

U.S. Army Corps of Engineers and Department of Veterans Affairs

Record of Categorical Exclusion, under the National Environmental Policy Act, for the Replacement of Perimeter Fence, Golden Gate National Cemetery

Proposed Project: Golden Gate National Cemetery Fence Renovation

Location: 1300 Sneath Lane, San Bruno, San Mateo County, California

Date: 29 April 2014

Action: The National Cemetery Administration (NCA) of the Department of Veterans Affairs entered into an interagency acquisition agreement with the U.S. Army Corps of Engineers, San Francisco District (USACE), to renovate a perimeter fence the Golden Gate National Cemetery (GGNC).

Proposed Project Description and Need for and Purpose:

- (a) Remove the existing perimeter chain-link fence, construct an ornamental coated-metal fence with stone and stucco pilasters for a length of about 3,200 feet;
- (b) Install a section of concrete retaining wall about 625 feet long;
- (c) Repair about 200 feet of damaged ornamental metal fence;
- (d) Remove a non-operational concrete pump house;
- (e) Remove three aging and diseased pine trees;
- (f) Make minor sidewalk and drainage improvements; and
- (g) Plant vegetation in selected areas of the fence project area.

Background: The GGNC is considered to be a *historic property*, meaning it is a significant property that meets one or more of the criteria of the National Register of Historic Places (NRHP). The NCA official nomination of the GGNC to the NRHP is currently “in progress.” Rather than evaluating the significance of an individual property, the NCA has proposed to combine the GGNC with other cemeteries that share a historic context related to the period in which they were developed, and nominate them to the National Register as an Inter World War National Cemeteries Multiple Property Submission.

Environmental Evaluation: The Department of Veterans Affairs has published *Environmental Effects of the Department of Veterans Affairs Actions*, regulations codified in the Federal Register 38 CFR Part 26 that implement the requirements of the National Environmental Policy Act of 1969 and *NEPA Interim Guidance for Projects* (September 2010). Actions that a federal agency has determined to be very unlikely to individually or cumulatively have a significant impact on the environment under normal circumstances can be categorically excluded from NEPA and, therefore, provided no “extraordinary circumstances” exist, would not require more detailed analyses or preparation of either an environmental assessment or an environmental impact statement. In accordance with the regulations, the USACE has classified the project as a Categorical Exclusion (CATEX) based upon the information presented for review, specifically: replacement of existing fence, construction of a retaining wall, and removal of a non-operational pump house, which will involve construction work totally within GGNC property boundaries. The specific CATEX for the proposed project is found at 38 CFR Part 2.6.(b)(1): *Repair, replacement, and new installation of components such as windows, doors, roofs; and site*

elements such as sidewalks, patios, fences, retaining walls, curbs, water distribution lines, and sewer lines which involve work totally within VA property boundaries.

The project will improve the safety, integrity and appearance of the GGNC, and would prevent the existing fence from failing and causing health and safety impacts to the general public. It would reduce maintenance costs to the government and improve the aesthetic status of the GGNC.

Other Potential Environmental Concerns: A project that is categorically excluded under NEPA is not automatically excluded from review under the National Historic Preservation Act (1966, as amended), or environmental laws such as the Endangered Species Act (1973) and the Clean Water Act (1972, as amended) .

Historic Preservation Act: In accordance with the Section 106 implementing regulations (36 CFR Part 800), the USACE

- (a) Delineated the Area of Potential Effects;
- (b) Researched selected cultural resource records housed in the Northwest Information Center, a regional repository of the California Historical Resources Information System;
- (c) Gathered information about the GGNC's eligibility for listing in the National Register of Historic Places;
- (d) Completed a pedestrian archaeological survey of the fence alignment; and
- (e) Requested comment from the State Historic Preservation Officer (SHPO) and the California Native American Heritage Commission (NAHC).

The research showed that archaeological and historical sites have been previously recorded in the vicinity of the GGNC, e.g., approximately ¼ mile away and, thus, these resources are not in the project Area of Potential Effects (APE). The survey of the APE did not reveal evidence of archaeological resources of any time period. The NAHC provided a list of tribal representatives which will be informed of the project. The SHPO comment is pending. The USACE believes that the research and survey were the appropriate level of study for this project, and that it constitutes a "good-faith" effort to identify historic properties [36 CFR Part 800.4(a)(1)]. Based on the study results, the USACE has determined that a finding of "no historic properties affected" is appropriate [36 CFR Part 800.4(d)(1)].

In addition, in the unlikely event of an inadvertent discovery of previously undocumented archaeological sites or human remains, the USACE would consult with the SHPO (and NAHC as appropriate) and implement the following management measures:

If during excavation or other construction activities any previously unidentified or unanticipated historical, archaeological, or cultural resources are discovered or found, the Contractor shall stop all activities that may damage or destroy such resources. The Contractor shall move and continue construction work at least 50 feet from the discovery location or at another more-convenient location in the project area. The discovery site shall be taped off, creating an exclusion zone where equipment and personnel are not permitted. The Contractor shall place temporary protection over the find, and prevent employees or other persons from accessing the area.

Resources derived from Native American archaeological sites that are covered by this paragraph include but are not limited to: any human skeletal remains; stone, bone or shell

artifacts; patches of darkened soils with fragmentary bone, shell, charcoal, or burned rock. Also covered by this paragraph are resources from historic-era settlement, which include but are not limited to: stone alignments, pavings, walls, or other wood or stone features, and deposits containing pottery, glass bottles, and butchered animal bone.

Upon making a discovery or find and securing it, the Contractor shall immediately notify the Contracting Officer by telephone. Should the discovery be human remains, they shall be treated with dignity and respect. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. In accordance with Sections 5097.97 and 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, the Contractor shall also immediately notify the County Coroner. The Coroner will have two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner will have 24 hours to notify the Native American Heritage Commission. During the work stoppage, the Corps and other appropriate authorities shall determine the significance of the finds and what, if any, special disposition of the finds shall be made. Construction activities shall not recommence at the discovery site until the Contracting Officer has notified the Contractor.

Endangered Species Act: The USACE accessed the U.S. Fish and Wildlife Service website and obtained an unofficial list of threatened and endangered species applicable to the project area and the greater San Mateo County region. Of the species listed, including candidates for listing, several of them may visit the general area on a seasonal basis: for example, Bay checkerspot, Mission blue, Callippe silverspot, and Myrtle's silverspot butterflies; and San Francisco garter snake. However, there is no suitable habitat or environmental setting for these species in the project area or in the greater GNCC. In addition, there is no potential for the listed plant and mammal species to be present in the project area, given the highly landscaped terrain. It's clear that the project will not involve endangered or threatened species.

Clean Water Act: The project area lacks wetlands or waters of the United States that would require an analysis under Section 404.


Conclusion: Based upon the above project description and environmental analysis, the proposed project meets the specified CATEX and would not cause a significant adverse environmental impact, nor would it be environmentally controversial.

Project References:

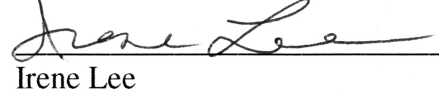
- (a) *Solicitation Package Including Project Manual for Golden Gate National Cemetery Replace Perimeter Fence* (VA Project No. 895-046);
- (b) *National Cemeteries and Soldiers Lots on the National Register of Historic Places and Designated Historic Landmarks* (NCA); and
- (c) *National Register Eligibility of National Cemeteries – A Clarification of Policy* (NCA).

Signatures

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