

# **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

## **DEPARTMENT OF VETERANS AFFAIRS PROPOSED CONSTRUCTION AND OPERATION OF PHASE 2 OF THE CAPE CANAVERAL NATIONAL CEMETERY SCOTTSMOOR, BREVARD COUNTY, FLORIDA**

### **Introduction**

The U.S. Department of Veterans Affairs (VA) prepared a Site-specific Environmental Assessment (SEA) of the potential environmental, cultural, and socioeconomic effects impacts that may result from proposed construction and operation of Phase 2 of the Cape Canaveral National Cemetery (CCNC) in Scottsmoor, Brevard County, Florida. The SEA was prepared in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code [USC] 4321 et seq.), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and VA's NEPA implementing regulations, 38 CFR Part 26 (Environmental Effects of the Department of Veterans Affairs Actions). The SEA was also derived from, and incorporated by reference, the findings of the Final Programmatic Environmental Assessment (PEA) for potential physical, environmental, cultural, and socioeconomic effects associated with the VA's selection and acquisition of a site suitable for the future proposed construction and operation a new National Cemetery in central east Florida, dated July 17, 2012, and the findings of the SEA associated with the construction and operation of Phase 1 of CCNC dated 9 May 2014.

The purpose of the Proposed Action is to construct and operate Phase 2 of CCNC to continue to serve the burial needs of Veterans in the central east Florida region. The Proposed Action is needed to address a current unserved Veteran population of at least 80,000 in the region.

### **Background**

The National Cemetery Administration (NCA) is responsible for providing cemetery services for veterans and other eligible persons pursuant to the provisions of the National Cemeteries Act of 1973 and other statutory authority and regulations. Under this mandate, NCA is responsible for the operation and maintenance of existing national cemeteries and the construction of new national cemeteries.

Based on the findings of the preceding PEA, the VA selected and acquired the Scottsmoor, Florida property on July 31, 2012, with the knowledge that a SEA would be prepared to analyze potential site- specific impacts based on the final Master Plan design and each phase for the Proposed Action.

Based on the final Master Plan design, the proposed Cape Canaveral National Cemetery is of sufficient size and capacity to serve the projected needs in this region for at least the next 100 years. The proposed National Cemetery would help VA comply with the aforementioned Service Members Civil Relief Act, also known as the Veteran's Benefit Act of 2010, Public Law 111-275, Section 503, Reports on Selection of New National Cemeteries (38 United States Code [USC] 2400).

The proposed development of Phase 2 of the National Cemetery would continue to increase access to burial options to the currently unserved Veteran population living in central east Florida; in 2010 NCA estimated over approximately 163,000 Veterans live within 75 miles of the Site. Additionally, no other National Cemeteries are within 100 miles of Scottsmeer, Florida (VA Office of Policy and Planning [OPP] 2008). Accordingly, the Proposed Action would continue to balance the currently unequal geographic distribution of National Cemeteries in the region.

## **1. Description of Proposed Action and Alternatives**

### **Proposed Action**

VA's Proposed Action is to construct and operate Phase 2 of Cape Canaveral National Cemetery, in accordance with VA's NCA Facilities Design Guide, on an approximately 52-acre tract within the overall 318-acre Cape Canaveral National Cemetery site in Scottsmeer, an unincorporated community located in Brevard County, Florida. The Proposed Action is based on the final CD-2 design package for Phase 2 developed by the VA. The final Master Plan design develops the proposed Cape Canaveral National Cemetery in seven (7) or more phases; the initial phase (Phase 1) is constructed on approximately 108 acres on the western portion of the Site (west of Dixie Way) and include the construction of the cemetery roads, entrance, Administration/Public Information Center (PIC), Maintenance Building, and committal shelters. Phase 2 would provide 32,320 gravesites including approximately 12,320 columbarium niches, 7,700 full-casket and 12,300 cremains gravesites; a 4.75-acre retention pond with an aerated fountain; interior roads; and associated utilities and infrastructure. Other infrastructure to support the burial expansion includes landscaped areas, signage, irrigation, the connecting roads, parallel parking at the columbarium plazas and a roundabout at the Warrior Avenue/maintenance area drive intersection.

The VA will continue to prepare separate NEPA analyses for each subsequent phase in the final Master Plan design for the proposed Cape Canaveral National Cemetery.

### **Alternatives Considered**

In addition to the Proposed Action described above, VA evaluated a No Action Alternative as part of the SEA. Under the No Action Alternative, the Proposed Action would not be implemented. At least 80,000 Veterans and their families residing in central east Florida would continue to be underserved and be required to travel more than 75 miles to reach a National Cemetery. The

availability of use within the National Cemeteries in the region would continue to be unequal, and VA would not be in compliance with the requirements of the Service Members Civil Relief Act.

While the No Action Alternative would not satisfy the purpose of or need for the Proposed Action, this alternative was retained to provide a comparative baseline against which to analyze the effects of the Proposed Action, as required under the CEQ Regulations (40 CFR Part 1502.14). The No Action Alternative reflects the status quo and served as a benchmark against which the effects of the Proposed Action were evaluated.

The SEA examined in-depth two alternatives, the Preferred Action Alternative and the No Action Alternative, defined as follows:

- **Preferred Action Alternative:** Implement the Proposed Action by constructing and operating Phase 2 of the Cape Canaveral National Cemetery based on the CD-2 plans prepared by the VA.
- **No Action Alternative:** Do not implement the Proposed Action as identified, and continue the unequal distribution of National Cemeteries in the region, requiring at least 80,000 Veterans and their families in central east Florida to travel more than 75 miles to reach a National Cemetery. Additionally, VA would not be in compliance with the requirements of the Service Members Civil Relief Act. For these reasons, the No Action Alternative is not preferable.

## 2. Potential Environmental Effects

As documented in the SEA, VA concludes no significant adverse impacts, either individually or cumulatively, would result from implementing the Proposed Action. The Proposed Action would have no or negligible adverse impacts on geology, coastal zone management, cultural resources, land use, utilities, socioeconomics, community services, parking, and environmental justice. During construction and operation of the Proposed Action, less-than-significant minor adverse impacts would occur to aesthetics, air quality, topography and soils, water resources (surface water, wetlands, floodplains, groundwater), wildlife and habitat, noise, solid and hazardous wastes, and transportation. VA will implement the management, avoidance, and regulatory compliance measures to maintain these impacts at less-than-significant levels as described in the SEA and incorporated in this FONSI as Appendix A. The Proposed Action would have less-than-significant beneficial long-term impacts on aesthetics (expansion of a National Shrine), land use (preservation of open space), and socioeconomics (increased local employment and indirect long-term economic benefit).

The potential environmental effects associated with implementing the Proposed Action are summarized in the following sections. The Best Management Practices (BMPs) that reduce, eliminate, or avoid these potential effects, are provided in the SEA.

**Aesthetics.** Less than significant effects on aesthetics would occur during construction and operation of the Proposed Action. Construction activities including excavation, grading, and

vehicle travel on paved and unpaved surfaces could generate fugitive dust emissions that can lead to nuisance concerns, such as reduced visibility on nearby roadways. During construction, fugitive dust emissions would be controlled and limited by implementing the BMPs for dust control and construction operations. Additionally, soils exposed during construction would be reseeded or replanted once grading activities are completed.

Following construction and during operation of Phase 2 of the National Cemetery, there would be long-term, beneficial aesthetic effects. The Preferred Action Alternative would change the aesthetic quality of the Site by beautification from unmanaged lands to a permanent National Shrine improved with park-like landscaping, a tree-lined and fenced perimeter, water features, and grounds under continuous maintenance.

**Air Quality.** Less than significant effects on air quality would occur during construction and operation of the Proposed Action. The Site is in a full attainment area for criteria pollutants. During construction of the Proposed Action, dust emissions could occur, but would be controlled with implementation of identified BMPs (e.g. road wetting, tarp-covered hauling trucks). Regraded areas and excess stockpiled soil (from regrading and pond construction) would be covered, seeded with native grass, and maintained to prevent fugitive dust. During operation of the Proposed Action, traffic in the region would increase; however, the Proposed Action would result in less vehicle emissions in the ROI because Veterans and their families would no longer be required to travel greater distances to other National Cemeteries in Florida. No long term significant adverse air quality impacts are anticipated.

**Cultural Resources.** Based on consultation with the Florida State Historic Preservation Office (SHPO), federally-recognized Native American Tribes, and the results of a Phase I Cultural Resources Survey (Atkins 2012), no adverse effects to archeological resources or historic structures eligible for or listed on the National Register of Historic Places (NRHP) would occur within the Proposed Action's Area of Potential Effect (APE). Any potential effects that may occur during construction would be reduced or avoided by implementing the identified BMP (e.g. halting work and contacting the SHPO and/or Native American Tribes if any artifacts are encountered).

**Geology, Topography and Soils.** Less than significant effects on topography and soils would occur during construction and operation of the Proposed Action, while no effect on geology would occur. During construction of the Proposed Action, less than significant short-term adverse effects to topography and soils are possible due to soil erosion and sedimentation impacts while the proposed improvements are constructed. Construction and grading activities would remove selected vegetative cover, disturb the soil surface, and compact the soil, leaving it susceptible to erosion by wind and surface runoff. However, these potential effects will be prevented through the utilization of construction related BMPs and maintaining the generally flat topography after grading. After the completion of construction activities, vegetative cover would be re-applied and designed to blend with the existing landscape, therefore no significant long-term adverse topography or soils effects would be anticipated. Additionally, no karst conditions were found during two geotechnical investigations at the Site in 2011 and 2013, nor the most recent

geotechnical investigation specific to Phase 2. Karst conditions are relatively uncommon and minimal in the area surrounding the Site.

**Water Resources (Surface Waters and Wetlands; Floodplains; Groundwater; Coastal Zone Management).** Less than significant effects on water resources would occur during construction and operation of the Proposed Action. A previous delineation of wetlands at the Site indicated there are no wetlands or 100-year floodplains in the Phase 2 area. A 2019 review found conditions have not changed, and an Approved Jurisdictional Determination from the U.S. Army Corps of Engineers has been issued confirming no Waters of the U.S. located within the boundaries of Phase 2. Although wetlands and 100-year floodplains are present in other areas of the Site, environmentally sensitive site design of future MP5 phases in concert with good engineering practices and consultation with authorized Federal, State, and local agencies will work to minimize impacts to wetlands and 100-year floodplains, thereby eliminating potential adverse effects on these areas. During construction, identified BMPs such as preventing soil erosion and sedimentation using hay bales and silt fence will further minimize effects on surface water quality. Potential short-term effects on groundwater quality from releases of construction vehicle operating fluids would be minimized by maintaining spill kits. Groundwater quality would not be affected by normal operation of the cemetery. Modern burial practices using biodegradable embalming fluids and placement of internments above the seasonal high-water table will minimize any groundwater effects. Water quality effects from impervious area stormwater run-off will be minimized by capturing and storing stormwater in retention ponds designed to accommodate post-development stormwater volume; the retained stormwater will be repurposed for irrigation source water, further reducing the need to use groundwater for irrigation purposes.

**Wildlife and Habitat.** Less than significant effects on wildlife and habitat would occur during construction and operation of the Proposed Action. The vast majority of natural habitats would remain intact on the Site, with development proposed within previously disturbed lands. Developed areas will be replanted with native trees, shrubs and grass species to reduce long-term effects. The Proposed Action would remove marginal habitat for the federal candidate species and state-listed gopher tortoise (*Gopherus polyphemus*). A previous permit from Florida Fish and Wildlife Conservation Commission was issued to relocate all tortoises within the boundary of CCNC. A 2019 review of the 52-acre area associated with Phase 2 determined no gopher tortoise burrows within the project footprint. No other evidence of other State- or Federally-listed threatened or endangered species was observed utilizing the Phase 2 project area during the survey.

**Noise.** Less than significant effects from noise would occur during construction and operation of the Proposed Action. During construction, noise from construction vehicles and building construction would occur but be minimized by limiting construction schedules to weekdays between 7:00 AM and 10:00 PM. During operation, long term periodic noise effects would occur from rifle salutes during committal services, but these effects would be reduced and managed by limiting the number of salutes to 3-5 per committal service and holding services between 7:00 AM

and 4:00 PM. Noise effects would be further reduced by maintaining the noise-buffering tree-lined border around the Site perimeter.

**Land Use.** No significant adverse land use effects would occur during construction and operation of the Proposed Action. Beneficial minor long-term land use effects may occur due to the preservation of open space within the region and developing the Site in consideration of local zoning requirements. While the Site is currently zoned Agricultural Residential (AU) with a future land use designation of Residential 1 (one dwelling unit per acre), the proposed cemetery phase is permitted within residential land use designations, with conditions under the institutional low intensity classification.

**Socioeconomics.** No significant adverse socioeconomic effects would occur during construction and operation of the Proposed Action. Beneficial minor short term and long-term effects may occur due to increased local employment and personal income during construction. Operating a new National Cemetery would have an indirect long term positive socioeconomic effect on the local area.

**Community Services.** No significant adverse effects on community services would occur during construction and operation of the Proposed Action. The Proposed Action would not measurably increase the demand on local police or fire services. Use of other public or community services as a result of the Proposed Action is not expected. As such, the Proposed Action is expected to have a negligible impact on local community services.

**Solid and Hazardous Materials.** Less than significant effects from solid and hazardous materials would occur during construction and operation of the Proposed Action. Materials normally associated with construction activities would be present; however potential effects would be reduced or avoided with implementation of identified BMPs, such as maintaining construction equipment in good working order and implementing a spill prevention and control plan for potential releases of vehicle operating fluids. During operation, any potentially hazardous materials present at the Site will be stored in locations designated for hazardous materials.

**Transportation and Parking.** Less than significant effects on transportation would occur during construction and operation of the Proposed Action; no effect would occur on parking. Based on a Traffic Impact Analysis (TIA) conducted at the Site in 2013 (Englander), the effect from the addition of approximately 500 vehicles per day visiting the National Cemetery represents less than a 20% increase in traffic on local access roads, and therefore would be insignificant in the ROI. Additionally, the minor increase in traffic on local highway flow during operating periods would be further minimized by creating turning lanes, sufficient traffic lights, and posting cemetery location notices on U.S. Highway 1.

**Utilities.** No significant effect on utilities is anticipated during construction and operation of the Proposed Action. Construction and operation of the proposed National Cemetery would increase on-site utility consumption for electricity, communications/data, and natural gas. These increases

would remain within the capacity of local service providers therefore effects would be negligible. Potable water would be obtained from existing or new on-Site groundwater wells and treated prior to consumption, while irrigation water would be obtained from stormwater collected in on-Site stormwater retention ponds. Consumption of these utilities during operation would be negligible.

***Environmental Justice.*** No significant effect on environmental justice is anticipated during construction and operation of the Proposed Action. The proposed action does not disproportionately affect minority and or low-income populations located in the vicinity of the Site.

***Cumulative Impact.*** Implementation of the Proposed Action is not expected to cumulatively significantly adversely affect any technical resource area discussed above. Cumulative net positive impacts to aesthetics, land use, and the local socioeconomic environment are anticipated from implementing the Proposed Action. The Proposed Action would not noticeably contribute to on-site and regional decline in natural resources and would maintain or enhance the local socioeconomic environment through indirect, beneficial impacts. Additionally, a separate NEPA analysis will be performed on future development phases to evaluate potential impacts to individual technical resource areas discussed above, and consider potential cumulative impacts associated with development at that time.

***Potential for Generating Substantial Public Controversy.*** Construction and operation of the Proposed Action is consistent with surrounding land uses. No substantial public controversy regarding the Proposed Action has been received during the scoping or public comment period. Additionally, there are positive impacts relative to the aesthetics, land use, and local employment both during construction and operation of the Proposed Action.

### **3. Agency and Public Comment**

The Draft SEA was made available for agency and public review for 30 days beginning 17 April 2020. A Notice of Availability was published in the local Florida Today Newspaper on 17 April 2020 and 19 April 2020, with information on how to obtain the documents and where to send comments. The Draft SEA was deposited in the Administration Building of the Cape Canaveral National Cemetery, made available online for downloading from the VA website, and letters requesting review were sent to federal, state, and local agencies and groups.

As of close of the public comment period, no member of the general public expressed opposition to the Proposed Action. The VA received comments or responses from the following agencies: BCPW, BCFR, Florida SHPO, FDOT, ACOE, FWC, FNAI, NBEDZ, and EDCFSC. Input provided by these agencies is addressed in the Final SEA resource.

#### 4. Finding of No Significant Impact

As a result of the analysis of impacts in the SEA, summarized and incorporated by reference herein, it is the conclusion of the VA that, with the implementation of appropriate management and avoidance measures included herein as Appendix A, the Proposed Action would not generate significant public controversy nor have a significant adverse impact the quality of the natural or human environment within the meaning of Section 102(2c) of the National Environmental Policy Act of 1969. Therefore, preparation of an environmental impact statement is not required.

For additional information, contact: Fernando Fernandez at [Fernando.Fernandez@va.gov](mailto:Fernando.Fernandez@va.gov) or at (202) 632-5529, or mail comments to Department of Veterans Affairs, 425 I Street Northwest, Suite 6W.317D, Washington D.C., 20420.

Sincerely,

Stephan J Frank  
1047206




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Stephan Frank  
Executive Director, NCA

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