**REGULATORY PROGRAM**

**PERMIT ACTION**

**VETERANS ADMIN. OUTPATIENT CLINIC AND CEMETERY**

**AT ALAMEDA NAVAL AIR STATION**

APPLICANT: Department of Veterans Affairs (VA)

CORPS FILE NUMBER: SPN-2012-00286

AREA: Former Naval Air Station, Alameda, California

DESCRIPTION: On January 12, 2016, the Corps received an application from the Department of Veterans Affairs (VA). The applicant proposes to construct an outpatient clinic, veterans’ benefits outreach office, a national cemetery and wildlife conservation management office on approximately 112 acres of a 624-acre parcel at Alameda Point on the former Naval Air Station (NAS). Development of the project would require mass grading and fill approximately 11.95 acres of seasonal wetlands and coastal salt marsh present in the grasslands between the taxiways and runways of the former airfield. The project proponent has purchased wetland mitigation credits at a 1:1 ratio for Phase I impacts of 3.6 acres at the San Francisco Wetland Mitigation Bank as of March 17, 2017. Phase II impacts, totaling 7.2 acres, would be mitigated with onsite creation and enhancement of jurisdictional waters. The applicant had proposed onsite mitigation consisting of approximately 2 acres tidal waters, 5 acres salina, and enhancement of existing onsite wetlands totaling approximately 20.5 acres. Due to the Corps’ expressed concerns of a highly engineered mitigation design and the need for continued maintenance of three weirs and berms associated with this design, the applicant submitted a revised mitigation proposal in December 2017. The revised proposal includes 10.6 acres of tidal marsh creation and 14.8 acres of tidal marsh restoration. The proposed mitigation would not include the construction of weirs or berms, but instead an engineered splash pad and tidal inlet. Onsite wetland mitigation is located within the southeast portion of the project area and would be constructed concurrently with Phase I, at least a decade in advance of Phase II jurisdictional impacts. The remaining 512-acres, which include landfill, runways, taxiways, other paved aircraft areas of the former NAS Alameda, open space and wetlands, would remain undeveloped and managed for long term persistence. The NAS Alameda site is known to support a breeding population of California least tern. On August 29, 2012 the Service issued a Biological Opinion for the California least tern and the Pacific coast population of the western snowy plover, determining the project is not likely to jeopardize the continued existence of species.

PRIMARY ISSUE: Prior to issuing a permit, the Corps must ensure the project complies with the Clean Water Action Section 404(b)(1) Guidelines. Specifically, the Corps must determine the project as proposed is the Least Damaging Environmental Practicable Alternative and ensure that all unavoidable impacts to wetlands are appropriately mitigated.

STATUS: The VA administratively withdrew their application on 13 February 2019, and submitted an updated application on July 10, 2020. The updated application included a reduction of approximately 1 acre in wetland impacts, a 404(b)(1) analysis, and a 25.4-acre tidal marsh mitigation area. The applicant included an updated mitigation plan, dated January 2019, that includes 10.6 acres of tidal marsh creation and 14.8 acres of tidal marsh, salina, and transition zone enhancement and is acceptable to the Corps. The VA and the Corps are drafting a Conservation Land Use Agreement to ensure the long-term site protections required for the proposed mitigation. On December 10, 2019, the Service issued a letter that the revised project description would not require reinitiation of consultation for the Biological Opinion issued on August 29, 2012. The VA is in Section 7 ESA consultation with National Marine Fisheries Service. The Corps is drafting the decision document for the individual permit.

CONGRESSIONAL DISTRICT:

* 13th District, Rep. Barbara Lee

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