29 acres. Under the Reuse Plan, the main entrance office building would be used for retail commercial activities or professional office space; the causeway bridge would continue to serve as the primary access to Mare Island; and the railroad spur would be used to support industrial and commercial activities on Mare Island that require rail service.

The Roosevelt Terrace housing complex is located in Vallejo, about one mile northeast of the main entrance office building. Under the Reuse Plan, half of this 600-unit housing complex would be remodeled for residential use. The remaining housing units would be demolished to provide space for landscaping, recreational activities, and parking.

The bulkhead is located in Vallejo across Mare Island Strait from the southeastern end of Mare Island. Under the Reuse Plan, this 2,150 foot concrete and stone bulkhead would continue to serve as a breakwater.

In the NEPA process, Navy considered a second "action" alternative, described in the FEIS/EIR as the Medium Density Alternative. In the Medium Density Alternative, the reuse of Mare Island Naval Shipyard would be similar to that proposed in the Preferred Alternative but with reduced development densities, *i.e.*, less new construction and fewer people. This alternative includes the same 81 acres of wetlands that would be protected by conservation easements or similar real estate instruments.

The southern crossing bridge across Mare Island Strait, linking Mare Island with Vallejo, would not be built. Reuse Area 10, the Retail and Residential Area, would not be developed. The rifle range activity would remain at its present location in Reuse Area 7, the Developed Recreation Area. No new apartment or condominium units and a minimal number of industrial and commercial structures would be built. Instead, existing facilities would be converted for industrial, commercial, and residential reuse.

Navy also considered a third "action" alternative, described in the FEIS/EIR as the Open Space Alternative. In the Open Space Alternative, there would be substantially less development than in the Preferred Alternative.

The southern crossing bridge linking Mare Island and Vallejo would not be built. Reuse Area 10, the Retail and Residential Area, would not be developed. The sites of the existing rifle range and golf course would be used as

open space in an expanded Regional Park covering 344 acres. No new industrial, commercial, and residential structures would be built. Instead, existing facilities would be converted for reuse. This alternative also includes the same 81 acres of wetland that would be protected by conservation easements of similar real estate instruments.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of the disposal and reuse of this Federal property. The EIS/EIR addressed impacts of the Preferred Alternative, the Medium Density Alternative, the Open Space Alternative, and the "No action" alternative for each alternative's effects on land use, socioeconomic, public services, cultural resources, aesthetics and scenic resources, biological resources, water resources, geology and soils, traffic and circulation, air quality, noise, utilities, and hazardous materials and waste.

The direct environmental impacts are those associated with Navy's proposed disposal of 1,416 acres of surplus Shipyard property and with the "No action" alternative. The indirect impacts are those associated with the reuse of this surplus property. The cumulative impacts are those associated with reuse of the Shipyard property that reverts to the State of California (3,629 acres), the Shipyard property that will be transferred to other Federal agencies (207 acres), and other projects within the Vallejo area.

No significant direct impacts will result from Navy's disposal of the surplus Shipyard property. Therefore, this Record Of Decision focuses on the indirect and cumulative impacts that are likely to result from implementation of the Reuse Plan Alternative, designed in the FEIS/EIR as the Preferred Alternative.

The Preferred Alternative would have significant impacts on land use. The intensive development of new retail commercial and residential structures in the Retail and Residential Area in the southeastern part of Mare Island would not be compatible with the proposed open space and passive recreational uses of the adjacent Regional Park. The proposed relocation of the rifle range activity to the Regional Park would also conflict with the proposed recreational use of this park because it would introduce safety concerns, noise, and new structures into this otherwise undeveloped area.

The proposed southern crossing bridge would have significant land use impacts on both Mare Island and Vallejo. Siting the bridge in the

southeastern part of Mare Island would not be compatible with the proposed residential and open space uses planned for that property. It could also require construction in a shoreline area that contains sensitive wetland habitat that will be protected by the conservation easement. In the City of Vallejo, construction of the proposed bridge could divide and substantially alter the South Vallejo residential and commercial neighborhood by virtue of the need to demolish buildings and other structures and increase the size of roadways serving this area.

The proposed redevelopment in Reuse Areas 3, 4, 5, 10, and 12 (Office and Light Industry, Historic District, Heavy Industry, Retail and Residential, and Regional Park) would involve the construction of new buildings, roads, and utilities. In order to accommodate this redevelopment, it may be necessary to remove and relocate segments of the dredge slurry pipelines that traverse these Reuse Areas as well as their supporting facilities. Navy used these pipelines to carry material dredged from Mare Island Strait across the island to the dredge material disposal ponds on the western side of Mare Island.

The Preferred Alternative would not have any adverse effect on employment and housing in the Vallejo area. On the contrary, the Reuse Plan would generate about 9,669 jobs on Mare Island and add about 1,786 dwelling units to the Vallejo area. Similarly, the proposed redevelopment of the Shipyard would substantially increase the amount of public recreational resources available in Vallejo.

The Preferred Alternative would have significant impacts on schools. Student enrollment would exceed capacity at the Mare Island Elementary School that serves Mare Island and at the Federal Terrace School that serves the Roosevelt Terrace Housing Complex in Vallejo. The Vallejo Unified School District would be responsible for providing facilities to accommodate the additional students.

The Preferred Alternative would also have significant impacts on police and fire protection and emergency medical services. A substantial increase in the demand for these services in the Vallejo area would result from the increased population and redevelopment on Mare Island.

The Preferred Alternative would not have a significant impact on cultural resources. Many of the historic buildings, structures, and landscapes will be preserved. However, some demolition and construction activities would take place within the Mare Island

Naval Shipyard Historic District and in sensitive archaeological areas.

Navy has completed consultation pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470(f), and its implementing regulations, "Protection of Historic Properties", 36 CFR Part 800, with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP). This consultation addressed the potential adverse effects of the Reuse Plan on the Mare Island Naval Shipyard Historic District, which is listed on the National Register of Historic Places and includes the properties comprising the Mare Island Naval Shipyard National Historic Landmark. In particular, the consultation considered the demolition of historic buildings and structures and the construction of new buildings within the Mare Island Naval Shipyard Historic District and in sensitive archaeological areas.

The consultation also identified measures to be taken by Navy and Vallejo that would avoid or mitigate adverse effects on Mare Island's historic properties. These measures are set forth in the Memorandum Of Agreement Among the United States Navy, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer Regarding the Layaway, Caretaker Maintenance, Leasing, and Disposal of Historic Properties on the Former Mare Island Naval Shipyard, Vallejo, California, dated April 1, 1997 (MOA). This MOA was executed by Navy, the SHPO, and the ACHP and concurred in by the City of Vallejo and the National Park Service.

Under the terms and conditions of this MOA, Navy will secure and maintain the historic properties and implement a program of recording representative historic buildings according to the standards of the Historic American Engineering Record or the Historic American Buildings Survey before conveying any property at Mare Island Naval Shipyard. The City will extend the protection of its historic preservation ordinance to include all of the historic properties in Reuse Area 4 (the Historic District) and selected historical buildings, structures, and landscape features elsewhere within the Mare Island Naval Shipyard Historic District. Vallejo will also ensure compliance with those requirements of the California Environmental Quality Act applicable to the protection of historic archaeological sites.

The Preferred Alternative would have significant impacts on aesthetics and scenic resources. The proposed walking,

bicycling, and equestrian trails and the rifle range and horse stables in the Regional Park at the southwestern end of the island would be visible from many places in the Vallejo area. Similarly, the proposed southern crossing bridge across Mare Island Strait would have a significant impact on aesthetics and scenic resources because it would also be visible from many places in the Vallejo area.

The Preferred Alternative could have adverse effects on biological resources. In general, the proposed construction and redevelopment in areas adjacent to wetlands could add sediment to those resources. Construction of the southern crossing bridge could have a negative impact if the project were to include removal of shoreline wetlands and/or sensitive species habitat such as that which lies adjacent to the proposed retail and residential development in Reuse Area 10. If construction of this bridge would result in the placement of fill in a wetland, permits required by Section 404 of the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, must be obtained from the United States Army Corps of Engineers.

Navy has completed consultations with the National Marine Fisheries Service and the United States Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. § 1531, *et seq.* In a letter dated March 29, 1996, the National Marine Fisheries Service concurred that the endangered winter-run chinook salmon would not be adversely affected by the proposed redevelopment. On May 23, 1997, the U.S. Fish and Wildlife Service issued a Biological Opinion in which it concluded that the disposal and reuse of Mare Island Naval Shipyard property would not jeopardize the continued existence of the endangered California clapper rail, the endangered salt marsh harvest mouse, the threatened Delta smelt, or the proposed threatened Sacramento splittail.

The Service's Opinion was conditioned upon Navy and the City of Vallejo implementing measures that will protect these species. Before disposal, Navy will protect the California clapper rail and salt marsh harvest mouse by providing predator management (*i.e.*, monitoring, managing, and removing predators likely to adversely affect these species) and by establishing conservation easements or similar real estate instruments on the 81 acres of wetlands that provide suitable habitat for these species.

Navy expects that the conservation easements or similar real estate instruments will be held and administered by the U.S. Fish and

Wildlife Service. Additionally, in accordance with Executive Order 11990, Protection of Wetlands, dated May 24, 1977, Navy will place a Notice in the conveyance document that describes the conservation easements or similar real estate instruments and identifies those uses that are restricted by Federal, State, and local wetland regulations.

Navy will also develop a predator management plan and a public access management program for Mare Island Naval Shipyard that it will implement during the caretaker period preceding conveyance. After conveyance of the surplus Shipyard property, the City of Vallejo will be responsible for implementing a similar plan and program. Vallejo will also limit the number of cats and dogs allowed in each residential unit on Mare Island and will restrict cats and unleashed dogs to the property lines of individual housing units.

Navy will protect the Delta smelt and the Sacramento splittail by providing a Notice in the conveyance document that future users of the drydocks and other waterfront property at Mare Island such as piers, berths, and pilings may be required to obtain endangered species incidental take permits from the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

The Preferred Alternative could degrade water resources. Demolition and construction activities may disturb the soil, increasing erosion and sedimentation into Mare Island Strait. Thus, the California Water Resources Board and the Regional Water Quality Control Board will impose controls on redevelopment that require the use of stormwater pollution prevention plans and best management practices.

Certain property on Mare Island could be subject to flooding from high tides and water flow on the Napa River and as a result of land subsidence and rising sea level. Those parts of the North Light Industry, Office and Light Industry, Historic District, Heavy Industry, and Retail and Residential Areas with elevations less than 10 feet above sea level could be flooded if not adequately protected. Consequently, the acquiring entity must comply with the Vallejo Municipal Code, Title VII, Chapter 7.98, Flood Damage Protection. Additionally, in accordance with Executive Order 11988, Floodplain Management, dated May 24, 1997, Navy will place a Notice in the conveyance document that describes those uses that are restricted under Federal, State, and local floodplain regulations.

Dredging the ship berths along the eastern side of Mare Island could expose aquatic organisms in the flood chain to disturbed contaminated sediments from Mare Island Strait. The nature and extent of these impacts cannot be determined before the sediments have been tested and the dredging methods and dredge disposal sites have been selected. It may be necessary to use special dredging equipment such as closed clamshell buckets that would minimize the escape and dispersion of contaminated water and sediment. In any event, the acquiring entity will be required to obtain permits for such dredging from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, 33 U.S.C. § 1251, *et seq.*

The Preferred Alternative would have significant impacts on geology and soils. As discussed earlier, certain parts of Mare Island could be subject to flooding from naturally occurring high water levels. In addition, the southern end of Reuse Area 10, the Retail and Residential Area, could be flooded if the saltwater reservoir dam in Reuse Area 12's Regional Park were to fail. Similarly, if the Golf Course's freshwater reservoir dam in Reuse Area 11 were to fail, the resultant flooding would affect nearby wetland and open space areas.

Additionally, the Preferred Alternative would allow redevelopment in parts of Mare Island that contain potential geological hazards. Because the Shipyard is located in a seismically active area, buildings there would be susceptible to structural damage from ground shaking, liquefaction of soil, and slope failures that may occur during a large earthquake.

The Preferred Alternative would have significant impacts on traffic and circulation. Although the proposed reuse would generate about 60,224 average daily vehicle trips, significantly less than the 76,350 average daily vehicle trips that were associated with Navy's use of the Shipyard property, the Preferred Alternative would result in an increase in truck traffic during construction and subsequent reuse. This increased truck traffic, arising out of the proposed warehouse and industrial activities, could cause traffic congestion during peak commuting periods.

Additionally, these trucks would be traveling on narrow Mare Island roadways that were not designed to accommodate such traffic, introducing safety hazards for other vehicles. The use of railroad lines that run on the causeway bridge and on and close to Mare Island's roadways would pose similar safety hazards. Neither the

railroad lines nor the roadways were designed to accommodate the nature and extent of public use proposed in the Reuse Plan.

The Preferred Alternative would have a significant impact on air quality. Local dust would be generated during demolition, renovation, and construction activities, including construction of the southern crossing bridge.

Section 176(c) of the Clean Air Act, 42 U.S.C. § 7506, as amended, requires Federal agencies to review their activities to ensure that they do not hamper local efforts to control air pollution. This statute prevents Federal agencies from conducting activities that do not conform to an approved implementation plan. The United States Environmental Protection Agency regulations implementing this statute recognize certain categorically exempt activities. Conveyance of title to real property and leases in furtherance of conveyance that meet certain criteria are categorically exempt activities. 49 CFR § 93.153(c)(2). Accordingly, the disposal of Mare Island Naval Shipyard property does not require Navy to conduct a conformity determination.

Navy holds Bay Area Air Quality Management District (BAAQMD) air emission reduction credits (ERCs) for stationary air emission sources such as the boilers, paint spray booths, and fuel storage facilities and historically produced air emissions at Mare Island Naval Shipyard. These ERCs include 18.9 tons of nitrogen oxides, 12.7 tons of precursor organic compounds, one ton of non-precursor organic compounds, 1.2 tons of particulate matter (PM10), 11.5 tons of carbon monoxide, and 0.9 tons of sulfur oxides. Navy has placed these ERCs in the BAAQMD Emission Bank, from which they can be withdrawn later to offset air emissions from new sources. Navy will retain the stationary source ERCs to meet the future permit requirements of Department of Defense facilities and activities. If there are no future Department of Defense needs, the credits will be reallocated.

Navy also documented, as part of the NEPA process, mobile source emissions associated with the operation of motor vehicles and other non-stationary sources such as locomotives, vessels, and portable generators at Mare Island. These mobile emission sources historically produced 259 tons per year of reactive organic compounds, 397 tons per year of nitrogen oxides, 1,823 tons per year of carbon monoxide, 50 tons per year of sulfur oxides, and 60 tons per year of particulate matter (PM10).

The mobile sources emission reductions resulting from the closure of Mare Island can be applied to offset emissions from other Federal mobile sources to satisfy Federal Clean Air Act conformity determinations in the area. Navy will retain the mobile source offsets to meet future Federal Clean Air Act conformity requirements.

The Preferred Alternative would have significant temporary noise impacts on adjacent lands use arising out of demolition, renovation, and construction activities, including construction of the proposed southern crossing bridge. Noise levels in residential areas along Cedar Avenue between Seventh Street and Twelfth Street and at some other locations would significantly increase as a result of the increased traffic generated by the proposed reuse. In addition, a significant noise impact would result from use of the proposed rifle range in the Regional Park in Reuse Area 12. Noise generated at this rifle range would adversely affect the nearby residential areas and passive recreational uses of the Regional Park.

The Preferred Alternative would have a significant impact on one utility system. The existing sanitary waste water collection system lacks sufficient capacity to serve areas where there will be substantial increases in users, such as the planned residential development in Reuse Area 10. Consequently, it will be necessary for the acquiring entity to upgrade and improve the existing system in those areas where significant increases in population would result from the proposed redevelopment.

The Preferred Alternative would not have a significant impact on the other utility systems that serve Mare Island, *i.e.*, water distribution, solid waste management, natural gas, electric power, and storm water drainage. Navy will convey easements and rights-of-way to permit the continuing operation and maintenance of the communications, electricity, and natural gas utility systems at Mare Island that have already been conveyed to local utility providers.

Implementation of the Preferred Alternative would not have any impact on existing environmental contamination at Mare Island Naval Shipyard. Before conveyance, Navy will remediate contamination from hazardous substances and investigate and remove unexploded ordnance in a manner that protects human health and the environment. If Navy conveys property at Mare Island Naval Shipyard before completion of the required remediation, Navy will ensure that the property is suitable for disposal for its

intended use. In either case, Navy will inform future property owners about the environmental condition of the property and may, where appropriate, include restrictions, notifications, or covenants in deeds to ensure protection of human health and the environment in light of the intended use of the property.

No significant adverse impacts would be caused by the hazardous materials and hazardous waste that may be used and generated by the Preferred Alternative. The quantity of hazardous materials used, stored, and disposed of, and the quantity of hazardous waste generated on the property will be less under the Preferred Alternative than during Navy's use of the Shipyard property. Hazardous materials used under the Preferred Alternative will be managed according to applicable Federal and State regulations. Hazardous wastes transported for disposal or generated under the Preferred Alternative and stored for more than 90 days will be controlled by the Resource Conservation and Recovery Act of 1976, (RCRA), 42 U.S.C. § 6901, *et seq.*

Navy also analyzed the impacts of low-income and minority populations pursuant to Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, reprinted in 42 U.S.C. § 4321 note. Construction of the proposed southern crossing bridge could have disproportionate and adverse land use, noise, traffic, and air quality impacts on the minority and low-income residential neighborhood in South Vallejo. The acquiring entity could avoid adversely affecting this neighborhood by siting the Vallejo access to the bridge in an industrial area at Solano Avenue.

A separate environmental analysis will be conducted, with public participation, when the City selects a right-of-way for the bridge. Consultation and coordination with Federal, State, and local environmental and permitting agencies will be required throughout the project review and approval process. No other disproportionately high and adverse human health or environmental effects would be experienced by minority and low-income populations as a result of the Preferred Alternative.

Navy also analyzed the impacts on children pursuant to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks, dated April 21, 1997. Under the Preferred Alternative, the largest concentration of children would be present in the residential, educational, and recreational areas on Mare Island and at the Roosevelt Terrace housing

complex in the City of Vallejo. The Preferred Alternative would not impose any disproportionate environmental health or safety risks on children.

Mitigation

Implementation of the decision to dispose of Mare Island Naval Shipyard does not require Navy to perform any mitigation measures beyond those discussed here. Navy will take certain actions to implement existing agreements and regulations. These actions were treated in the FEIS/EIR as agreements or regulatory requirements rather than as mitigation.

As required by Executive Order 11990, Protection of Wetlands, and Executive Order 11988, Floodplain Management, Navy will incorporate Notices in the conveyance documents describing wetland and floodplain uses that are restricted under Federal, State, and local regulations. Before property is conveyed, Navy will execute conservation easements or similar real estate instruments for the 81 acres of wetlands that provide suitable habitat for endangered species.

Before conveying any Shipyard property, Navy will record representative historic buildings according to the standards of the Historic American Engineering Record or the Historic American Buildings Survey, as required by the Memorandum of Agreement dated April 1, 1997. Additionally, in accordance with Federal and State laws, Navy will include appropriate restrictive covenants in the property deeds for any parcels where hazardous substances remain. As discussed above, Navy will inform future property owners about the environmental condition of the property and may, where appropriate, include restrictions, notifications, or covenants in deeds to ensure the protection of human health and the environment in light of the intended use of the property.

The FEIS/EIR identified and discussed those actions that would be necessary to mitigate impacts associated with the disposal and reuse of Mare Island. The acquiring entity, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures.

Comments Received on the FEIS

Navy received comments on the FEIS/EIR from the United States Environmental Protection Agency (EPA), the California Department of Transportation, the California State Lands Commission, the Greater Vallejo Recreation District, Arc Ecology (a

private organization), and four individuals. All of the substantive comments concerned issues already discussed in the FEIS/EIR. Those comments that require clarification are addressed below.

The California Department of Transportation commented that the FEIS/EIR did not propose adequate mitigation measures for the highway interchange on State Route 37 at Mare Island's North Gate. This agency suggested that it may be necessary to rebuild the interchange to accommodate the traffic that would be generated by the proposed reuse activities. As discussed in the FEIS/EIR, the acquiring entity will widen roads leading to and from this interchange to reduce potential traffic congestion near Mare Island's North Gate.

The California Department of Transportation also commented that the FEIS/EIR did not analyze the environmental impact of the additional traffic on State Route 29 (Sonoma Boulevard) that would be generated by the southern crossing bridge. The City of Vallejo and the California Department of Transportation will determine the location of the bridge in a future planning study. Thereafter, construction of the southern crossing bridge will be subject to environmental impact analysis and permitting requirements. At that time, appropriate mitigation measures to address any additional traffic on State Route 29 can be identified.

The California State Lands Commission, Arc Ecology, and two private citizens challenged Navy's determination of the amount of Mare Island property that is subject to reversion to the State of California. They also requested that Navy consider impacts associated with the different configuration of reversionary land at Mare Island advanced by the State Lands Commission. Navy's determination of the amount of property that is subject to reversion to the State of California is based upon the decision of the Supreme Court of the United States in *United States v. O'Donnell*, 303 U.S. 501 (1938). The impacts that could arise from other hypothetical configurations of reversionary lands need not be considered.

A private citizen commented that in the FEIS/EIR, Navy should also have considered alternative uses for certain property that reverts to the State of California, *i.e.*, the dredge material disposal ponds. Similarly, Arc Ecology commented that, in addition to the Reuse Plan's proposals for reuse of the surplus Shipyard property, Navy should also have evaluated in the FEIS/EIR,

future uses of the reversionary property and the property transferred to other Federal agencies.

The reversionary property will revert to the State of California by operation of law. Since neither Navy nor the City of Vallejo can determine the future use of this reversionary property, it would not be appropriate to include a discussion of alternatives for the reuse of such property in the FEIS/EIR. Similarly, the property transferred to other Federal agencies to meet other Federal requirements is not surplus to the needs of the Federal Government. Therefore, it is not being considered for disposal in this FEIS/EIR. However, the FEIS/EIR does analyze the potential cumulative environmental impacts arising out of the proposed reuse of the Shipyard property, the reuse of base closure property by other Federal agencies, and the reuse of reversionary property by the State of California.

The Greater Vallejo Recreation District commented that additional evaluation would be required before implementing particular recreational projects such as construction of the horse stables and rifle range in the Regional Park. The FEIS/EIR, however, recognizes that future projects and redevelopment proposals will be subject to CEQA and the City of Vallejo's zoning requirements.

Arc Ecology also commented that Navy narrowly defined the disposal action to avoid responsibility for mitigating environmental impacts that may occur after conveyance of the Shipyard property. The FEIS/EIR fully analyzes the direct environmental impacts associated with the disposal of surplus Shipyard property at Mare Island and the indirect environmental impacts associated with reuse of that property. The FEIS/EIR also clearly identifies mitigation related to the direct impacts of Navy's disposal and the indirect impacts of reuse. Navy cannot control reuse after conveyance of the property, and the acquiring entity will be responsible for implementing any mitigation required by reuse activities.

A private citizen expressed concern that Navy had leased property at Mare Island to the City of Vallejo and transferred Shipyard property to other Federal agencies before completing the FEIS/EIR. Navy leased property at Mare Island Naval Shipyard to Vallejo only after conducting separate NEPA evaluations and preparing appropriate NEPA documentation for these interim leases. Additionally, the uses allowed under these leases are limited to those that are substantially the same as Navy's historical uses of the property. Moreover, these leases can be cancelled

upon 30 days notice if the uses are incompatible with this Record of Decision.

Arc Ecology also commented that Navy's use of historical environmental conditions as the basis for its assessment of the effects of projected future impacts could minimize or understate future environmental impacts. In the FEIS/EIR, Navy employed the most recent conditions representative of historical full scale Navy operations at Mare Island as the baseline for evaluating impacts that would likely result from the proposed reuse. Navy believes that this is an appropriate standard to apply when assessing potential future conditions.

In further comments on the FEIS/EIR, Arc Ecology suggested that Navy had concluded that as a result of compliance with existing laws, there would be no environmental impacts. On the contrary, Navy identified several potential environmental impacts that could occur as a result of implementing the Reuse Plan. Navy concluded, however, that these impacts would be reduced to insignificant levels through the required compliance with existing Federal, State, and local regulations. These include compliance with Federal and State air pollution emissions regulations and guidelines, Federal and State hazardous waste management and remediation regulations, the Vallejo General Plan, and the Vallejo Municipal Code. Implementation of the Reuse Plan will not require mitigation or protection beyond the applicable requirements of these regulations and guidelines.

Arc Ecology also commented that Navy had incorrectly concluded that the proposed redevelopment would be consistent with the goals, policies, and land use designations set forth in the Vallejo General Plan. This comment pointed to the need to revise the General Plan to take account of the proposed reuse. The General Plan Land Use Map will be amended to reflect the planned reuse, but the amendments to the General Plan will fall within and be consistent with the current policies and goals of the Vallejo General Plan.

Arc Ecology and a private citizen commented that Navy had not adequately analyzed the potential impacts of future human or ecological exposure to currently unknown contamination at Mare Island. Navy is remediating contamination at Mare Island to levels that are protective of human health and the environment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601, *et seq.*, and Executive Order 12580, Superfund

Implementation, dated January 23, 1987. If any additional contamination is discovered and is attributable to Navy, it too would be addressed under CERCLA. It would be speculative now to identify mitigation measures that would address unknown contamination. Furthermore, it is unnecessary to an analysis of the proposed disposal and reuse of the Shipyard.

A private citizen expressed concern that additional minority and low-income areas in Vallejo, beyond those already identified in the FEIS/EIR, would be disproportionately and adversely affected by reuse activities on and off Mare Island. As discussed in the FEIS/EIR, however, only the southern crossing bridge (depending upon the location selected) could result in disproportionately high and adverse impacts on a minority and low-income population. The other environmental impacts identified in the FEIS/EIR would occur only on Mare Island where no one presently resides or over a broad geographic area. Therefore, these impacts would not result in disproportionately high and adverse impacts on minority and low-income populations.

Another private citizen expressed concern that future redevelopment projects could adversely affect wetlands because they may rely upon the general wetland map that was included in the FEIS/EIR. This citizen asked that Navy annotate the FEIS/EIR to state that its wetland map is not adequate for project planning. This citizen also suggested that the City adopt a mitigation measure requiring that project proponents submit a wetland delineation approved by the United States Army Corps of Engineers for any project that would affect lands which are not paved, built upon, or landscaped. Section 404 of the Clean Water Act, 33 U.S.C. 1344, as implemented by its regulations, provides protection for the wetlands at Mare Island. In addition, as required by Executive Order 11990, Protection of Wetlands, Navy will place a Notice in the property conveyance document that describes those uses that are restricted under Federal, State, and local wetland regulations.

Several comments expressed concern that Navy had underestimated the levels of police and fire protection services required to serve Mare Island and that the costs of providing these services would result in an overall reduction in public services in the City of Vallejo. Navy's analysis in the FEIS/EIR adopted projected staffing requirements that were provided by the City of Vallejo's Police and Fire Departments during the reuse planning process. The Vallejo

General Plan provides that new development should bear the cost of extending or upgrading public services. It is the policy and practice of the City of Vallejo to require a new development to pay its fair share of the costs of public services generated by the development.

Several private citizens and Arc Ecology, none of whom commented on the Draft EIS/EIR, suggested making several changes to, or providing additional detail concerning, aspects of the Reuse Plan and the alternatives. They also requested more detailed analysis of certain environmental impacts. Navy analyzed a reasonable range of alternatives in the FEIS/EIR at a reasonably specific level. Future reuse proposals will be subject to the environmental requirements of CEQA when particular redevelopment plans are submitted to the City of Vallejo for its consideration.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal action under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. § 2687 note, Navy's decision was based upon the environmental analysis in the FEIS/EIR and application of the standards set forth in DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR Part 101-47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR Parts 174 and 175.

Section 101-47.303-1 of the FPMR requires that the disposal of Federal property benefit the Federal government and constitute the "highest and best use" of the property. Section 101-47.4909 of the FPMR defines the "highest and best use" as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The "highest and best use" determination must be based upon the property's economic potential, qualitative values inherent in the property, and utilization factors affecting land use such as zoning, physical characteristics, and other private and public uses in the vicinity, neighboring improvement, utility services, access, roads, location, and environmental and historical considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations and building

codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the highest and best use of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of defense authority to transfer and dispose of base closure property. Section 2905(b) of DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth in Part 101-47 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, e.g., the economic development conveyance authority established in 1993 by Section 2905(b)(4) of DBCRA, may Navy apply disposal procedures other than those in the FPMR.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103-160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103-160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the property disposal process. Under Section 2905(b)(2)(E) of DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in Section 174.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditious reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the

Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the Local Redevelopment Authority's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, e.g., reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, Section 175.7(d)(3) of the DoD Rule provides that the Local Redevelopment Authority's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 484, as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyance (FPMR § 101-47.303-2); by negotiated sale (FPMR § 101-47.304-9); and by competitive sale (FPMR § 101-47.304-7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property. The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid are committed by law to agency discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

The City of Vallejo's proposed reuse of Mare Island Naval Shipyard, reflected in the Reuse Plan, is consistent with the requirements of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its Reuse Plan that the property should be used for several purposes, including industrial, commercial, residential, educational, and recreational uses. The property's location, physical characteristics, and existing infrastructure as well as the current uses of adjacent property make it appropriate for the proposed uses.

The Preferred Alternative responds to local economic conditions, promotes rapid economic recovery from the impact of the Shipyard's closure, and is consistent with President Clinton's Five-Part Plan for Revitalizing Base Closure Communities, which emphasizes local economic

redevelopment and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 174 and 175, 59 Fed. Reg. 16123 (1994). Although the "No action" alternative has less potential for causing adverse environmental impacts, this alternative would not take advantage of the property's location, physical characteristics, and infrastructure or the current uses of adjacent property. Additionally, it would not foster local economic redevelopment of the Mare Island Navy Shipyard property.

The acquiring entity, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm that may result from implementing the Reuse Plan.

Accordingly, Navy will dispose of Mare Island Naval Shipyard in a manner that is consistent with the City of Vallejo's Reuse Plan for the property.

Dated: October 23, 1998.

William J. Cassidy, Jr.,

*Deputy Assistant Secretary of the Navy
(Conversion And Redevelopment).*

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DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Financial and Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 4, 1999.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address Pat.Sherrill@ed.gov, or should be faxed to 202-708-9346.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-8196.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339