RECORD OF DECISION

FINAL ENVIRONMENTAL IMPACT STATEMENT FOR OTAY MESA LAND PORT OF ENTRY MODERNIZATION AND EXPANSION OTAY MESA, CALIFORNIA

ACTION

As Regional Commissioner for Region 9, Public Buildings Service, U.S. General Services Administration (GSA), this Record of Decision (ROD) documents my decision related to project alternatives considered for the Otay Mesa Land Port of Entry (LPOE) Modernization and Expansion (Project) in Otay Mesa, CA. This ROD documents the specific components of my decision and the rationale for my decision. This decision is based on information and analyses contained in the Final EIS issued in February 2019; the Draft EIS issued in August 2018; the technical studies associated with both the Draft and Final EIS; the comments of Federal and State agencies, stakeholder organizations, members of the public, and elected officials; and other information in the administrative record. In accordance with the provisions outlined in the EIS, I approve the Preferred Alternative, which is also the Environmentally Preferred Alternative. This alternative includes the development of a 10-acre, Government-owned site, as well as modernization and improvements to the existing port, which include the construction of the commercial annex building, additional northbound commercial lanes, and expansion of pedestrian facilities and related improvements.

PURPOSE AND NEED FOR THE PROJECT

GSA has published a Final Environmental Impact Statement (EIS) for the Otay Mesa Land Port of Entry (LPOE) Modernization and Expansion (Project) in Otay Mesa, a community in the southeastern most portion of the City of San Diego, CA, situated on the international border between the United States and Mexico. The Otay Mesa LPOE is one of three ports of entry in the San Diego-Tijuana metropolitan region.

The Draft and Final EIS can be found at https://www.gsa.gov/about-us/regions/welcome-to-the-pacific-rim-region-9/land-ports-of-entry/otay-mesa-land-port-of-entry/otay-mesa-environmental-review.

The Project's purpose is to improve the efficiency, operational effectiveness, security, and safety at the existing Otay Mesa LPOE. The GSA Project addresses the need to increase the LPOE's capacity due to increased demand, improve public and employee safety, and respond to related border security concerns.

PROJECT ALTERNATIVES EVALUATED IN THE FINAL EIS

The Project entails the reconfiguration and expansion of the existing Otay Mesa LPOE to enhance traffic circulation, specifically the flow of commercial traffic, and to

accommodate current and future traffic demands. Following a scoping meeting on February 8, 2018, and consultation with the community, two Project Build alternatives, as well as a No Action Alternative, were considered by a multidisciplinary team during the Project design process. The Project provides improvements to the existing LPOE, which is why other Project locations were not considered, and because the precise location of such a facility requires a formal agreement between the Governments of the United States and Mexico. Consequently, both build alternatives considered design/operational variations at the existing location. The alternatives described and evaluated in the Final EIS include the Preferred, the Reduced Build, and the No Action Alternative.

Preferred Alternative (Alternative 1)

The Preferred Alternative would include the development of an approximately 10-acre Government-owned site adjacent to the LPOE's existing commercial import lot. This site would be used to construct commercial inspection buildings, including a Hazardous Materials inspection facility and additional commercial import lanes. Construction would also include commercial import and exit booths, six additional pedestrian lanes in the Pedestrian Building, a Commercial Annex Building (CAB), a return-to-Mexico lane for commercial traffic, a pedestrian ramp, and parking areas for the new commercial lot. Building renovations would include the installation of energy conservation measures (ECMs) and water conservation measures (WCMs) across the LPOE; the correction of deficiencies throughout the existing facilities (e.g., updating security systems, improving lighting, and repaving old asphalt surfaces); and refurbishing the interior of the pedestrian, commercial import, and commercial export buildings (e.g., new flooring and paint).

All facilities that are no longer needed would be demolished, and the land they were on would either be backfilled or used for part of the Project.

Reduced Build Alternative (Alternative 2)

The Reduced Build Alternative would include some of the renovation activities discussed under the Preferred Alternative but no new construction would occur. Instead, the Reduced Build Alternative would still include the reconfiguration of commercial inspection booths to increase traffic flow, and the renovation of existing facilities would be limited to updating security systems and HVAC systems and repainting interiors. Implementation of ECMs and WCMs would not occur with these minor renovations.

No Action Alternative

The No Action Alternative assumes that no construction or renovations to the existing Otay Mesa LPOE would occur. Minor repairs would occur as needed, and maintenance and operation of the existing facilities would continue as currently performed.

Connected Action

Under each of the Preferred, Reduced Build, and No Action Alternatives, the existing U.S. Department of Agriculture Plant Inspection Station would be moved to a new

standalone building in the northwest corner of the 10-acre, Government-owned site located east of the existing commercial import lot. Moving the Plant Inspection Station to a new standalone building would not add any operational delays. Potential impacts from construction of the new, 13,000-gross sf building have been analyzed in a separate NEPA document, *The Final Environmental Assessment (EA) for the USDA Animal and Plant Health Inspection Service (APHIS) Plant Inspection Station at the Otay Mesa LPOE*. Construction of the Plant Inspection Station is considered a connected action to this Project because it is an interdependent element of the Project.

ENVIRONMENTAL CONSEQUENCES

Resources analyzed include land use; utilities and infrastructure; hazardous waste and materials; transportation and traffic; noise; socioeconomics; environmental justice and protection of children's health and safety; visual resources and aesthetics; cultural resources; geology, seismicity, and soils; air quality and greenhouse gas emissions; biological resources; and water resources. Environmental consequences for each alternative are summarized below:

Preferred Alternative (Alternative 1)

The Preferred Alternative would be expected to result in the following environmental consequences:

- There would be long-term, localized beneficial impacts on land use at the existing LPOE. The conversion of the currently vacant Government-owned 10-acre site for the GSA Project does not represent loss of undisturbed site.
- Construction activities would result in short-term, adverse impacts to existing infrastructure (such as short-term utility interruptions). Operation of new facilities would result in new demand on existing utilities. There would be negligible impacts on utilities at existing facilities.
- There would be a low likelihood of hazardous material contamination as a result of construction activities. However, by removing hazardous materials, GSA would reduce the likelihood of future release of hazardous materials. GSA would put into practice construction measures to reduce or prevent any release.
- Construction and demolition activities would have short-term, minor, adverse impacts on transportation and traffic due to shipments of construction materials and waste to and from the construction site and construction worker commutes.
- Operation of the LPOE would have a long-term, beneficial impact on transportation and traffic because commercial vehicle queue times at the LPOE would be reduced and commercial vehicles would be able to pass through the LPOE at a faster rate. Over time, the average daily traffic experienced on nearby roadways will likely increase due to development pressures in the Otay Mesa area.
- Both short- and long-term impacts from noise would be expected. Short-term impacts would be due to heavy equipment noise during construction, while long-term impacts would be due to increased noise from the increased vehicle capacity passing through the upgraded LPOE.
- Short-term, adverse socioeconomic impacts would mainly include delays in shipments or deliveries as they relate to trade, as well as increased noise and air

emissions around the LPOE due to construction activities. Short-term, minor, beneficial impacts on socioeconomics would be expected due to the creation of jobs. Long-term, adverse effects on population and housing would occur if additional personnel are hired to operate the Otay Mesa LPOE in the long term. Moderate to major beneficial impacts on trade would be expected due to increased efficiency at the LPOE in the long term.

- The project is located in an area or region of influence, where minorities comprise more than 50% of the overall population, this constitutes an "environmental justice population." As a result, economic and health impacts could disproportionately benefit minority populations in search of a job. Direct and indirect beneficial impacts due to the creation of jobs associated with the Preferred Alternative would be minor. The likelihood of these beneficial impacts is high because the link between jobs and income, and beneficial health outcomes mentioned above, is well-established. The extent of impacts would be large because all minority populations in search of a job in San Diego County could benefit. The social and economic benefits of indirect and induced job creation would not be permanent and would largely be reversed in the long-term, after construction is complete.
- Short-term adverse impacts on visual resources and aesthetics from construction activity would be moderate and localized due to the presence of construction materials, heavy equipment, and construction vehicles. To facilitate construction temporary holding cells may be more visible with moderate and temporary impact. There would be a high likelihood of long-term, localized, and moderate impacts on visual resources and aesthetics based on the level and type of change that would occur; impacts may be considered beneficial or adverse depending on the perception of the viewer. Localized, moderate, and beneficial impacts would occur as a result of renovation of existing facilities and infrastructure.
- If archaeological resources are discovered (the likelihood is anticipated to be low), impacts would be minor, permanent, small, or limited in extent, and could be considered either adverse (if the resource were destroyed) or beneficial (if the resource was perceived as having value to the public). There would be a high likelihood of no impacts on historic resources.
- There would be no impacts on geology or geologic hazards. Negligible, long-term adverse impacts on topography would occur due to grading of the site. Adverse, long-term to permanent, minor to moderate impacts from construction would occur where soils are substantially altered or covered by impervious surfaces. Short-term, negligible to minor impacts would occur where soils are disturbed by vehicle or foot traffic. There would be beneficial impacts on soils that are revegetated and re-stabilized so that soil erosion is reduced. There would not be any additional impacts on soils during operation of the LPOE.
- Construction/demolition activities would cause short-term, minor adverse impacts on air quality and could affect individuals in close proximity to the LPOE. Operations would result in long-term, beneficial impacts due to emission reductions from the reduced vehicle idling times. Greenhouse gas (GHG) emissions produced during construction and demolition activities would have short-term, but an overall negligible contribution to climate change. Long-term, minor, beneficial impacts would

occur due to reductions in GHG emissions from reduced vehicles in queue during operations.

- Construction would have adverse short- and long-term impacts on vegetation due to loss and disturbance of vegetation in the Project area. Impacts during operation would be beneficial, due to revegetation of disturbed areas with native plant species.
- Construction would have adverse, short- and long-term impacts on wildlife and migratory birds due to disturbance of animals and loss of habitat in the Project area. Impacts during operation would be adverse and long-term, but negligible, due to increased noise and disturbance from a higher volume of vehicles and pedestrians passing through the upgraded LPOE.
- There would be no impacts on federally listed species or critical habitat. Adverse impacts to special status species could be minimized or completely avoided if surveys detect any species and resource closures and mitigation are implemented. If any impacts occur, they would be similar to those for general wildlife.
- There would be adverse, short-term, and localized impacts on water resources from storm events greater than the 95th percentile rainfall event due to storm water runoff.

Reduced Build Alternative (Alternative 2)

The Reduced Build Alternative would be expected to result in the following environmental consequences:

- There would be long-term, negligible, beneficial impacts on land use at the existing LPOE site because suitability of land to support the current use would increase but the increase would only be slight. The conversion of the currently vacant Government-owned 10-acre site for the GSA Project does not represent loss of undisturbed site.
- Refurbishing activities at the existing buildings would have no to negligible impacts on LPOE utility consumption in the short or long term.
- Impacts from hazardous waste and materials from construction would be less than under the Preferred Alternative and would be limited, intermittent, negligible, and adverse. Negative impacts due to ongoing operations would be the same as the Preferred Alternative. If contaminated soils are not removed, there would not be any beneficial impacts.
- Construction and demolition activities would have the same impacts on transportation and traffic as under the Preferred Alternative; however, due to the reduced amount of construction and demolition required under this alternative, the impacts to local roadways would be lower.
- Impacts from noise would be the same as under the Preferred Alternative, though noise levels and duration overall would be reduced in magnitude compared to the Preferred Alternative.
- The types of impacts on socio economics would be the same as under the Preferred Alternative, though both adverse and beneficial impacts would be reduced in magnitude.
- The types of impacts on environmental justice and protection of children's health and safety would be the same as under the Preferred Alternative, though both adverse and beneficial impacts would be reduced in magnitude.

- There would be a high likelihood of adverse, negligible, localized short-term impacts to the visual quality and character of the Project area as a result of construction, though impacts may be slightly reduced in magnitude as compared to the Preferred Alternative. Long-term impacts on visual resources and aesthetics would be the same as under the Preferred Alternative. Beneficial impacts from renovations would be the same as under the Preferred Alternative.
- Impacts on cultural resources would be the same as for the Preferred Alternative. There is a high likelihood that there would be no impacts to either archaeological or historic resources over both the short term and the long term.
- There would be no impacts on geology or geologic hazards. Impacts on soils and topography would be the same as under the Preferred Alternative.
- Short-term impacts on air quality during construction would be the same as under the Preferred Alternative. Due to the reduced amount of construction required under this alternative, annual emissions of criteria pollutants would be lower than the emissions estimated for the Preferred Alternative. Long-term, minor, adverse impacts on air quality would occur during operation because the improvements to the commercial inspection lanes would not occur and the queue time (i.e., vehicle idle time) would continue to increase. Short-term GHG emissions impacts during construction would be similar to the Preferred Alternative during construction but lower. In the long term, there would be minor, adverse effects, as a reduction in GHG emissions would not occur.
- Impacts on vegetation, wildlife, migratory birds, and threatened and endangered species would be the same as under the Preferred Alternative.
- Impacts on water resources would be similar to the Preferred Alternative.

No Action Alternative

The No Action Alternative would be expected to result in the following environmental consequences:

- There would be no beneficial or adverse impacts on land use at the LPOE site.
- Long-term utility consumption at the existing LPOE would be higher than under the Preferred Alternative or Reduced Build Alternative. However, impacts on utilities and infrastructure would still be negligible because utility usage would be similar to current levels.
- No impacts from hazardous waste and materials from construction of the Plant Inspection Station would be expected. Because no new property would be acquired and no changes to current land use or zoning are anticipated, no impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations, consistent with existing hazardous material use and disposal practices.
- Due to expected population growth and corresponding increase in vehicles on roadways in the region, impacts to transportation and traffic would be long-term, minor, and adverse.
- Noise levels would remain similar to current conditions at the LPOE.
- Long-term, minor, large extent adverse impacts on socioeconomics would be expected. San Diego County would continue to grow but the capacity and efficiency

at the Otay Mesa LPOE would not increase, adversely affecting businesses in the economic zones as well as in the entire county and indirectly in the state.

- No disproportionate, adverse, or beneficial effects to minority or youth populations are anticipated in the short or long term. Adverse and beneficial impacts on environmental justice and protection of children's health and safety expected under the Preferred Alternative and Reduced Build Alternative would not occur under the No Action Alternative.
- Impacts on cultural resources would be the same as for the Preferred Alternative. There is a high likelihood that there would be no impacts to either archaeological or historic resources over both the short term and the long term.
- There would be no impacts on geology, topography, or geologic hazards. Impacts to soils from construction of the Plant Inspection Station would be similar to those under the Preferred Alternative for the 10-acre lot.
- Long-term, minor, and adverse impacts on air quality would occur as the average queue times for commercial vehicles would be expected to increase over time, resulting in increased criteria pollutant and GHG emissions.
- There would be no impacts on biological resources.
- Impacts on water resources would be similar to the Preferred Alternative.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

The following avoidance, minimization, and mitigation measures will be implemented during the phase in which the associated impact occurs. By policy, GSA has the responsibility to leverage its Federal real estate actions in ways that support local community planning goals, catalyze economic development, and advance regional sustainability objectives while also meeting client agency needs, wherever possible. This derives from several laws and Executive Orders. These requirements are in addition to and have been coordinated with the local consultation required under NEPA. Federal investment in support of local plans in ways that improve neighborhood

Utilities and Infrastructure (Section 3.4 in the Final EIS)

Mitigation measures to reduce impacts on utilities and infrastructure during construction of the Plant Inspection Station will include:

- Identifying existing utilities on construction plans and designing the proposed facility to minimize utility disruption, providing plans and specifications for the protection of existing utilities, sizing and locating new utilities appropriately to serve program facilities, and providing for passage of emergency vehicles and construction vehicles in construction traffic control plans;
- Preparing a stormwater management plan to reduce any discharge of pollutants to the stormwater drainage system that serves the surrounding road and facilities; and
- Implementing low-water landscaping and complying with LEED standards.

Hazardous Waste and Materials (Section 3.5 in the Final EIS)

The following Best Management Practices (BMPs) for hazardous waste and materials would be used to mitigate any issues identified during Project activities:

- To prevent contamination to workers or release of hazardous waste and materials to the environment, field surveys, soil sampling, or laboratory testing will be conducted in any questionable areas prior to renovations, construction, or demolition. These efforts will evaluate the potential occurrence of contaminants where soil staining or staining on distressed pavement was observed, or where known spills had occurred, followed by proper handling and disposal as necessary. Also, health risk assessments will be conducted for facilities within the LPOE in which contamination has been documented to evaluate whether the levels of contaminants will pose a risk to human health during implementation of the Project;
- Potentially contaminated soil from vehicles or inspection areas could be encountered during excavation, renovation, or demolition activities. Soil sampling will be conducted in areas where there is the potential for soil to be disturbed prior to soil export, reuse, or disposal to characterize the soil for the presence of hazardous materials (e.g., metals, petroleum hydrocarbons, volatile organic compounds [VOCs], pesticides, etc.). If contaminated soil is present, appropriate abatement actions will be implemented in accordance with applicable regulatory requirements to prevent, minimize, and control hazardous materials, if necessary, during construction. Also, a Soil Management Plan (SMP) will be prepared to address the potential for encountering areas of potential environmental concern during associated grading, excavation, or other subsurface disturbance. The Project SMP will identify specific measures to address hazardous waste and materials cleanup efforts including monitoring, handling, stockpiling, characterization, on-site reuse, export, and disposal protocols for excavated soil;
- The disturbance of polychlorinated biphenyl (PCB)-containing equipment can potentially release hazardous substances to the environment. Where pad-mounted or pole-mounted transformers or utility vaults are present within the construction, renovation or demolition footprint and possibly disturbed or moved, they will be sampled for PCB content. If PCBs are present, appropriate abatement actions for their disposal should be implemented in accordance with regulatory requirements, and soil beneath transformers should be evaluated for evidence of releases. If present in underlying soils, appropriate abatement actions for removal and disposal should be implemented in accordance with applicable regulatory requirements;
- A 2010 report found that Asbestos Containing Materials (ACMs) and lead-containing surfaces (LCSs) are present on painted surfaces in the Pedestrian Building and privately owned vehicle inspection booths. All locations containing LCSs will be evaluated before starting construction activities to determine if any abatement measures will be required. For all ACMs, a licensed abatement contractor will be retained to remove and properly dispose of ACMs prior to commencing construction operations;
- To minimize potential exposure or safety concerns to workers, municipal (household) trash, construction debris deposits, soil stockpiles, and other waste materials will be removed from all proposed development areas on the Government-owned 10 acre site and disposed of in accordance with

applicable regulations. In addition, potentially hazardous wastes generated during Project-related construction activities will be disposed of or recycled at appropriate facilities in conformance with associated regulatory requirements;
- Reasonable containment and control of solid waste generated from and hazardous substances used in renovation and construction activities will be employed. All spills or releases of petroleum oil lubricating products, hazardous materials, pollutants, or contaminants will be handled in accordance with measures outlined in a Spill Prevention and Response Plan; and
- A Hazardous Materials Dock demolition plan that includes historical review of hazardous material spills and cleanups at the dock facility will be prepared.

Transportation and Traffic (Section 3.6 in the Final EIS)

Impacts on transportation and traffic will be minimized by implementing mitigation measures such as:
- Trucks traveling to and from the Project site will be scheduled to avoid times of heavy traffic (i.e., rush hour);
- Staging areas for trucks and construction equipment will be strategically located to minimize traffic impacts (e.g., utilizing the Government-owned 10 acre site to avoid using roadways); and
- Planning, development, and implementation of the routes and roadways used for the Project will be coordinated through the California Department of Transportation planners and engineers as well as San Diego County authorities to minimize the magnitude of impacts to local residents.

Noise (Section 3.7 in the Final EIS)

The following BMPs will be implemented to reduce noise impacts and, as a good neighbor, to ensure voluntary compliance with the City of San Diego's noise ordinance:
- Construction would primarily occur during normal weekday business hours; and
- All construction equipment will comply with applicable Federal noise regulations and will include noise control devices such as mufflers in proper working condition, as originally provided with the equipment by its manufacturer.

The average sound level for construction will be no greater than 75 decibels from 7 a.m. to 7 p.m., GSA voluntarily follows the City of San Diego Noise Abatement and Control Ordinance. If construction is required between the hours of 7 p.m. and 7 a.m., a permit will be obtained from the Noise Abatement Control Administrator.

Geology, Seismicity and Soils (Section 3.12 in Final EIS)

BMPs will be implemented during earthwork activities to prevent or reduce soil erosion and other long-term adverse impacts on soils. BMPs could include

installing silt fencing and sediment traps, applying water to soil to reduce dust, and reestablishing vegetation to minimize erosion and sedimentation. Areas around the buildings, parking lots, and other infrastructure where soils remain exposed after construction is completed will be revegetated with regionally appropriate native plant species. In the long term, the plants' roots should minimize erosion and sedimentation by re-stabilizing the topsoil.

Air Quality and Greenhouse Gas Emissions (Section 3.13 in Final EIS)

Mitigation measures to control Particulate Matter (PM_{10}) emissions and fugitive dust during construction will be developed to include:

- A detailed Construction Emissions Mitigation Plan that will identify BMPs for the construction effort; and
- The BMPs will be designed to reduce air quality impacts associated with emissions of criteria pollutants (NOx, CO, CO_2, PM, and SO_2) and specifically to minimize potential exposure of individuals near the Project site to PM_{10} and $PM_{2.5}$ from fugitive dust and heavy equipment tailpipe emissions.

Biological Resources (Section 3.14 in the Final EIS)

BMPs should be implemented to ensure that material imported to the Project site does not contain exotic plants or seeds. In order to minimize soil erosion and inhibit the establishment and propagation of invasive exotic plant species, once construction is completed disturbed areas that are not covered by buildings or other impermeable surfaces should be revegetated with appropriate native plant species.

To minimize impacts during construction to bird species protected under the Migratory Bird Treaty Act, avoidance and mitigation measures may include the following:

- Vegetation and nest removal activities will occur outside the nesting season to the extent practicable;
- Preconstruction clearance surveys will be conducted during the nesting season by a qualified biologist to identify active nests;
- Avoidance measures will be implemented for nests observed within and immediately adjacent to the active Project area;
- Impacts to bald eagles will be avoided by implementing the *National Bald Eagle Management Guidelines* and through coordination with the U.S. Department of the Interior - Fish and Wildlife Service; and
- A burrowing owl survey will be completed prior to the start of construction to identify whether any owls are present at the site.

Surveys for presence of State-listed species should be conducted prior to the start of construction activities. the DEIS ecxamined the presence and determined it unlikely, In the event that special status species are found in the Project area,

the area will be placed under resource closure and no activities will occur until mitigation is implemented.

DECISION

As Regional Commissioner of GSA Region 9, Public Buildings Service, it is my decision to approve the Preferred Alternative.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Environmentally Preferable Alternative is the alternative that best promotes the national environmental policy expressed within NEPA. In general, this refers to the alternative that will result in the least damage to the environment and best protects the natural and cultural resources. Based on the Draft and Final EIS, **the Preferred Alternative has been determined to be the Environmentally Preferable Alternative.** I selected this alternative because it will meet the Project purpose and need while resulting in the fewest substantial, adverse environmental consequences.

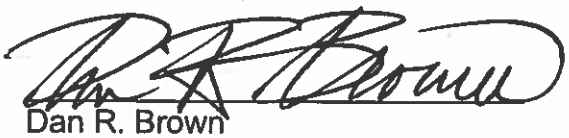
RATIONALE FOR IMPLEMENTING THE PREFERRED ALTERNATIVE

My decision to approve the Preferred Alternative is based on a balancing of likely adverse impacts to the Otay Mesa community with the pressing need to improve operational efficiency, effectiveness, security, and safety for cross-border travelers and Federal agencies at the Otay Mesa LPOE. This decision takes into account resource concerns, mission and program of the Federal inspection agencies, and public interests as analyzed in the Final EIS. I reached my decision after careful consideration of the environmental analysis of the effects of the two Build Alternatives and the No Action Alternative in concert with the needs of the Federal Government and intent of Congress, Public Law 115-141 FY 2018, and with input from the San Diego region and community.

The following GSA mission considerations were weighed in reaching my decision:

- Providing the Federal inspection agencies with a safe, secure, and more efficient workplace.
- Providing the taxpayer with a cost-effective Government facility.

Record of Decision Approval:

Signature: 

Dan R. Brown
Regional Commissioner
Public Buildings Service (9P)
General Services Administration

5/1/2019
Date