



**US Army Corps  
of Engineers**®  
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

**PROJECT: Veterans Administration Outpatient Clinic and Cemetery  
at Alameda Naval Air Station**

PUBLIC NOTICE NUMBER: 2012-00286S

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COMMENTS DUE DATE: 3 March 2016

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**1. INTRODUCTION:** HDR Engineering (POC: Dawn Edwards: 541-878-4900, 2379 Gateway Oaks Drive, Suite 200, Sacramento, California) on behalf of the Department of Veterans Affairs (VA) (POC: Leo Flor: 707-562-8277, 1175 Nimitz Avenue, Suite 210, Vallejo, California) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to construct the Veterans Administration Outpatient Clinic and Cemetery at Alameda Naval Air Station. This project would include an outpatient clinic, veteran's benefits outreach office, a national cemetery and wildlife conservation management office on approximately 112 acres at Alameda Point on the former Naval Air Station (NAS). This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

**2. PROPOSED PROJECT:**

**Project Site Location:** The project site is located at the former NAS Alameda Airfield in Alameda, California (Figure 1). The Department of the Navy transferred the former NAS Alameda property to VA via a Fed-to-Fed transfer. This area is referred to as the VA Transfer Parcel. The VA Transfer Parcel is approximately 624-acres in size and is located in the northwest corner of the former NAS Alameda property.

**Project Site Description:** The 624-acre site is composed of developed and disturbed land that was previously utilized for military, industrial, and aircraft uses. The parcel is located entirely on manmade lands (i.e., fill material imported during the early to mid-20<sup>th</sup> century), 56 percent of which is situated on the inactive runways, taxiways, and other paved aircraft areas of the

former NAS Alameda while the remaining 44 percent of the parcel is undeveloped and/or wetlands. The verified wetland delineation identifies 44.26 acres of jurisdictional wetlands within the Project Boundary (Figure 2). The proposed VA Development Area, which is the area where the VA would construct buildings and associated infrastructure, is situated on 113 acres of the transfer parcel. The VA Transfer Parcel is surrounded by the San Francisco Bay to the south and west and the Oakland Estuary to the north. To the east and south lies the remainder of the former NAS Alameda property, now referred to as Alameda Point (See figures 1 and 2).

**Project Description:** In accordance with the attached plans, the Department of Veterans Affairs proposes to construct an outpatient clinic, veterans outreach office, a national cemetery and wildlife conservation management office on approximately 112 acres at Alameda Point on the former Naval Air Station (Figure 3). Development of the project will require mass grading and fill of approximately 11.95 acres of seasonal wetlands and coastal salt marsh.

The VA outpatient clinic would be approximately 158,000 square feet (20 acres). The outpatient clinic building would be primarily two stories, with at least 75 percent of the roof area at or below 40 feet in height. A parking area with approximately 632 spaces would be located on the east side of the outpatient clinic building, and would include a shuttle drop-off/pick-up area used by veterans. Please refer to Figure 4. Outpatient Clinic Site Plan.

The proposed national cemetery would be comprised of architecturally grouped columbaria courts and support facilities, including two committal service shelters,

internal roads, assembly area, and landscaping. Each columbaria court would consist of inurnment columbarium niches housing cinerary urns containing cremated remains. The columbarium niches are typically aligned in rows, five rows high, in pre-cast-concrete columbaria wall units. The highest columbaria wall would be approximately nine feet high, including unit base and cap. In addition to columbarium walls, the cemetery would feature a memorial wall. The cemetery would cover a total area of approximately 80 acres located west of the outpatient clinic. Please refer to Figure 5. Cemetery Site Plan.

A conservation management office is proposed to support the management of the on-site least tern colony, predator management efforts, and may include other uses, such as an interpretive center supporting volunteer and public education programs. This building would be a one-story structure with maximum height of 25 feet and approximately 2,500 square feet of space. The conservation management office would be located east of the outpatient clinic building and would accommodate Service personnel involved with management of the least tern colony as well as the VA's monitoring staff. A small parking area, consisting of eight to ten parking spaces, is proposed adjacent to the conservation management office.

It is estimated that construction of the outpatient clinic building and conservation management office would take approximately 30 months to complete, including the time for initial site preparation – nine months of earthwork and installation of infrastructure and roadways, and another 21 months of building construction and installation of landscaping. The build-out of the national cemetery would be phased based on actual demand. It is estimated that there will be a demand for 2,500 niches per year. It is envisioned that approximately five acres of the cemetery would be developed every ten years. The remainder of the site would remain undeveloped until there is a need for additional columbarium niches.

**Project Impacts:** Development of the project would require mass grading and fill of approximately 11.95 acres of seasonal wetlands and coastal salt marsh. The proposed VA Project would not directly eliminate any least tern nesting habitat at the site. However, the proposed action would result in about a 35 percent loss of the buffer zone habitat.

**Proposed Mitigation:** Avoidance and Minimization measures would be incorporated to reduce impacts to the aquatic environment during construction of the project.

The VA proposes to compensate for all wetland impacts through the purchase of wetland mitigation credits at the San Francisco Wetland Mitigation Bank or another approved wetland mitigation bank with a suitable service area within five years of receiving the permit and prior to start of construction. Prior to initiating construction, the VA would purchase 11.96 acres of wetland credits to compensate for all of the impacts associated with the Project.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

**Coastal Zone Management:** Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant has applied for a Consistency Determination from the San Francisco Bay Conservation and Development Commission to comply with this requirement.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period

#### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

**Endangered Species Act (ESA):** Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, the VA has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation:

Endangered California least tern (*Sternula antillarum browni*) and

Threatened Pacific Coast population of the western snowy plover (*Charadrius alexandrinus nivosus*)

To address project related impacts to these species and designated critical habitat, the VA initiated formal consultation with USFWS, pursuant to Section 7(a) of the Endangered Species Act. The USFWS concurred that the Project is not likely to jeopardize the continued existence of the least tern, and may affect, but is not likely to adversely affect the snowy plover.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. Due to the absence of EFH on the project site, no consultation for EFH will be completed.

**Marine Protection, Research, and Sanctuaries Act (MPRSA):** Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

**National Historic Preservation Act (NHPA):** Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic

properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this project, the VA will be responsible for determining the presence or absence of historic properties or archaeological resources, and the need to conduct consultation. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

**5. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**6. CONSIDERATION OF COMMENTS:** USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in

order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

**7. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Janelle Leeson, San Francisco District, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, California 94103-13978; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* page on the USACE San Francisco District website:  
<http://www.spn.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.