

DRAFT

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

for the

Proposed Community Based Outpatient Clinic

Fremont, California



U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420



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EXECUTIVE SUMMARY

Proposed Action

The U.S. Department of Veterans Affairs' (VA) Proposed Action is to construct a Community Based Outpatient Clinic (CBOC) on approximately 7.9 acres in Fremont, California, within Alameda County. The Proposed Action would also include associated infrastructure, such as parking areas, utilities, and landscaping. The new CBOC would replace an existing interim Fremont CBOC, a leased property that is approximately three miles northwest of the project site.

This Environmental Assessment (EA) supplements the *Final Environmental Assessment, Proposed Community Based Outpatient Clinic in Southern Alameda County, California, June 2011* (hereinafter referred to as the 2011 EA). The supplement has been prepared because the original EA is more than five years old; therefore, VA must consider whether information gathered since the 2011 EA was prepared—and the Finding of No Significant Impact (FONSI) signed—would pose new circumstances or generate environmental concerns different from what was understood at that time. Since 2011, VA has prepared an additional detailed Transportation Impact Analysis, so the results of that analysis are considered in this supplemental EA (SEA). The size of the proposed CBOC has also decreased from 80,000 square feet to 35,000 square feet. No other substantial changes from the 2011 EA are proposed in this SEA. The 2011 EA and FONSI are herewith incorporated by reference into this SEA.

Purpose and Need

The Proposed Action would expand currently offered services for Veterans in Southern Alameda County. The proposed CBOC (approximately 35,000 square feet) would replace an interim CBOC (10,000 square feet) located at 39199 Liberty Street, Fremont, which only offers basic primary care and mental health services. This project is needed as a component of VA's plan to improve services and facilities in the East Bay, Central Valley, and Palo Alto areas in preparation for the eventual closure of the Livermore VA Medical Center.

Alternatives

In the 2011 EA, VA considered alternatives for meeting the project purpose and need, including leasing facility space, renovating existing space, and contracting inpatient and outpatient services. VA also considered two potential site development alternatives: the Technology Court Site at 4100–4149 Technology Drive, Fremont; and the South Grimmer Boulevard Site at 44758 & 44788 Old Warm Springs Boulevard and 3048 & 3236 Tavis Place, Fremont. The 2011 EA and FONSI provide the basis for eliminating alternatives and ultimately selecting the project site at 4100–4149 Technology Drive, Fremont, for the proposed Fremont CBOC.

VA's Proposed Action is to construct a CBOC and associated site infrastructure at the project site selected in the FONSI for the 2011 EA, located at 4100–4149 Technology Drive, Fremont, California.

VA also analyzed the No Action Alternative of not constructing the CBOC at the project site. Under the No Action Alternative, the current Fremont CBOC (at 39199 Liberty Street, Fremont, California) would continue serving Veterans at existing levels until at least 2022, which is when the lease expires. If the proposed CBOC is not constructed, the existing undersized interim Fremont CBOC and the Livermore VAMC's aging infrastructure would be further strained to adequately serve area Veterans. Veterans would continue to travel within the region to access specialized services, as needed, which requires some patients to travel to the Palo Alto hospital. Finally, as the owner of the property at 4100–4149 Technology Drive, Fremont, VA would continue to mow and maintain the project site, as needed. The No Action Alternative represents the status quo to provide a baseline against which the effects of the Proposed Action can be evaluated.

VA has considered various design alternatives for the locations and layouts for the buildings, parking, ingress and egress, landscaping, and on-site infrastructure. Since the inception of this project, VA has worked with architects and engineers to identify and design a range of alternatives. By the nature of the design process, site alternatives are continually assessed for technical feasibility, compliance with applicable VA guidance, and impacts on valued resources. At the present time, the proposed site alternative development meets the size and location requirements for the Proposed Action. No other on-site configuration for the CBOC was identified as better for achieving the project purpose and need. Therefore, other site design alternatives were eliminated from further study.

Summary of Environmental Consequences and Management Measures

The Council on Environmental Quality's guidelines and regulations encourage agencies to streamline environmental analyses in their EAs by focusing on significant issues and discussing insignificant issues only briefly, discussing impacts in proportion to their significance, and incorporating by reference other environmental analyses.

As a result of changes to the proposed action and local traffic conditions during project delays since the time of the original 2011 EA FONSI, VA has prepared an additional detailed Transportation Impact Analysis, and the results of that analysis are considered in this SEA including associated traffic impacts on air quality and noise. VA also reevaluated whether the Proposed Action would affect any threatened or endangered species, given the time since the 2011 EA was prepared. These resources are summarized in Table ES-1.

VA also assessed possible changes in the affected environment since the 2011 EA and determined that the original analyses in the 2011 EA for aesthetics, cultural resources (which included additional coordination with the California State Historic Preservation Office and Native American Tribes), geology and soils, hydrology and water quality, land use, floodplains, wetlands, coastal zone management, socioeconomic, community services, solid and hazardous materials, utilities, and environmental justice were sufficient to encompass the impacts of the changes in the Proposed Action of this SEA since that time.

Table ES-1. Summary of Impact Analysis

Resource Area	Proposed Action	No Action Alternative
Transportation and Parking	A Transportation Impact Analysis prepared for the project estimated that the proposed CBOC would generate an average of 1,218 trips per day, including 97 trips during the morning peak hour (between 7:00 and 9:00 AM) and 121 trips during the afternoon peak hour (between 4:00 and 6:00 PM). The addition of the Project Driveway at Technology Drive and Technology Court/ Technology Place (Intersection No. 7) would deteriorate LOS and result in delays at that intersection, but vehicular volume at that intersection would not be considered significant. Impacts on transportation and parking would not be significant.	The project site would not be developed, but development within the surrounding area would continue regardless. Traffic would increase in proportion to development. Intersections would experience substantial degradation of LOS regardless of implementation of the Proposed Action.
Air Quality	Short-term criteria pollutant emissions and fugitive dust during construction and long-term criteria pollutant and greenhouse gas emissions from vehicles accessing the site would be expected. Increases in services at the new Fremont CBOC would regionally offset some mobile source emissions occurring from patients that are currently accessing the Livermore or Palo Alto facilities within the Bay Area Air Quality Management District. Construction and operational emissions would be well below federal <i>de minimis</i> thresholds. Impacts on air quality would not be significant.	Veterans would continue to travel within the region to access specialized services at other VA medical centers, resulting in continuation of long-term, minor impacts on regional air quality. Impacts would not be significant.
Noise	Short-term noise from construction equipment and vehicles and long-term noise from vehicles accessing the site would be expected. The closest noise-sensitive receptor is a preschool 100 feet east across Technology Drive from the project site; noise levels could be 83 decibels (A-weighted) during construction. Long-term increases in noise from vehicles would be expected; however, populations would barely perceive these increases. Impacts on the noise environment would not be significant.	Noise levels would be consistent with current noise levels. Impacts would not be significant.
Wildlife and Habitat	Short-term, minor impacts and long-term, negligible impacts are expected from the conversion of a partially grassy, undeveloped site of marginal habitat quality to a developed, landscaped site. There is no suitable habitat for listed species. Therefore, impacts on wildlife and habitat would not be significant.	The project site would continue to be maintained by periodic disking with no change in existing wildlife and habitat. Impacts would not be significant.

Resource Area	Proposed Action	No Action Alternative
Cumulative Effects	Warm Springs/South Fremont (which includes the project site) is a rapidly developing area within the city of Fremont, resulting in increased traffic. Several intersections near the project site are expected to experience unacceptable LOS due to baseline growth unrelated to the Proposed Action. The proposed CBOC would contribute to increase traffic, as described under Transportation and Parking, but the traffic at these intersections is projected to be unacceptable regardless of the proposed CBOC. Cumulative impacts would not be significant.	Development would continue regardless of whether the proposed CBOC is constructed. If the proposed CBOC is not constructed, then no cumulative impacts on traffic or parking would occur. Development within the surrounding area would continue regardless. Intersections would experience substantial degradation of LOS.
Potential for Generating Substantial Public Controversy	Possible concerns regarding traffic were brought up during public review period of the 2011 EA, which are addressed under the Transportation and Parking section. No other public controversies were identified.	None identified.

Agency and Public Involvement

VA contacted federal, state, and local agencies with oversight responsibilities during preparation of the 2011 EA, and then again for this SEA. The California State Historic Preservation Office provided concurrence with VA's determination that the CBOC at the project site would result in No Historic Properties Affected pursuant to Section 106 of the National Historic Preservation Act on March 17, 2011. VA sent a scoping letter to the U.S. Fish and Wildlife Service Sacramento Field Office on January 28, 2011, and responded to subsequent requests for descriptions of listed species or critical habitat affected, descriptions of how the action may affect listed species or critical habitat, and any relevant reports or studies on June 2, 2011. VA also sent scoping letters to Native American contacts that were identified as potentially interested through the Native American Heritage Commission, which further noted that no known Native American cultural resources were in the project site vicinity.

The California Department of Transportation (Caltrans) responded to VA's request for comment on the 2011 Draft EA (letter dated March 22, 2011). Caltrans noted that the 2011 EA did not include a detailed discussion of traffic-related impacts. At the time, the 2011 EA was being prepared to provide the director, VA Northern California Health Care System with the information to select a site location, so preparation of a detailed transportation impact analysis was deferred until VA selected its preferred site. In 2012, VA prepared a transportation impact analysis, addressing Caltrans' comments. Another transportation impacts analysis was completed in 2020.

VA will continue coordination with all interested parties from the 2011 EA. VA will send coordination letters to the stakeholders listed in Chapter 9 informing them of the public review period for this Draft SEA.

VA will publish a Notice of Availability in Fremont's *East Bay Times* newspaper and conduct a 30-day public review period for the Draft SEA. VA will publish the Draft SEA on the VA website (www.cfm.va.gov/environmental/), during which time the 2011 EA will also be available as a companion document. Copies of all correspondence, comments received, and responses will be included in Appendix A.

Conclusions

The additional evaluations conducted within this SEA conclude that the Proposed Action would result in no significant impacts on the local environment or quality of life. Therefore, this SEA concludes that a FONSI is appropriate, and an Environmental Impact Statement is not required.

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1 INTRODUCTION

This supplemental Environmental Assessment (SEA) evaluates the potential environmental consequences resulting from the changes to the United States (U.S.) Department of Veterans Affairs' (VA) Proposed Action to construct and operate a Community Based Outpatient Clinic (CBOC) in Fremont, California (see Figure 1). The new CBOC would replace the existing Fremont CBOC, a leased property, located at 39199 Liberty Street, Fremont, California.

This EA supplements the *Final Environmental Assessment, Proposed Community Based Outpatient Clinic in Southern Alameda County, California, June 2011*, which is hereinafter referred to as the 2011 EA (VA, 2011a). The supplement has been prepared because the original NEPA analysis is more than five years old; therefore, in accordance with VA's Interim Guidance (VA, 2010), VA must consider whether information gathered since the 2011 EA was prepared—and the Finding of No Significant Impact (FONSI) signed—would pose new circumstances or generate environmental concerns different from what was understood at that time. Since 2011, VA has prepared an additional detailed Transportation Impact Analysis, so the results of that analysis are considered in this SEA, including associated traffic impacts on other resources. The size of the proposed CBOC has also decreased from 80,000 square feet to 35,000 square feet. No other substantial changes from the 2011 EA are proposed or discussed within this SEA. The 2011 EA and FONSI are herewith incorporated by reference into this SEA.

This SEA has been prepared by VA, acting as lead agency, in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 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); Environmental Effects of the Department of Veterans Affairs Actions (38 CFR Part 26); and VA's NEPA Interim Guidance for Projects, September 30, 2010 (VA, 2010).

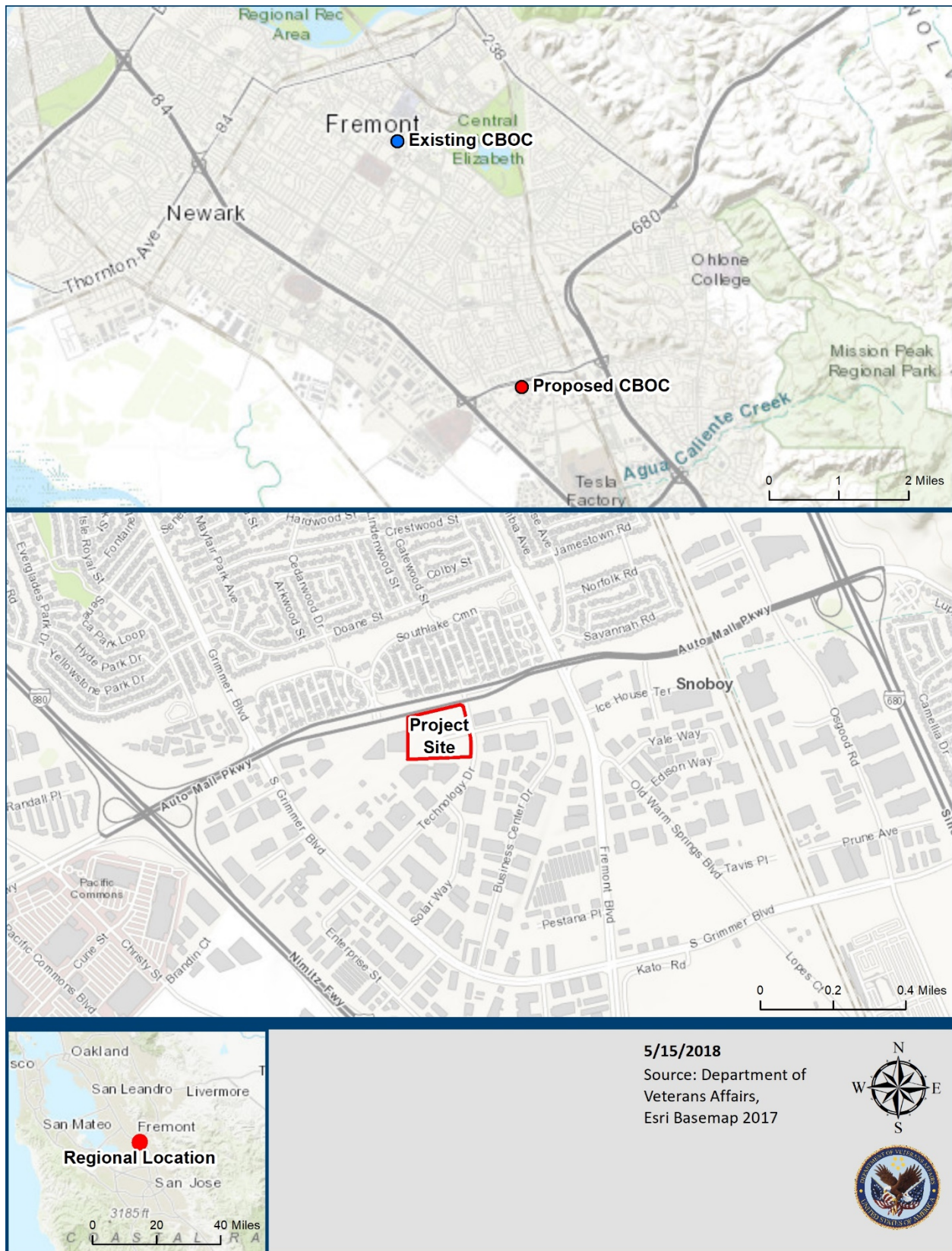
1.1 Background

VA administers the VA Palo Alto Health Care System (VAPAHCS), which includes the Menlo Park, Palo Alto, and Livermore site locations within the Northern California Divisions. VAPAHCS currently operates seven CBOCs in Capitola, Fremont, Modesto, Monterey, San Jose, Sonoma, and Stockton to serve approximately 198,800¹ Veterans residing in approximately half of Alameda and all of San Joaquin, Calaveras, Tuolumne, and Stanislaus Counties.

As part of the master plan to improve services provided by VAPAHCS, VA plans to do the following: (1) construct a new CBOC in the East Bay area; (2) construct a new CBOC collocated with a new 120-bed Community Living Center (CLC) in the Central Valley Area (Stockton); (3) renovate a minimally invasive procedure center at the Palo Alto VA Medical Center (VAMC); and (4) eventually close the Livermore VAMC.

¹ Veterans served by the Monterey facility are not included in this total.

Figure 1. Site Location



The 1940s-era Livermore VAMC currently requires a considerable amount of VA resources to maintain its aging infrastructure. These resources could be better used to provide improved services at more centralized locations. New facilities to serve Veterans in Southern Alameda County and the Central Valley area must be constructed and the services provided by the Livermore VAMC relocated to the new facilities before the Livermore VAMC can be taken out of service or kept in inventory, for future additional uses.

An interim CBOC, a 10,000 square-foot facility located at 39199 Liberty Street in Fremont, Alameda County, California, currently offers basic primary care and mental health services for approximately 10,000 Veterans in the Southern Alameda County area. Originally, this existing Fremont CBOC was intended to be an interim facility until a larger, multispecialty clinic could be built.

Based on the above, the Proposed Action would accomplish the following:

- expand currently offered services in the area
- provide increased access to state-of-the-art specialty care
- ensure a smooth transition of provision of care
- expand VAPAHCS academic programs
- provide for a more efficient use of resources
- attract and retain a highly qualified and innovative workforce

The project site is approximately 7.9 acres of previously disturbed, vacant land, located at 4100–4149 Technology Drive, Fremont, California. The project site is located adjacent to Auto Mall Parkway and Technology Drive. The site is regionally located approximately one mile east of Interstate (I)-880 and two miles west of I-680. The site appears to be undeveloped and vacant since the 1930s; between 1974 and 1982, Technology Court was paved, but no structures were built (Geologica Inc., 2011). A PG&E electricity transmission corridor, inclusive of lattice towers and overhead conductor wires, traverses the northern perimeter of the site. A pad-mounted electrical transformer and an in-ground electrical transformer are located at the southeastern corner of the site (Geologica Inc., 2011). The Southlake Mobile Home Park is north of the project site, on the north side of Auto Mall Parkway, and commercial and light industrial uses are to the east, south, and west (VA, 2011a).

To expand, realign, and improve available services to address current and future Veteran needs in Alameda County, VA purchased the project site to construct and operate a new Fremont CBOC. The new CBOC would replace the existing, interim Fremont CBOC (39199 Liberty Street, Fremont, California), which is located approximately three miles northwest of the project site. The existing Fremont CBOC is a leased facility, and it is anticipated that VA would close the existing CBOC and relocate those services upon opening the new facility.

1.2 Purpose and Need

The purpose of the Proposed Action is to replace the interim CBOC (10,000 square feet) located at 39199 Liberty Street, Fremont, which only offers basic primary care and mental health services. This project is needed as a component of VA's plan to improve services and facilities in the East Bay, Central Valley, and Palo Alto areas in preparation for the eventual closure of the Livermore VA Medical Center.

The new Fremont CBOC would better serve Veterans in Alameda County by supporting a Veteran-centric model of care. New features would include state-of-the-art training and patient education spaces for group classes and collaboration. Furthermore, the new facility would increase Veterans' access to specialized health care services; currently, many elderly or disabled Veterans must travel to the Palo Alto hospital, which is distant from the existing Fremont CBOC.

VA initiated an EA for the new Fremont CBOC after receiving appropriations in fiscal year 2010 to acquire land and begin developing construction documents and plans. The 2011 EA considered the environmental impacts of constructing and operating the CBOC and associated support infrastructure at two site alternatives. A FONSI was signed on July 28, 2011, which stated VA's decision to select the property at 4100–4149 Technology Drive, Fremont, California (VA, 2011b). VA purchased the project site in 2011. Additional appropriations were made in fiscal year 2016 for the construction of the CBOC and associated site work and utilities.

1.3 Scope of this Environmental Assessment

This SEA provides an analysis to supplement the 2011 EA. Specifically, this SEA evaluates the relevant potential direct, indirect, short-term, and long-term impacts on the human environment resulting from any new circumstances or concerns identified since 2011. The EA also addresses potential cumulative impacts that may result from reasonably foreseeable projects in the region. The analysis of potential impacts is based on the full build-out of the Proposed Action.

Resource areas potentially affected by the changes in the Proposed Action and that are addressed in this SEA include transportation and parking, air quality, noise, and wildlife and habitat. The additional information collected since the 2011 EA would not be expected to have bearing or exceed the significance thresholds for the other resource areas analyzed in the 2011 EA (i.e., aesthetics, cultural resources, geology and soils, hydrology and water quality, floodplains, wetlands, coastal zone management, land use, socioeconomics, community services, solid waste and hazardous materials, utilities, and environmental justice). For these other resource areas, the types and levels of impacts associated with the changes to the Proposed Action are similar to or less than those disclosed in the 2011 EA (see Table 1). The analysis of these other resource areas and other components of the Proposed Action are assessed in the 2011 EA and incorporated by reference. The 2011 EA is available for reference online (www.cfm.va.gov/environmental).

1.4 Regulatory Overview and Required Permits

The major federal, state, and local regulatory requirements and federal permits, licenses, and other entitlements that must be obtained in implementing the Proposed Action are presented in the individual resource sections in Chapter 3 (Affected Environment and Environmental Consequences). Agency coordination is included in Appendix A.

2 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

NEPA, CEQ regulations, and VA NEPA regulations require that all reasonable alternatives be rigorously explored and objectively evaluated. Alternatives that are eliminated from detailed study must be identified, along with a brief discussion of the reasons for eliminating them. For the purposes of this analysis, an alternative was considered “reasonable” only if it would enable VA to accomplish the purpose of, and need for, the Proposed Action as described in Section 1.1.

VA developed goals to consider when exploring and determining alternatives for the 2011 EA. In addition to meeting the Proposed Action’s purpose and need, alternatives must attain the following (VA, 2011a):

- continue to improve the quality and safety of health care for Veterans, particularly those health issues associated with military service
- improve the timely and appropriate access to health care by implementing best practices
- promote excellence in the education of future health care professionals and enhance VA partnerships with affiliates
- promote excellence in business practices through administrative, financial, and clinical efficiencies

2.1 Proposed Action

The Proposed Action is to construct a CBOC on an approximate 7.9-acre lot in Fremont, California, within Alameda County (see Figure 2). The CBOC is proposed for the same project site selected in the 2011 FONSI (VA, 2011b), located at 4100–4149 Technology Drive, Fremont, California. However, the CBOC facility that was analyzed in the 2011 EA was approximately 80,000 gross square feet; the CBOC facility currently proposed is 35,000 gross square feet. The reduction in size was based on the results of a 2017 Realignment Study, which identified more specific needs for the proposed facility. As a result of the Realignment Study, the following special care services were removed from the CBOC: audiology and speech pathology; eye clinic; lab (except blood and urine collection); pharmacy; physical medicine and rehabilitation; prosthetics; radiology; and all medical and surgical subspecialties. In addition, the number of parking spaces and disturbed area would be reduced as compared to the analysis in the 2011 EA.

The CBOC would be a one- or two-story structure and would provide primary, specialty, and ancillary medical care services to Veterans. Services and facilities would include primary care and mental health services, basic blood and urine laboratory, and basic pharmacy. The CBOC would also include a small vending area for use by employees and visitors. The CBOC would not include an emergency room or urgent care. An emergency generator to serve the CBOC would be located on-site. Parking would be provided on-site for employees and visitors. The CBOC would employ medical and administrative staff. On-site security services would be provided by VA Police.

Figure 2. Proposed Action



Specific conceptual designs are also still underway, but the CBOC would be Leadership in Energy and Environmental Design (LEED) Silver Certified in accordance with VA's Sustainable Design Manual (VA, 2017). Potential renewable energy options that could provide or supplement power to the facility include solar hot water, photovoltaic panels, and ground source heat pump.

Construction of the proposed Fremont CBOC is anticipated to begin in 2021 and last for approximately three years.

2.2 No Action Alternative

Under the No Action Alternative, VA would not construct the new CBOC at the project site in Alameda County. The current Fremont CBOC (at 39199 Liberty Street, Fremont) would continue serving Veterans at existing levels until at least 2022, which is when the lease expires. If the proposed CBOC is not constructed, the existing undersized interim Fremont CBOC and the Livermore VAMC's aging infrastructure would be further strained to adequately serve area Veterans. Veterans would continue to travel within the region to access specialized services, as needed, which requires some patients to travel to the Palo Alto hospital. Finally, as the owner of the property at 4100–4149 Technology Drive, Fremont, California, VA would continue to mow and maintain the project site, as needed.

The No Action Alternative is carried forward for analysis in this SEA to reflect the status quo and serves as a benchmark against which the effects of the Proposed Action can be evaluated.

2.3 Alternatives Identified but Not Evaluated in Detail in this Environmental Assessment

VA considered alternatives for meeting the project purpose and need. The following discusses the full range of alternatives considered and the basis for their dismissal.

In the 2011 EA, VA initially considered leasing facility space, renovating existing space, and contracting inpatient and outpatient services. These alternatives were evaluated and dismissed from detailed evaluation in the 2011 EA, which is incorporated by reference (VA, 2011a).

The 2011 EA considered two site alternatives for new construction in detail: the Technology Court Site at 4100–4149 Technology Drive, Fremont, California; and the South Grimmer Boulevard Site at 44758 & 44788 Old Warm Springs Boulevard and 3048 & 3236 Tavis Place, Fremont, California. After an in-depth evaluation of the two potential site alternatives as to which alternative was better able to meet the purpose and need, the Director signed the FONSI that selected the Technology Court Site as the new location for the proposed CBOC, based on VA policy preferences (VA, 2011b). As the decision to select the Technology Court Site as the project site was made and documented in the 2011 FONSI, VA did not consider additional sites in this SEA. This SEA evaluates only the project changes that have occurred beyond the 2011 EA.

VA has considered various design alternatives for the locations and layouts for the buildings, parking, ingress and egress, landscaping, and on-site infrastructure. Since the inception of this project, VA has worked with architects and engineers to identify and design a range of alternatives. By the nature of the design process, potential site development alternatives are continually assessed for technical feasibility; compliance with applicable VA guidance (to include VA's Document PG-18-1, *Master Construction Specifications and Prototype for Standardized Design and Construction of Community Based Outpatient Clinics*); and impacts on valued resources. At the present time, the proposed site alternative development meets the size and location requirements for the Proposed Action. No other on-site configuration for the CBOC and associated infrastructure was identified as better for achieving the project purpose and need. Therefore, other site design alternatives were eliminated from further study.

3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter describes the baseline physical, environmental, cultural, and socioeconomic conditions at the project site and the general vicinity, with emphasis on those resources potentially affected by the Proposed Action. In this SEA, the significance of potential direct, indirect, and cumulative effects has been determined through a systematic evaluation of each alternative in terms of its effects on each individual technical resource area.

CEQ guidelines and regulations encourage agencies to streamline environmental analyses in their EAs (CEQ, 2012) by focusing on significant issues and discussing insignificant issues only briefly; discussing impacts in proportion to their significance; and incorporating by reference other environmental analyses.

VA assessed possible changes in the affected environment since the 2011 EA and consequently determined that the analyses in the 2011 EA for aesthetics, cultural resources, geology and soils, hydrology and water quality, land use, floodplains, wetlands, coastal zone management, socioeconomics, community services, solid and hazardous materials, utilities, and environmental justice were sufficient to encompass the impacts in the Proposed Action since that time. A summary of impacts on these resources and the rationale for not analyzing them further is included in Table 1. The analyses conducted in the 2011 EA for these resources are herewith incorporated by reference into this SEA. The 2011 EA is available for reference online (www.cfm.va.gov/environmental/). VA determined that the resources that warranted further evaluation in this SEA are transportation and parking, air quality, noise, wildlife and habitat, and cumulative impacts.

Table 1. Summary of Resources Not Analyzed in Detail in this Environmental Assessment

Resource Area	Anticipated Impacts	Rationale for Not Analyzing in Detail
Aesthetics	Construction activities would temporarily change the visual character of the project site. The development of the CBOC would not block views and would be of similar height, bulk, and aesthetic character to surrounding office park and light industry development. A parking lot would surround the building and would complement adjacent uses.	Aesthetics would not be altered heavily, and some changes would benefit the visual character of the project site. Therefore, the analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.
Cultural Resources	The project site is located on a floodplain, with a vertical Area of Potential Effect identified as ten feet below ground surface. A pedestrian survey (an archaeological site walk-over) was conducted by an archaeologist in 2010; no surface sites were identified. Records searches do not suggest a strong possibility of cultural resources on the site. No subsurface testing has taken place; therefore, some potential exists for disturbance of unknown sites.	During consultation in 2011, the State Historic Preservation Office (SHPO) concurred with a finding of No Historic Properties Affected (see letter in Appendix A). The Area of Potential Effect has not changed since 2011 and the new building footprint has decreased by 45,000 square feet. National Historic Preservation Act Section 106 consultation will occur with the federally designated Miwok Tribe. In the event of an unanticipated discovery of cultural resources, VA would implement the management measures recommended in the 2011 EA (Management Measures 3.3-1). If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered, VA must follow the Native American Graves Protection and Repatriation Act (NAGPRA) process described in 43 CFR 10.5–10.7, which covers the requirements for summary, inventory, and repatriation of NAGPRA items. This includes consultation with those tribes that are, or are likely to be, culturally affiliated with the cultural items.
Geology and Soils	The construction best management practices and minimization/management measures would reduce impacts on soils. Expansive and corrosive soils are present at the site and could cause structural damage over time; however, site preparations would adhere to the requirements in VA Document H-18-8, ensuring all construction would be properly engineered.	By implementing best management practices and minimization/management measures recommended in the 2011 EA, impacts would be reduced. Compliance with associated policies, laws, and regulations would be required to ensure safety and minimize impacts. Therefore, the analysis within the 2011 EA is still sufficient and is still applicable to the Proposed Action.

Resource Area	Anticipated Impacts	Rationale for Not Analyzing in Detail
Hydrology and Water Quality	Earthmoving activities during construction would increase short-term erosion potential. Best management practices and minimization/management measures would preclude uncontrolled sediment loads and inadvertent spills or releases of chemicals. Impervious surfaces would increase, which would increase flow volumes entering the storm drain system and could accelerate erosion and decrease water quality. Development could result in long-term increases in pollutant concentrations in stormwater.	By implementing best management practices and minimization/management measures recommended in the 2011 EA, impacts would be reduced. Therefore, the analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.
Land Use	Construction activities would intensify activity at the project site, which is currently vacant, but would not represent a classifiable land use change. The institutional land use of the CBOC would not be consistent with neighboring industrial office park land uses to the south and east, nor the service industrial uses to the west. It would be consistent with the nursing school institutional use farther to the west, as well as church institutional use to the east along Auto Mall Parkway. The industrial office park development would not substantially conflict with the CBOC land use, such as impeding site access or preventing patients from using the facility.	The 2011 EA determined that development of the CBOC would not result in adverse land use conflicts. The analysis within the 2011 EA was sufficient and is still applicable to the Proposed Action.
Floodplains	The project site is within the 500-year floodplain. The proposed CBOC is not considered to be a critical facility under Executive Order 11988, <i>Floodplain Management</i> , and thus is not subject to Federal Emergency Management Agency regulations applicable to special flood hazard zones.	The project site is not located within a 100-year flood zone. Activities occurring within the 500-year floodplain are not subject to Executive Order 11988. The analysis within the 2011 EA was sufficient and is still applicable to the Proposed Action.

Resource Area	Anticipated Impacts	Rationale for Not Analyzing in Detail
Wetlands	Wetlands mapped by the U.S. Fish and Wildlife Service National Wetlands Inventory do not exist on the project site. An isolated depression in the northwestern corner of the site holds water and contains two wetland vegetation species: cattail and bulrush. It has no connection to a traditional navigable water and may be influenced by runoff from the adjacent parking lot and Auto Mall Parkway. This area does not provide significant wildlife habitat value. The San Francisco Bay Regional Water Quality Control Board takes jurisdiction over isolated wetlands as waters of the state.	The small depression would be avoided during construction of the Proposed Action. Indirect impacts on this potential isolated wetland would be minimal and precluded through soil and erosion control minimization/management measures and best management practices. If impacts on this depression could not be avoided during construction, VA would consult with the appropriate regulatory agencies. The analysis within the 2011 EA was sufficient and is still applicable to the Proposed Action.
Coastal Zone Management	California's coastal zone generally extends 1,000 yards inland from the mean high tide line. The project site is well inland and is not within the coastal zone management area.	The project site location remains the same. No further analysis is needed.
Socioeconomics	Construction would not displace any existing uses. Construction is expected to occur over approximately three years. The income from the salaries of CBOC employees would represent net new income for the Fremont and Alameda County economic base and could slightly reduce the city's unemployment rate. Although minor, it would indirectly contribute new spending to benefit the area through secondary job creation in support services and businesses.	The analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action. No further analysis is needed.
Community Services	Construction activities at the project site could lead to a temporary increase in calls for police protection or fire suppression services. The combination of on-site VA police and Fremont Police Department protection would adequately meet the operational security and police protection needs of the CBOC. The Fremont Fire Department would not need additional staff or facilities to provide services to the CBOC. The new employees could attract more enrollment to Fremont Unified School District schools; however, it would not be substantial enough to adversely affect the capacity of area schools.	There is adequate staffing to support the Proposed Action with no adverse impacts on schools or police/fire departments. Therefore, the analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.

Resource Area	Anticipated Impacts	Rationale for Not Analyzing in Detail
Solid Waste and Hazardous Materials	Short-term effects would include the use of hazardous materials such as fuels, lubricants, solvents, and paints during construction. Operation of the CBOC would generate hazardous medical wastes, hazardous materials, trash, and recyclables.	The storage and handling of hazardous materials, and any unexpected special hazards such as asbestos, would be conducted in accordance with hazardous materials regulations, construction best management practices, VA's Hazardous Materials Management Plan, and all requirements of the Stormwater Pollution Prevention Plan, described in the 2011 EA. The analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.
Utilities	Connection to existing water, wastewater, stormwater electric, gas, and telecommunications services beneath the project site would require excavation and/or trenching and may require dewatering. Construction would also increase water demand at the project site associated with daily cleanup and dust control. Long-term water use, wastewater, and stormwater generation at the project site would increase with development and operation of the CBOC.	These impacts—with incorporated management measures—would not overwhelm existing infrastructure and would not have significant adverse effects. Therefore, the analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.
Environmental Justice	The Proposed Action would not displace existing minority or low-income communities. The census tracts surrounding the project site do not have a disproportionately high number of persons below poverty. The surrounding census tracts (4414.03, 4430.01, 4430.02, and 4429) do have high minority populations, namely persons of Asian and Hispanic or Latino ethnicity. The Proposed Action would result in minor, adverse effects on local residents, primarily associated with traffic, noise, and air quality from construction and operation. The noise and air quality impacts are expected to be primarily short term. The impacts from the Proposed Action would not disproportionately affect the minority or low-income populations in the area. Residents living below the poverty level may benefit from the proposed CBOC through new job creation, secondary job creation, and increased services.	There would be no disproportionately adverse effects on minority or low-income communities. Therefore, the analysis within the 2011 EA is sufficient and is still applicable to the Proposed Action.

(VA, 2011a)

3.1 Transportation and Parking

A Transportation Impact Analysis was prepared for the proposed CBOC in March 2012, following the 2011 EA (Whitlock & Weinberger Transportation, Inc, 2012). The study evaluated transportation impacts that would be anticipated from an 80,000-gross-square-foot medical facility. Since then, the proposed CBOC has been reduced in size to 35,000 square feet. An updated Transportation Impact Analysis was prepared in 2020 as an accompanying study to this SEA to determine transportation impacts associated with the Proposed Action (Crain & Associates, 2020).

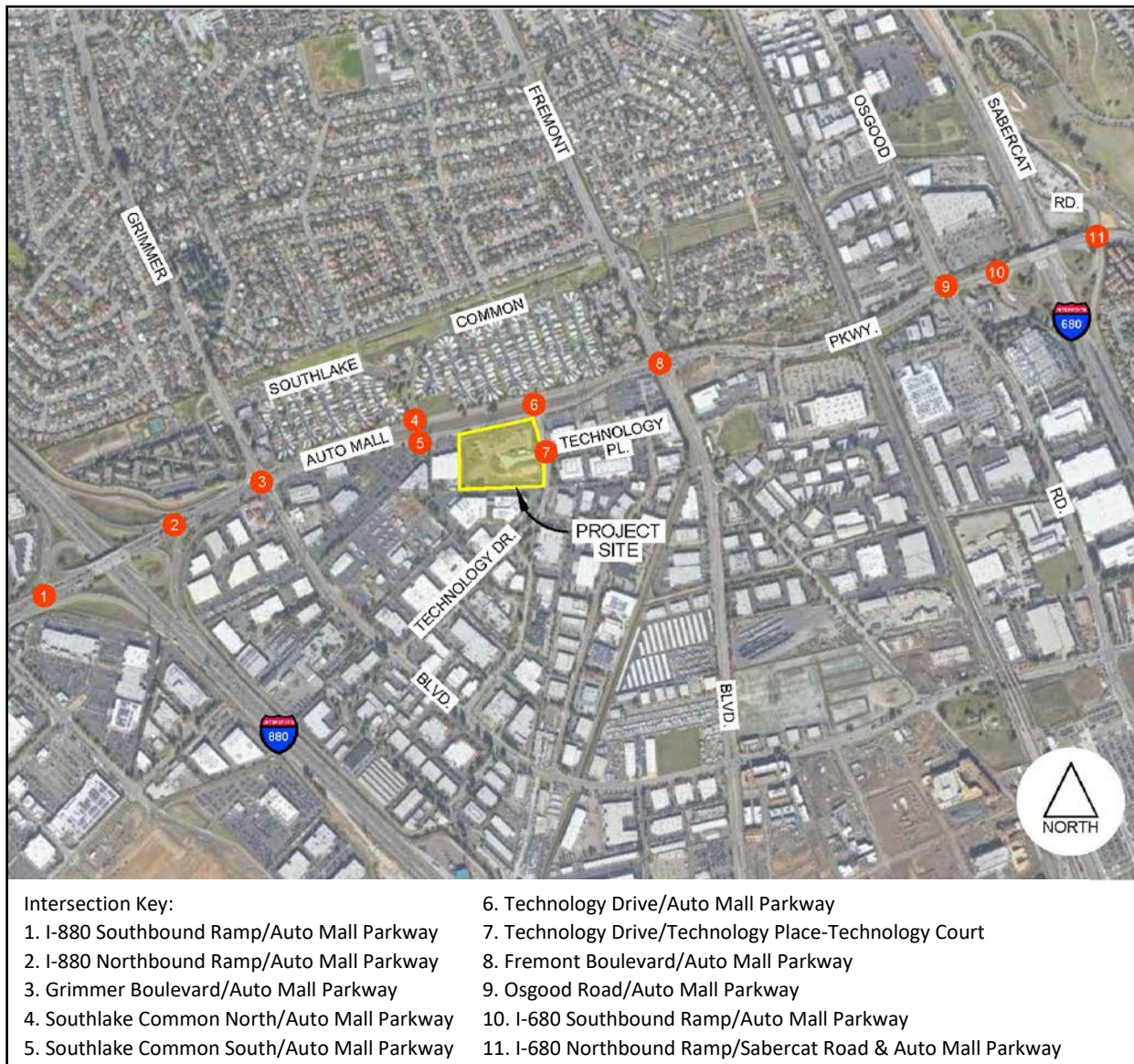
3.1.1 Existing Conditions

Roadways

As described in the 2011 EA, the site of the proposed CBOC is at the southwestern corner of the intersection of Technology Drive and Auto Mall Parkway. The site is bound by Auto Mall Parkway to the north; Technology Drive to the east; and commercial office uses to the south and west. Technology Drive is a two-lane, north-south collector roadway, and Auto Mall Parkway is a four-lane divided east-west primary arterial roadway. Regional access for the project site and the surrounding area are served by an extensive freeway, arterial, collector, and local street network. I-680 and Nimitz Freeway (I-880) are located west and east of the project site, respectively. Technology Place, an east-west two-lane local street perpendicular to Technology Drive, is east of the project site. Technology Court is an east-west local street located within the project site boundary; it is approximately 400 feet in length and terminates in a cul-de-sac on the property owned by VA. Other key roadways included within the transportation study area include Grimmer Boulevard, Southlake Common, Fremont Boulevard, Osgood Road, Sabercat Road, and Durham Road (Crain & Associates, 2020). The transportation study area is shown in Figure 3.

Public Transit

The project site and surrounding area are served by public transit. The Alameda-Contra Costa Transit District (AC Transit) provides local and regional bus service in the project vicinity; two bus lines stop within walking distance (i.e., approximately one-quarter mile) from the project site. Two more bus lines are within one-half mile of the project site and are considered relatively accessible. In addition, paratransit services provide individualized transportation services to the community. Three rail services operate within Fremont city limits: Bay Area Rapid Transit (BART), Altamont Commuter Express, and Amtrak. Of these, BART provides a service station nearest to the project site; the Warm Springs/South Fremont Station is approximately 1.5 miles away. BART provides multiple transfer opportunities with bus transit to access the project site (Crain & Associates, 2020).

Figure 3. Transportation Study Intersections

(Crain & Associates, 2020)

Bicycle and Pedestrian Facilities

There are bicycle and pedestrian facilities within the study area and near the project site. Auto Mall Parkway provides bicycle lanes in each direction along the majority of the roadway. There are no bicycle lanes on Technology Drive. There are no sidewalks along the project site frontage on Auto Mall Parkway, though there is a sidewalk on the northern side of Auto Mall Parkway in front of the mobile home park. Intermittent sidewalks are along Technology Drive and Technology Place, though no sidewalks are along the project site frontage on Technology Drive. No parking facilities are on the project site. On-street parking is permitted along Technology Drive but not along Technology Place (Crain & Associates, 2020).

Traffic Characteristics

A Transportation Impact Analysis was prepared in 2020 for the project site and surrounding roadways to evaluate traffic and transportation impacts related to the proposed CBOC (Crain & Associates, 2020). The study determined existing traffic volumes and roadway and intersection configurations and controls to determine a traffic baseline.

Level of Service (LOS) is used to rank traffic operation based on traffic volumes and roadway capacity using letter designations ranging from A (free flow of conditions) to F (forced flow or breakdown conditions).

Eleven intersections were studied in the Transportation Impact Analysis, as shown in Figure 3. Eight of the intersections are currently signalized, and the remaining three are unsignalized. The existing morning (AM) and afternoon (PM) peak hour LOS calculations are shown in Table 2, and existing AM and PM delay in seconds are shown in Table 3. Five signalized intersections are currently operating at LOS D or better during the weekday AM and PM peak hours. Three signalized intersections (Nos. 3, 8, and 9) operate at LOS E or F during one or both peak periods. All three unsignalized intersections operate at overall LOS A through D during peak hours (Crain & Associates, 2020).

3.1.2 Environmental Consequences of the Proposed Action

The Transportation Impact Analysis evaluated traffic and transportation issues related to the proposed 35,000-square-foot CBOC. It estimated that the CBOC would generate approximately 1,218 daily trips once operational, including 97 AM peak hour trips and 121 PM peak hour trips. The Transportation Impact Analysis was completed in accordance with the criteria established by the City of Fremont (Crain & Associates, 2020). The expected impacts from the Proposed Action are summarized in the following subsections. Impacts from operation of the proposed CBOC would be less than significant at all study intersections.

Table 2. Existing Level of Service within the Study Area (2020)

No.	Intersection	Approach ¹	Existing LOS AM Peak	Existing LOS PM Peak
1.	I-880 Southbound Ramp / Auto Mall Parkway (Signalized)	—	B	B
2.	I-880 Northbound Ramp / Auto Mall Parkway (Signalized)	—	B	B
3.	Grimmer Boulevard / Auto Mall Parkway (Signalized)	—	F	D
4.	Southlake Common (North) / Auto Mall Parkway (Unsignalized)	Overall	A	A
		Northbound	B	C
		Southbound	B	B
5.	Southlake Common South / Auto Mall Parkway (Unsignalized)	Overall	A	A
		Southbound	C	D
6.	Technology Drive / Auto Mall Parkway (Signalized)	—	B	C
7.	Technology Drive / Technology Place-Technology Court (Unsignalized)	Overall	A	A
		Eastbound	A	A
		Westbound	A	C
8.	Fremont Boulevard / Auto Mall Parkway (Signalized)	—	F	D
9.	Osgood Road / Auto Mall Parkway (Signalized)	—	E	E
10.	I-680 Southbound Ramp / Auto Mall Parkway (Signalized)	—	B	B
11.	I-680 Northbound Ramp / Sabercat Road and Auto Mall Parkway (Signalized)	—	B	B

(Crain & Associates, 2020)

Note: ¹ Two-way Stop Controlled.

Key: LOS = Level of Service.

Table 3. Existing Delay within the Study Area (2020)

No.	Intersection	Approach ¹	Existing Delay AM Peak (sec)	Existing Delay PM Peak (sec)
1.	I-880 Southbound Ramp / Auto Mall Parkway (Signalized)	—	11.4	14.2
2.	I-880 Northbound Ramp / Auto Mall Parkway (Signalized)	—	13.6	10.4
3.	Grimmer Boulevard / Auto Mall Parkway (Signalized)	—	105.2 ²	53.5
4.	Southlake Common (North) / Auto Mall Parkway (Unsignalized)	Overall	5.5	4.5
		Northbound	14.8	16.3
		Southbound	13.8	10.5
5.	Southlake Common South / Auto Mall Parkway (Unsignalized)	Overall	2.3	1.5
		Southbound	23.9	33.8
6.	Technology Drive / Auto Mall Parkway (Signalized)	—	14.3	20.6
7.	Technology Drive / Technology Place-Technology Court (Unsignalized)	Overall	3.2	6.5
		Eastbound ³	—	—
		Westbound	9.8	16.6
8.	Fremont Boulevard / Auto Mall Parkway (Signalized)	—	89.9 ²	47.2
9.	Osgood Road / Auto Mall Parkway (Signalized)	—	76.5 ²	66.1 ²
10.	I-680 Southbound Ramp / Auto Mall Parkway (Signalized)	—	15.0	12.2
11.	I-680 Northbound Ramp / Sabercat Road and Auto Mall Parkway (Signalized)	—	18.9	17.5

(Crain & Associates, 2020)

Note: ¹ Two-way Stop Controlled; ² these intersections have an LOS E or LOS F; ³ this is the project driveway, which is currently not used.

Key: LOS = Level of Service; sec = seconds.

Construction

During the construction period, estimated to be approximately three years, short-term, adverse effects on traffic would be expected. The initial delivery of various construction vehicles and equipment, as well as daily passenger vehicles for construction workers, the delivery of construction materials, and the removal of construction debris, would all affect local traffic. Construction-generated traffic would be temporary and would not result in any long-term degradation of operating conditions on any roadways. Construction traffic would be dispersed throughout the day, typically outside of peak traffic hours. Construction vehicle trips would be expected to be far less than the anticipated trips that would occur once the CBOC is operational, and would not be expected to result in significant impacts on traffic near the project site during peak construction periods.

As discussed in the 2011 EA, the Proposed Action would alter Technology Court, an existing City-owned roadway located within the project site. The Proposed Action would create a new access driveway to the project site from the adjacent roadway. Consequently, an encroachment permit and possibly other permits would be required from the City of Fremont prior to construction.

Operations

As shown in Figure 2, proposed vehicular access to the project site would be provided along Technology Drive via an ingress/egress driveway. There would be a designated drop-off area available at the entrance to the CBOC, and parking would be located to the west, east, and north of the building. The Proposed Action would provide surface parking spaces for employees and visitors, including Americans with Disabilities Act-accessible parking spaces, consistent with City Municipal Code parking requirements.

To analyze the impacts of the Proposed Action, a Transportation Impact Analysis was prepared for 11 intersections around the project site. The analysis estimated that the proposed CBOC would generate an average of 1,218 daily trips. An expected 97 AM peak hour trips would be composed of 76 inbound trips and 21 outbound trips. An expected 121 PM peak hour trips would be composed of 34 inbound trips and 87 outbound trips (Crain & Associates, 2020). AM peak hours are between 7:00 and 9:00 AM, and PM peak hours are between 4:00 and 6:00 PM.

All new projects must undergo a screening process to determine if the recently adopted Vehicle Miles Traveled analysis is required. As a local serving public facility, the VA's proposed CBOC is a category of land use that is screened out of a detailed Vehicle Miles Traveled analysis, pursuant to the City's Transportation Impact Analysis Handbook.

Impacts at study intersections were evaluated according to the City traffic impact thresholds (Crain & Associates, 2020). A significant project traffic impact is based on consideration of the final LOS and increase in delay. Per the City's local transportation analysis, intersection LOS goals for signalized intersections are as follows:

- maintain LOS D or better outside of Town Centers
- maintain LOS E or better within Town Centers
- increase delay of no more than 10 seconds for locations already at LOS level worse than the stated goal

At unsignalized intersections, the City does not set LOS goals. Intersection operations are instead captured within signal warrants analysis as outlined in City's Transportation Impact Analysis Handbook for traffic signal warrants. The peak-hour signal warrant is intended for use at a location where traffic conditions are such that minor street traffic suffers undue delay when entering or crossing the major street for a minimum of one hour of an average day.

The Transportation Impact Analysis estimated the future baseline traffic conditions in the project study area for 2024, the year in which the proposed CBOC is expected to be operational. The 2024 baseline traffic conditions include the other planned transportation improvements to the street system, as identified during discussions with the Fremont City Engineer. By incorporating approved planned development projects in the vicinity of the project site, a baseline can be used to compare the traffic volumes expected in 2024 to the increase in traffic under the Proposed Action. Therefore, to determine the anticipated impacts from the Proposed Action on traffic, 2024 baseline conditions were used as the basis for comparison.

With the added traffic from operation of the proposed CBOC, the Transportation Impact Analysis determined that the delay at most study intersections would be minimal and LOS would remain mostly unchanged, with both LOS and delay under the significance thresholds described previously. Table 4 shows the LOS estimated from the project-related traffic as compared to the 2024 baseline LOS at the intersections analyzed; Table 5 shows the delays in seconds from project-related traffic as compared to the 2024 baseline intersections analyzed. Only one intersection (No. 7, the Project Driveway, discussed in the following paragraph) would experience a notable change as a result of the project. No other intersections would be expected to experience pronounced changes in LOS or delay from the Proposed Action; besides No. 7, the other intersections with LOS E or F (Table 4) would experience congestion regardless of the Proposed Action.

The Technology Drive and Technology Court (Project Driveway)/Technology Place Intersection (No. 7) would remain the same during the AM peak hour but would deteriorate from LOS A to LOS C during the PM peak hour. The eastbound approach (Project Driveway) would deteriorate from LOS A to LOS B and from LOS A to LOS F during the weekday AM and PM peak hours, respectively. The Project Driveway does not currently exist and would not operate under the 2024 baseline traffic conditions baseline. With the addition of the Project Driveway, vehicle speeds would be reduced at times, resulting in some diminished LOS in the vicinity. The vehicular volume at the intersection would increase by more than five percent but would not meet the peak-hour signal warrant, which was conducted for the Transportation Impact Analysis (Crain & Associates, 2020). As previously described, the traffic increases and diminished LOS this would not be considered significant for an unsignalized intersection.

Table 4. 2024 Baseline Traffic Conditions and Proposed Action LOS within Study Area

Intersection	Approach ¹	2024 Baseline LOS AM Peak	2024 Baseline LOS PM Peak	LOS with Proposed Action AM Peak	LOS with Proposed Action PM Peak
1. I-880 Southbound Ramp / Auto Mall Parkway (Signalized)	—	B	B	B	B
2. I-880 Northbound Ramp / Auto Mall Parkway (Signalized)	—	B	B	B	B
3. Grimmer Blvd / Auto Mall Parkway (Signalized)	—	F	E	F	E
4. Southlake Common (North) / Auto Mall Parkway (Unsignalized)	Overall	A	A	A	A
	Northbound	C	C	C	C
	Southbound	C	B	C	A
5. Southlake Common South / Auto Mall Parkway (Unsignalized)	Overall	A	A	A	A
	Southbound	C	E	D	E
6. Technology Drive / Auto Mall Parkway (Signalized)	—	B	C	B	C
7. Technology Drive / Technology Place-Technology Court (Unsignalized)	Overall	A	A	A	C
	Eastbound	A	A	B	F
	Westbound	A	C	B	C
8. Fremont Blvd / Auto Mall Parkway (Signalized)	—	F	E	F	E
9. Osgood Road / Auto Mall Parkway (Signalized)	—	F	F	F	F
10. I-680 Southbound Ramp / Auto Mall Parkway (Signalized)	—	B	B	B	B
11. I-680 Northbound Ramp / Sabercat Road and Auto Mall Parkway (Signalized)	—	C	B	C	B

(Crain & Associates, 2020)

Notes: ¹ Two-way Stop Controlled.

Key = LOS = Level of Service.

Table 5. 2024 Baseline Traffic Conditions and Proposed Action Delay within Study Area

Intersection	Approach ¹	2024 Baseline Delay AM Peak (sec)	Delay with Proposed Action AM Peak (sec)	Impact AM Peak (sec)	2024 Baseline Delay PM Peak (sec)	Delay with Proposed Action PM Peak (sec)	Impact PM Peak (sec)
1. I-880 Southbound Ramp / Auto Mall Parkway (Signalized)	—	12.7	13.1	0.4	17.5	17.6	0.1
2. I-880 Northbound Ramp / Auto Mall Parkway (Signalized)	—	15.6	15.8	0.2	11.8	11.9	0.1
3. Grimmer Blvd / Auto Mall Parkway (Signalized)	—	123.0	124.2	1.2 ²	68.9	70.5	1.6 ²
4. Southlake Common (North) / Auto Mall Parkway (Unsignalized)	Overall	5.1	5.4	0.3	4.5	4.6	0.1
	Northbound	17.3	17.4	0.1	15.1	17.5	2.4
	Southbound	16.1	15.6	-0.5	10.3	9.1	-1.2
5. Southlake Common South / Auto Mall Parkway (Unsignalized)	Overall	2.3	2.3	0.0	1.5	1.5	0.0
	Southbound	24.9	25.8	0.9	38.0	38.6	0.6 ²
6. Technology Drive / Auto Mall Parkway (Signalized)	—	14.5	15.7	1.2	20.4	23.2	2.8
7. Technology Drive / Technology Place-Technology Court (Unsignalized)	Overall	3.2	3.4	0.2	7.3	18.0	10.7
	Eastbound ³	0.0	14.8	14.8	0.0	129.6	129.6 ²
	Westbound	9.9	10.0	0.1	19.2	19.4	0.2
8. Fremont Blvd / Auto Mall Parkway (Signalized)	—	113.3	116.4	3.1 ²	69.8	73.3	3.5 ²
9. Osgood Road / Auto Mall Parkway (Signalized)	—	102.7	105.5	2.8 ²	110.7	111.7	1.0 ²
10. I-680 Southbound Ramp / Auto Mall Parkway (Signalized)	—	18.0	18.5	0.5	16.6	17.2	0.6
11. I-680 Northbound Ramp / Sabercat Road and Auto Mall Parkway (Signalized)	—	23.3	23.5	0.2	17.7	17.7	0.0

(Crain & Associates, 2020)

Notes: ¹ Two-way Stop Controlled; ² these intersections have an LOS E or LOS F; ³ this is the project driveway, which is not used in the 2024 baseline.

Key: LOS = Level of Service; sec = seconds.

As determined in the Transportation Impact Analysis, the Proposed Action is not expected to result in significant impacts on pedestrian facilities, bicycle facilities, or transit. Planned sidewalk and crosswalk improvements along Technology Drive under the Proposed Action would enhance pedestrian connectivity, including connections to the existing bus stops on Auto Mall Parkway. The Transportation Impact Analysis observed low bicycle use in the project vicinity, and bicycle access would be provided to the proposed CBOC via the Project Driveway on Technology Drive and Technology Court/Technology Place. Visitors to the proposed CBOC would be adequately served by existing AC Transit routes and bus stops located within walking distance of the project site (Crain & Associates, 2020).

3.1.3 Environmental Consequences of the No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented at the project site, which would remain undeveloped. The transportation and parking environment would remain similar to what was described under the existing conditions, and the traffic LOS would be the same as the future baseline traffic conditions, which is quantified as the 2024 Baseline LOS in Table 4. As other development occurs in the area, traffic would continue to increase regardless of the Proposed Action.

3.1.4 Minimization/Management Measures

No mitigation measures would be required since there are no significant impacts on transportation and parking.

As described in the 2011 EA, implementation of management measures would lessen the impacts to traffic impacts on area roadways during project construction. Proposed management measures include:

- Prior to start of construction of the Proposed Action, VA or its contractor would prepare and implement a Traffic Management and Safety Plan that would reduce or eliminate impacts associated with the Proposed Action. The plan would adhere to Alameda County and Caltrans requirements. The Traffic Management and Safety Plan would include, at a minimum, the following elements:
 - Schedule project-generated construction truck trips on Auto Mall Parkway, Technology Drive, Old Warm Springs Boulevard, and South Grimmer Boulevard outside the peak commute hours to reduce potential traffic congestion during peak morning and evening commute periods.
 - Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local-police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.

- Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “ROAD WORK AHEAD,” “SLOW TRUCKS,” and/or “TRUCKS TURNING AHEAD”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.

3.2 Air Quality

3.2.1 Existing Conditions

The U.S. Environmental Protection Agency (USEPA) Region 9 and the California Air Resources Board (CARB) regulate air quality in California. The project site is in the San Francisco Bay Area Air Basin, which is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Each of these agencies develops rules, regulations, and policies for regulating air quality in accordance with applicable legislation. USEPA regulations may not be superseded; however, state and local regulations may be more stringent.

Air Quality Standards and Conformity

The Clean Air Act (42 U.S.C. 7401 et seq.), as amended, authorizes the USEPA to establish the primary and secondary National Ambient Air Quality Standards (NAAQS) (40 CFR Part 50) that set acceptable upper limits of concentration levels for the following criteria pollutants: suspended particulate matter less than or equal to 10 micrometers (PM₁₀), fine particulate matter less than or equal to 2.5 micrometers (PM_{2.5}), sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, and lead. These criteria pollutants are those on which the USEPA has placed the greatest emphasis, and for which it has developed health-based concentrations for ambient air. Ground-level ozone is not emitted directly into the air but created by photochemical reactions of its precursors—nitrogen oxides and volatile organic compounds. Therefore, USEPA has set NAAQS for ozone, but project-specific ozone emissions are usually estimated using nitrogen oxides and volatile organic compound emissions. PM_{2.5} can be emitted directly from a source but may also be measured by its precursors, including sulfur dioxide, nitrogen oxides, volatile organic compounds, and sometimes ammonia.

In compliance with the Clean Air Act, CARB maintains a State Implementation Plan (SIP) that directs statewide goals, milestones, and agreements to reduce criteria pollutants below NAAQS thresholds. In addition, the State of California has instituted the California Ambient Air Quality Standards, which implement generally more stringent thresholds for all NAAQS criteria pollutants and additional standards for sulfates, hydrogen sulfide, vinyl chloride (chloroethene), and visibility-reducing particles; these are discussed under State and Local Air Quality.

Areas that violate a NAAQS are designated as nonattainment areas; areas with levels below NAAQS are designated as attainment areas. An area may also be classified as a maintenance area if it was once classified as nonattainment but has since reached attainment for a probationary period through implementation of a maintenance plan.

The USEPA General Conformity Rule (40 CFR Part 93) applies to federal actions in maintenance areas and nonattainment areas. A conformity applicability analysis is the first step to assess if a federal action must be supported by a full conformity determination. If the results of the applicability analysis indicate that the total direct and indirect emissions of a proposed project would not exceed the *de minimis* emissions thresholds, then the conformity evaluation process is complete. If total direct and indirect emissions would equal or exceed the federal *de minimis* thresholds, then a full conformity determination in accordance with the General Conformity Rule is required to ensure that federal actions do not cause or contribute to violations of the NAAQS or affect NAAQS attainment. The USEPA has designated the attainment statuses shown in Table 6 for Alameda County. Pollutants that are in attainment do not have applicable *de minimis* thresholds; however, for those criteria pollutants in nonattainment or maintenance, Table 6 identifies applicable *de minimis* thresholds, including thresholds for any precursors.

Table 6. Federal Criteria Pollutant Attainment Statuses for the San Francisco Bay Area Air Basin and Applicable Federal *de minimis* Thresholds

Criteria Pollutant	Federal Designation	Applicable <i>de minimis</i> Threshold
8-hour ozone (2008 standard)	marginal nonattainment	100 tons per year of nitrogen oxides or volatile organic compounds
8-hour ozone (2015 standard)	marginal nonattainment	100 tons per year of nitrogen oxides or volatile organic compounds
PM _{2.5} (2006 standard)	moderate nonattainment	100 tons per year of direct emissions of PM _{2.5} , sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia
PM ₁₀	attainment	not applicable
Carbon monoxide (1971 standard)	maintenance	100 tons per year
Nitrogen dioxide	attainment	not applicable
Sulfur dioxide	attainment	not applicable
Lead	attainment	not applicable

(USEPA, 2020; 40 CFR 93.153)

Key: PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less.

State and Local Air Quality

The San Francisco Bay Area Air Basin encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties. Although air quality in this area has dramatically improved in recent years, the San Francisco Bay Area Air Basin still exceeds public health standards for both ozone and fine particulate matter (i.e., PM_{2.5}). CARB has also designated Alameda County as being in nonattainment with the state PM₁₀ standard (see Table 7).

Table 7. State Criteria Pollutant Attainment Statuses for Alameda County

Pollutant	State Designation
Ozone	Nonattainment
PM _{2.5}	Nonattainment
PM ₁₀	Nonattainment
Carbon Monoxide	Attainment
Nitrogen Dioxide	Attainment
Sulfur Dioxide	Attainment
Sulfates	Attainment
Lead	Attainment
Hydrogen Sulfide	Unclassified
Visibility Reducing Particles	Unclassified

(CARB, 2018)

Note: A designation of “unclassified” means there are insufficient data to make a designation, so the area is treated as being in attainment.

The BAAQMD is responsible for implementing and updating air quality plans to achieve reduction goals for criteria pollutants and other air quality management goals in compliance with the SIP. Between 1990 and 2011, the Bay Area experienced increases in the gross regional product (77 percent), population (23 percent), and vehicle miles traveled (30 percent); however, aggregate criteria emissions and concentrations decreased (62 percent and 56 percent, respectively). Between the present and 2030, projected emissions are expected to continue to decrease while gross regional product, population, and vehicle miles traveled continue to increase with the existing air regulations that are in place (BAAQMD, 2014a). Baseline air emissions within the San Francisco Bay Area Air Basin are summarized in Table 8. The BAAQMD identifies and monitors communities within the San Francisco Bay Area Basin that experience higher pollution levels than others. These communities are generally near pollution sources (i.e., freeways, busy distribution centers, and large industrial facilities). The project site in Alameda County is not within or near any of those communities identified as affected by elevated pollution levels (i.e., ozone 8-hour and/or PM_{2.5} 24-hour exceedances) (BAAQMD, 2014b).

BAAQMD has established project-level thresholds, as shown in Table 9. In addition, BAAQMD has issued concentration-based carbon monoxide standards that are more stringent than the NAAQS: a concentration of 20.0 parts per million over one hour is an exceedance, compared with the USEPA’s NAAQS of 35 parts per million over the same averaging time (BAAQMD, 2017; USEPA, 2016). These thresholds are for informational purposes to assist local agencies. BAAQMD thresholds are more stringent than federal thresholds for certain criteria pollutants to expedite long-term compliance with state and local air quality management goals. Exceedance of a BAAQMD threshold may require additional regulatory review and compliance. However, BAAQMD thresholds should not be confused with federal *de minimis* thresholds adopted by USEPA for making General Conformity Determinations, which are used in this NEPA document to make significance determinations.

Table 8. San Francisco Bay Area Air Basin Emissions Inventory (2012)

Emissions	Volatile Organic Compounds	Carbon Monoxide	Nitrogen Oxides	Sulfur Oxides	Suspended Particulate Matter	Fine Particulate Matter
Total Stationary Sources (tons per day)	59.2	32.4	39.7	19.8	5.8	2.8
Total Areawide Emissions (tons per day)	72.8	127.4	15.8	0.5	95.2	31.5
Total Mobile Source Emissions (tons per day)	133.0	1,112.2	262.1	2.7	17.9	11.3
Grand Total (tons per day)	265.0	1,272.0	317.6	23.0	118.9	45.6
Grand Total, estimated (tons per year)	96,725	464,280	115,924	8,395	43,399	16,644

(CARB, 2013)

Notes: California's emissions inventory data reports reactive organic gases, which are assumed to equal volatile organic compounds; and nitrogen and sulfur oxides, which include all oxides of nitrogen and sulfur instead of just nitrogen dioxide and sulfur dioxide. Suspended particulate matter is PM₁₀. Fine particulate matter is PM_{2.5}.

Table 9. Project-Level Criteria Pollutant Thresholds for the San Francisco Bay Area Air Basin

Pollutant	Average Daily Construction Emissions	Average Daily Operational Emissions	Maximum Annual Operational Emissions
Volatile Organic Compounds	54 pounds per day	54 pounds per day	10 tons per year
Nitrogen Oxides	54 pounds per day	54 pounds per day	10 tons per year
PM ₁₀ (as exhaust)	82 pounds per day	82 pounds per day	15 tons per year
PM _{2.5} (as exhaust)	54 pounds per day	54 pounds per day	10 tons per year
PM ₁₀ /PM _{2.5} (as fugitive dust)	Use of Best Management Practices to Minimize	—	—

(BAAQMD, 2017)

Note: California refers to these as "Thresholds of Significance" for the purposes of the California Environmental Quality Act; these do not equate to significance under NEPA.

Key: PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less.

Site Conditions

No sources of regulated air emissions currently exist on the project site. Tesla Motors Inc. is the only regulated air source within one mile of the site. Non-regulated sources of air emissions at the site include those associated with site maintenance such as lawn mowing.

CEQ's NEPA regulations require evaluation of the degree to which a project affects public health. Children, elderly people, and people with illnesses are especially sensitive to the effects of air pollutants; therefore, hospitals, schools, convalescent facilities, and residential areas are sensitive receptors for air quality impacts. The following schools are within approximately one mile of the project site:

- Genius Kids preschool and afterschool care, 4168 Technology Drive (100 feet away)
- Harvey Green Elementary School, 42875 Gatewood Street (0.6 mile away)
- E. M. Grimmer Elementary School, 43030 Newport Drive (0.7 mile away)
- Vista Alternative School, 4455 Seneca Park Avenue (0.8 mile away)
- Irvington High School, 41800 Blacow Road (1.0 mile away)

Furthermore, the following schools are within 1.5 miles of the project site:

- Steven Millard Elementary School
- O. N. Hirsch Elementary School
- John M. Horner Junior High
- Fred E. Weibel Elementary School

The Grimmer and Blacow residential neighborhoods, including the Southlake Mobile Home Park, are just north of Auto Mall Parkway (USEPA, 2018).

Greenhouse Gas Emissions and Climate Change

Greenhouse gases (GHGs) are components of Earth's atmosphere that contribute to the greenhouse effect and global climate change. They include naturally occurring gases and others that result from human activities (anthropogenic). The primary GHGs of concern are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

VA actions are subject to several federal requirements that relate to the use of renewable energy sources and GHG emissions. The Energy Policy Act, passed by Congress in 2005, requires that specific proportions of the total amount of energy the federal government consumes during any fiscal year be derived from renewable energy sources. Executive Order 13834, *Efficient Federal Operations*, requires federal agencies to track and report on GHG emissions. VA developed the Sustainable Design Manual, which targets a 30 percent reduction in energy use compared to the baseline building performance rating in new VA buildings, or the most efficient design possible that is still cost-effective (VA, 2017).

BAAQMD has established project-level GHG operational thresholds, as shown in Table 10. These thresholds are for informational purposes to assist local agencies. BAAQMD does not have any construction-related GHG thresholds. Agencies are encouraged to use best management practices (BMPs) to reduce GHG emissions during construction, as feasible and as applicable.

Table 10. Project-Level Greenhouse Gas Thresholds for the San Francisco Bay Area Air Basin

Greenhouse Gas Source	Operational Emissions
Stationary Sources	10,000 metric tons carbon dioxide equivalents per year
Other than Stationary Sources	Compliance with Qualified GHG Reduction Strategy, <i>or</i> 1,100 metric tons carbon dioxide equivalents per year, <i>or</i> 4.6 metric tons carbon dioxide equivalents per service population per year

(BAAQMD, 2017)

3.2.2 Environmental Consequences of the Proposed Action

The Proposed Action would have short-term, minor adverse impacts and long-term, minor adverse impacts on air quality. Short-term, adverse impacts would result from air emissions during construction, whereas long-term impacts would be associated with operation of boilers and the emergency generator and vehicles accessing the CBOC. Construction and operation emissions would not be expected to exceed any federal *de minimis* applicability thresholds. The project would not be expected to cause or contribute to new NAAQS violations, increase the frequency or severity of an existing NAAQS violation, or delay timely NAAQS attainment. Furthermore, increased emissions would be a negligible percentage of regional emissions within the San Francisco Bay Area Air Basin (which are shown in Table 8), and no noticeable effects on regional air quality would be expected.

Construction

Site preparation and construction activities such as clearing, grading, digging, roadwork, and temporary stockpiling of soils would generate fugitive dust emissions. Fugitive dust emissions (i.e., particulate matter) would be greatest during site preparation and would vary from day to day, depending on the work phase, level of activity, and prevailing weather conditions. The quantity of uncontrolled fugitive dust emissions from the construction site would be proportional to the area of land being worked and the level of activity. Exhaust from construction equipment and construction vehicles accessing the site would also contain criteria pollutant emissions. These emissions could cause minor, localized, short-term impacts on air quality and create minor, temporary nuisance concerns for surrounding populations. Short-term emissions would last only during construction activities, and BMPs (as discussed in Section 3.2.4) would be used to minimize construction-related impacts.

The total estimated construction emissions are summarized in Table 11. These estimates would be distributed over the duration of construction activity, which would last approximately three years. Therefore, annual emissions for each year of construction would be less than those shown in Table 11. Refer to Appendix B for detailed assumptions and methods used in estimating air emissions.

Table 11. Proposed Action Estimated Construction and Operations Emissions Compared to Federal *de minimis* Thresholds

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO ₂ (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)
Total Construction Emissions (all years, combined)	0.79	4.97	4.87	0.014	31.51	3.33
Federal <i>de minimis</i> threshold	100	100	100	100	—	100
Exceeds <i>de minimis</i>?	no	no	no	no	—	no

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less.

Site preparation activities would likely include backhoes, graders, bulldozers, and forklifts. Construction equipment would likely include loaders, forklifts, a crane, and portable diesel generators. Paving activities would likely include rollers and pavers. Other miscellaneous equipment used during site preparation or construction could include air compressors for architectural coatings, landscaping equipment, and small hand-held tools. Furthermore, the duration of general construction activities would require that on-road truck deliveries, concrete trucks, heavy trucks, and passenger trucks access the site for the duration of construction. Refer to Appendix B for estimated equipment operations.

BAAQMD has established local project-level construction emission guidelines (refer to Table 9). Conservative estimates for the Proposed Action indicate that construction activities would be well below these thresholds and, therefore, would not conflict with local and regional air quality goals. See estimates in Table 12.

The existing air quality in Alameda County is already marginal, as evidenced by its status as a federal marginal ozone and a moderate PM_{2.5} nonattainment area and a carbon dioxide maintenance area. During ground-disturbing activities, the Proposed Action would increase the concentration of criteria pollutants in the immediately surrounding environment, which includes several sensitive receptors: residential neighborhoods and five schools within one mile of the project site, including the preschool that is located across Technology Drive from the project site. Construction could have short-term, adverse effects on sensitive individuals, especially on days when ambient air quality has elevated levels of ozone and PM_{2.5}.

Table 12. Proposed Action Estimated Construction Emissions Compared to Project-Level Criteria Pollutant Guidance for the San Francisco Bay Area Air Basin

Proposed Activity	VOC	NO _x	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)
Total Construction Emissions (tons) ¹	0.79	4.87	0.23	0.20
Low Estimated Construction Emissions (pounds/day) ²	2.09	12.88	0.61	0.54
High Estimated Construction Emissions (pounds/day) ³	6.32	38.96	1.84	1.64
Construction Limit (pounds/day)	54	54	82	54
Exceeds Regional Construction Guidance?	no	no	no	no

(BAAQMD, 2017)

Notes: ¹ See Table 11 and Appendix B. Fugitive dust emissions are not included in these PM₁₀ and PM_{2.5} estimates. ² Total emissions were divided over 756 total days of construction to provide a low estimate. ³ More conservatively, to account for much higher activity days, the total emissions were divided over 250 days—a year of construction—also resulting in emissions lower than the BAAQMD-guided construction limits.

Key: VOC = volatile organic compound; NO_x = nitrogen oxides; PM₁₀ = particulate matter less than or equal to 10 micrometers; PM_{2.5} = particulate matter less than or equal to 2.5 micrometers.

Potential impacts on air quality during construction would be minimized by implementing the requirements for protection of air resources outlined in VA Document PG-18-1, *Master Construction Specifications*, No. 01-57-19, “Temporary Environmental Controls.” These include compliance with state and federal air quality regulations and standards, as well as control of particulates, carbon monoxide, and odors during construction. BAAQMD also recommends basic construction measures for all proposed construction activities. BMPs to control fugitive dust would be implemented. Short-term impacts on air quality from construction would not be significant.

Operations

An air quality assessment of the Proposed Action estimated criteria pollutant and odor emissions at building air intakes and other sensitive locations from various exhaust sources on and around the project site (Cermak Peterka Petersen, Inc., 2016). This study modeled air emissions from the following long-term sources of air pollution:

- diesel generator (backup)
- natural gas boilers and water heaters
- lab exhausts

All stationary-source equipment would comply with applicable emissions standards established by the BAAQMD’s regulations and rules. Operating permits would be required for the proposed natural-gas fired boilers and water heaters (two boilers, three water heaters, each rated at 1.5 million British thermal units per hour) and diesel-powered emergency generator (one generator, rated at 1 megawatt).

Annual operational emissions are summarized in Table 13. Stationary source emissions represent minor increases in criteria pollutant emissions, and operations would adhere to any permitting, registration, and pollutant-control technologies requirements. Locally, at the project site and the immediately surrounding area, long-term air emissions could result in occasional nuisance odors from operation of stationary air sources (Cermak Peterka Petersen, Inc., 2016). The air quality assessment considered possible air intake areas for operating equipment, varying stack heights to determine the optimum locations and sizes, and ganged or manifolded exhausts to provide the best possible health and odor standards for residents and patients (Cermak Peterka Petersen, Inc., 2016).

In the long term, the operations of the CBOC as well as patients, workers, and delivery trucks (mobile sources) accessing the site would increase criteria pollutant emissions over baseline levels (shown in Table 13). The proposed CBOC would increase outpatient services offered in the Fremont area for Veterans within VAPAHCS that are currently traveling to Palo Alto facilities, so the increased services offered at the new Fremont CBOC would regionally offset some mobile source emissions that are occurring within the San Francisco Bay Area Air Basin.

Table 13. Proposed Action Estimated Operations Emissions Compared to Federal *de minimis* Thresholds

Proposed Activity	VOC (tpy)	CO (tpy)	NO _x (tpy)	SO ₂ (tpy)	PM ₁₀ (tpy)	PM _{2.5} (tpy)
Stationary Source Emissions (generator, boilers, water heaters)	0.17	1.69	2.64	1.37	0.19	0.19
Mobile Source Emissions (patients, workers, deliveries)	1.53	13.44	1.26	0.03	0.27	0.18
Total Annual Emissions	1.70	15.13	3.90	1.40	0.46	0.37
Federal <i>de minimis</i> threshold	100	100	100	100	—	100
Exceeds <i>de minimis</i>?	no	no	no	no	—	no

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; tpy = tons per year.

BAAQMD has established local project-level operational emission guidelines for criteria pollutants (refer to Table 9). Conservative estimates for the Proposed Action indicate that operational activities would be well below these annual and daily thresholds and, therefore, would not conflict with local and regional air quality goals. See estimates in Table 14.

Table 14. Proposed Action Estimated Construction Emissions Compared to Project-Level Criteria Pollutant Guidance for the San Francisco Bay Area Air Basin

Proposed Activity	VOC	NO _x	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)
Total Operational Emissions (tpy) ¹	1.70	3.90	0.46	0.37
Operational Limit (tpy)	10	10	15	10
Exceeds Regional Annual Operational Guidance?	no	no	no	no
Average Operations (pounds/day) ²	13.6	31.2	3.7	3.0
Operational Limit (pounds/day)	54	54	82	54
Exceeds Regional Daily Operational Guidance?	no	no	no	no

(BAAQMD, 2017)

Notes: ¹ See Table 13 and Appendix B. ² Total emissions were divided over 250 days of operation per year.

Key: VOC = volatile organic compound; NO_x = nitrogen oxides; PM₁₀ = particulate matter less than or equal to 10 micrometers; PM_{2.5} = particulate matter less than or equal to 2.5 micrometers; tpy = tons per year.

The existing air quality in Alameda County is already marginal, as evidenced by its status as a federal marginal ozone and a moderate PM_{2.5} nonattainment area and a carbon dioxide maintenance area. The Proposed Action would represent minor increases in the concentration of criteria pollutants such as ozone and carbon monoxide in the immediately surrounding environment, which includes several sensitive receptors: residential neighborhoods and five schools within one mile of the project site, including a preschool that is located across Technology Drive from the project site. Increases in criteria pollutants would not be expected to cause or contribute to new NAAQS violations, increase the frequency or severity of an existing NAAQS violation, or delay timely NAAQS attainment. Furthermore, increased emissions would be a negligible percentage of regional emissions within the San Francisco Bay Area Air Basin (see Table 8), and no noticeable effects on regional air quality would be expected. Long-term impacts on air quality from operations would not be significant.

General Conformity Applicability

VA must complete a conformity applicability analysis to determine whether the action is subject to the General Conformity Rule (40 CFR Part 93 subpart B). The project site is within the San Francisco Bay Area Air Basin; as noted in Section 3.2.1 and Table 6, this is a designated nonattainment area for ozone and PM_{2.5} and a maintenance area for carbon monoxide.

An action is exempt from the General Conformity Rule if the total direct and indirect annual emissions from the project would be below the established *de minimis* thresholds in 40 CFR 93.153(b) for marginal ozone nonattainment (measured as nitrogen oxides or volatile organic compounds) and moderate PM_{2.5} nonattainment (measured as direct PM_{2.5}, sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia), as well as carbon monoxide maintenance. Table 11 shows the total estimated construction emissions, and Table 13 shows the estimated operational emissions under the Proposed Action. The construction activities are anticipated to occur over approximately three years, so the construction emissions shown in Table 11 would be distributed over three to four calendar years, instead of just the one year

shown, for the purposes of exhibiting a maximum, conservative impact. Even if full annual emissions were added to the total construction emissions, criteria pollutant emissions would still be well below the *de minimis* thresholds for marginal ozone and moderate PM_{2.5} nonattainment and carbon monoxide maintenance areas (refer to Appendix B for detailed assumptions and methods used in estimating air emissions). Therefore, the action is exempt from the General Conformity Rule requirements to prepare a full conformity determination.

Greenhouse Gas Emissions

Due to the global and cumulative nature of climate change effects resulting from GHG emissions, the potential effects of GHG emissions resulting from implementation of the Proposed Action must be considered in the context of other anthropogenic GHG sources. CEQ's most recent draft guidance on the consideration of GHGs states that a projection of a proposed action's direct and reasonably foreseeable indirect GHG emissions may be used as a proxy for assessing potential climate effects (CEQ, 2019).

BAAQMD has established local project-level GHG emission guidelines (refer to Table 10). Estimated GHG emissions are summarized in Table 15. Stationary sources (generator, boilers, water heaters) would not exceed BAAQMD's GHG emission guidelines. Estimated "other than stationary sources" are projected to exceed the BAAQMD's GHG emission guidelines. However, the mobile emissions shown in Table 15 are empirical estimates that do not account for regional decreases as a result of (1) closing the existing Fremont CBOC once the proposed CBOC is operational; and (2) providing expanded outpatient services in Fremont that would reduce the number of Veterans currently traveling to the Palo Alto facilities that are further away. Furthermore, as these estimates are based on conservative vehicle trips, those patients or employees that would use mass transit are also not accounted for in these long-term emissions.

The proposed CBOC would be LEED Silver Certified; a main component of this level of green building certification targets energy efficiency, reductions in building energy use, and reductions in transportation energy use. Considering that the new CBOC would replace an existing CBOC and provide expanded medical services to Veterans closer to their homes, the balance of the GHG emissions associated with the Proposed Action would not be regionally significant.

Table 15. Greenhouse Gas Emissions for the Proposed Action

Proposed Activity	Metric Tons Carbon Dioxide Equivalents
Stationary Source Operations (metric tons per year)	1,177
Stationary Source Limit (metric tons per year)	10,000
Exceeds Regional Stationary Source Guidance?	no
Other than Stationary Source Operations (metric tons per year) ¹	3,054
Other Than Stationary Sources Threshold (metric tons per year)	1,100
Exceeds Regional Other Than Stationary Source Guidance?	yes

(CARB, 2017; BAAQMD, 2015)

Note: ¹ These emissions are from mobile sources, as shown in Section F of Appendix B; they do not account for regional decreases from closing the existing Fremont CBOC, reducing travel to the Palo Alto facilities, or mass transit.

3.2.3 Environmental Consequences of the No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented at the project site. Land would continue to be mowed and maintained, as necessary, but the construction and subsequent operation of the CBOC as proposed would not occur. Veterans would continue to travel within the region to access specialized services at other VA medical centers, as needed, resulting in continued long-term, minor impacts on regional air quality. No significant impacts on air quality would be expected.

3.2.4 Minimization/Management Measures

Construction Emissions

During construction, the following BMPs, which are BAAQMD's basic recommended mitigation measures for all construction projects, would be implemented to control and minimize fugitive dust emissions at the site (BAAQMD, 2017):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered as needed to control project site fugitive dirt and dust emissions, but at a minimum two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All site equipment shall be checked by a certified mechanic, determined to be running in proper condition (maintained and properly tuned in accordance with manufacturers specifications) and regularly documented within project site documentation (in agreement with the VA Construction documentation requirements for air compliance), prior to operation (and throughout the contract).
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond to any complaints and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Operations Emissions

VA is still in the design process, so design parameters could continue to undergo minor changes. Consideration of air emissions is a part of this design process. Revisions to exhaust designs such as increased stack height, increased volume flow, and/or increased exit velocity and exhaust or intake locations can help to reduce air and odor emissions. Activated carbon filters, which may adsorb considerable amounts of odor, may also be installed at air intakes. Furthermore, the use of low-nitrogen oxide burners on boilers, low-emission generators, and chemical-specific catalytic converters are available from manufacturers. The proposed Fremont CBOC is planned to achieve LEED Silver Certification.

3.3 Noise

3.3.1 Existing Conditions

A decibel (dB) is a logarithmic unit used to represent a sound level. Sounds have a spectral content, which means their magnitude or level changes with frequency, where frequency is measured in cycles per second or Hertz. To mimic the human ear's non-linear sensitivity and perception of different frequencies of sound, the spectral content is weighted. Environmental noise measurements are usually on an "A-weighted" scale that filters out very low and very high frequencies in order to replicate human sensitivity. Consequently, A-weighted decibels (dBA) are used when discussing impacts from sound on human populations. Common sound levels include the rustling of leaves at 20 dBA; a busy office is 60 dBA; a passing train (from the platform) is 100 dBA; and an air raid siren at 50 feet is 120 dBA, which is at the threshold of pain (Cowan, 1994).

Noise sources near the project site include traffic on Auto Mall Parkway and background noise from I-680 and I-880. Industrial businesses to the south, west, and east of the site also contribute to ambient noise levels. The noise setting was characterized in 2010 for preparation of the 2011 EA. Noise was measured at the end of Technology Court, the road that enters the project site, located approximately 350 feet south of Auto Mall Parkway. Noise was measured in five-minute intervals as ranging from 53–69 dBA, and in a 24-hour-average interval as ranging from 63–76 dBA (VA, 2011a).

Within Fremont, I-680, I-880, and Auto Mall Parkway are considered among the noisiest city roadways. The City of Fremont 2030 General Plan recognizes that the continued growth of Fremont and surrounding areas will increase traffic on existing roads and highways, and that transportation will continue to be the most significant source of noise in the future. The 2030 General Plan also presents predicted traffic noise contours along Fremont's major transportation routes. Auto Mall Parkway is predicted to have a future noise level of 70 dBA day-night average sound level (Ldn), and the project site is predicted to have an estimated 60 dBA Ldn (City of Fremont, 2011a). Ldn is the average day-night level over a 24-hour period with a 10-decibel penalty added between the hours of 10:00 PM and 7:00 AM.

The City of Fremont's Municipal Code states that construction activity within 500 feet of one or more residences, lodging facilities, nursing homes, or inpatient hospitals shall be limited to weekday hours of 7:00 AM to 7:00 PM and Saturday or holiday hours of 9:00 AM to 6:00 PM; Sunday construction is not allowed (City of Fremont, n.d. (a)). The 2030 General Plan contains noise level standards for new industrial and commercial noise sources. The specified exterior hourly equivalent noise level (Leq) standard is 50 dBA during the daytime (7 AM to 10 PM) and 45 dBA at nighttime (10 PM to 7 AM) (City of Fremont, 2011c).

3.3.2 Environmental Consequences of the Proposed Action

A noise-sensitive receptor includes those land uses or populations where activities or people may be subject to stress or considerable interference from noise. Such locations or facilities often include residential dwellings, hospitals, nursing homes, educational facilities, and libraries. Noise-sensitive receptors adjacent to the project site include the following:

- residential homes (i.e., the Grimmer and Blacow neighborhoods and Southlake Mobile Home Park) across Auto Mall Parkway, approximately 200 feet north of the site boundary
- Genius Kids preschool and afterschool care, approximately 100 feet east of the site boundary
- New Life Church, approximately 800 feet east
- Harvey Green Elementary School, approximately 3,300 feet north

Construction

As discussed in the 2011 EA, increased noise levels would be generated by equipment and vehicles during construction. Typical equipment would include backhoes, concrete mixer trucks, cranes, dump trucks, excavators, front end loaders, jackhammers, and pickup trucks. Equipment would generate noise levels up to 89 dBA at 50 feet. The closest noise-sensitive receptor is the Genius Kids preschool, approximately 100 feet east, directly across Technology Drive from the project site. During construction, these populations may be exposed to noise levels of 83 dBA. There are also residential homes across Auto Mall Parkway, approximately 200 feet north of the project site. During construction, these populations may be exposed to noise levels of 77 dBA. However, these short-term, intermittent levels would cease once construction was complete. The other noise-sensitive receptors listed are likely to experience negligible, if any, increases in noise during construction activities due to distance from the project site.

Construction trucks would likely travel on I-880 and I-680, exit at Auto Mall Parkway, and travel south on Technology Drive to access the project site. Given the large volume of traffic on I-880, I-680, and Auto Mall Parkway, it is not expected that populations adjacent to these roadways would be significantly affected.

Construction workers would adhere to noise-safety standards as prescribed by the Occupational Safety and Health Administration. The contractor would also be responsible for complying with noise-control measures as outlined in VA Document PG-18-1, *Master Construction Specifications*, No. 01-57-19, “Temporary Environmental Controls.”

Operations

The proposed CBOC would generate long-term, minor noise from employee and patient vehicular traffic and mechanical equipment. The impacts of the Proposed Action were analyzed in a Transportation Impact Analysis. The number of vehicles would increase under the Proposed Action by approximately 97 vehicles during the AM peak hour and 121 vehicles during the PM peak hour. The Proposed Action would generate an average of 1,218 trips per day (Crain & Associates, 2020).

Traffic on Technology Drive between Auto Mall Parkway and Grimmer Boulevard (northbound and southbound) is estimated to be 283 vehicles during the AM peak hour, and 262 vehicles during the PM peak hour. The average daily traffic on Technology Drive is 2,153 (City of Fremont, 2010). The addition of the traffic from the Proposed Action would almost double the number of vehicles on Technology Drive. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by approximately 3 dBA. Generally, the average person can barely perceive either increases or decreases of 3 dBA. Dominant noise sources at that location include traffic on Auto Mall Parkway and nearby I-880 and I-680. Consequently, populations in the vicinity are accustomed to traffic noise. Noise reduction from structures is determined by the building frame and housing configurations (i.e., exterior wall covering, roof type, window type). Generally, noise reduction from structures varies from 10 dBA to 35 dBA.

The sources of noise from mechanical equipment would include six air handling units, and six exhaust fans on the CBOC roof, and two chillers and an emergency exhaust fan on the roof. There would be a third chiller installed; however, only two chillers would operate at any one time. Equipment on the rooftop would be fully encapsulated with a corrugated metal screen. These screens would be taller than the equipment and would not have major holes or gaps, which would provide an acoustical barrier. Noise from mechanical equipment inside the utility area (a generator, two boilers, and various pumps) would be completely enclosed. In addition, a muffler would be installed on the generator.

An analysis was completed in 2018 to study the noise impact from the proposed mechanical equipment at the CBOC (Mei Wu Acoustics, 2018). The analysis looked at the proposed noise at the Proposed Action boundary line to assess impacts on noise-sensitive receptors. The noise analysis was calculated based on published sound power data for each piece of equipment. The upper bound scenario was estimated where all of the equipment would be operating at 100 percent capacity; typical operating levels for the equipment would likely produce lower noise levels.

Noise levels were estimated at four locations (north, east, south, and west) at the Proposed Action boundary (see Table 16). The noise levels at the property line from the mechanical equipment range from sound pressure level 22 to 54 dBA. The estimated noise levels are within the standard range set by the Fremont 2030 General Plan (i.e., Leq 50 dBA), except for the southern location. This is due to the proximity of the chillers to this location. An Leq of 54 dBA is comparable to the sound of two people having a conversation. While not extremely loud, this is above the acceptable noise level in the 2030 General Plan and likely also above ambient noise levels at this location. To minimize noise at the southern location, a barrier would be constructed around the chillers, in addition to the fence that would enclose the utility yard. This barrier would minimize noise from the chillers, ensuring compliance with local codes. VA will continue to coordinate with the engineers to ensure noise from inside the facility would be less than significant on noise-sensitive receptors.

The Proposed Action would have no significant impacts on the noise environment. No additional minimization/management measures would be necessary beyond those described in the 2011 EA.

Table 16. Noise Levels from Mechanical Equipment at Project Site Boundary

Proposed Action Boundary Location	Noise Level (Sound Pressure Level)
North	22 dBA
East	39 dBA
South	54 dBA
West	39 dBA

(Mei Wu Acoustics, 2018)

Key: dBA = A-weighted decibels

3.3.3 Environmental Consequences of the No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented at the project site. The noise environment would be consistent with noise levels described under the existing conditions. No significant impacts on the noise environment would occur.

3.3.4 Minimization/Management Measures

During construction, the requirements for noise control outlined in VA Document PG-18-1, *Master Construction Specifications*, No. 01-57-19, "Temporary Environmental Controls," would be implemented. These include such requirements as providing sound-deadening devices on equipment, using shields or other physical barriers to restrict noise transmission, and providing sound-proof housings or enclosures for noise-producing machinery. The construction contractor would designate a noise disturbance coordinator to respond to complaints received by residents about noise from construction activities, evaluate the source of the noise, and implement measures to mitigate the source of the disturbance. The contractor would be required to perform noise-producing work during less sensitive hours of the day or week as directed by the Resident Engineer. No further management measures would be necessary at the project site.

3.4 Wildlife and Habitat

3.4.1 Existing Conditions

The 2011 EA described vegetation at the project site as entirely ruderal/non-native grassland, including wild oats (*Avena* spp.), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), perennial pepperweed (*Lepidium latifolium*), and young annual grasses. Trees are only present on the margins of the site and on adjacent properties, including blue-gum eucalyptus (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*), coast redwood (*Sequoia sempervirens*), palm trees, and ornamental shrubs.

No wildlife surveys have been completed at the project site, but reconnaissance-level field surveys were conducted for the 2011 EA. Common urban wildlife species were observed, including California scrub jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), rock dove (*Columba livia*), common raven (*Corvus corax*), gulls (*Larus* spp.), black phoebe (*Sayornis nigricans*), and European starling (*Sturnus vulgaris*), as well as feral cats. There is very little potential habitat for species, but trees along the perimeter of the site provide potential nesting habitat for birds as well as potential roosting habitat for bats. A small depression with shallow standing water and some wetland vegetation (cattail [*Typha latifolia*] and bulrush [*Schoenoplectus* sp.]) is on the northwestern corner of the project site. Runoff from Auto Mall Parkway and a parking lot directly adjacent to the depression likely contribute to the accumulation of standing water. The depression has no nexus with traditional navigable waters and does not provide significant habitat value to wildlife.

Presently, the project site is a disturbed vacant lot with an electricity transmission corridor traversing the northern perimeter. The site has some grass and some mature landscape trees and shrubs on the perimeter of the site. There is periodic disking of the ground to prevent the establishment of burrowing species.

A list of rare, threatened, and endangered species with potential to occur at the project site was obtained through the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system (Consultation Code 08ESMF00-2018-SLI-3323; Event Code 08ESMF00-2020-E-05788). No designated critical habitat for any species is present (USFWS, 2020). In addition, a list of species was obtained from the California Natural Diversity Database (CNDDB) online tool, which documents special-status species having potential to occur within the Niles U.S. Geological Survey quadrangle, which includes the project site. All special-status species identified in response to these queries are included in Table 17, along with information about their potential to occur at the project site. As summarized in the table, there is no suitable habitat for any listed species.

Table 17. Rare, Threatened, and Endangered Species with Potential to Occur and Critical Habitat at the Project Site

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Plants			
Contra costa goldfields (<i>Lasthenia conjungens</i>) FE/None	Typically grows in vernal pools, swales, moist flats, and depressions within a grassland matrix. Historical occurrences have been recorded in the transition zone between vernal pools and tidal marshes on the eastern margin of the San Francisco Bay. Typically grows in clay or loam soils.	Vegetation and soils at the site are heavily disturbed from regular soil disking and mowing. The depression at the project site is not identified as a vernal pool, as the appropriate soil conditions are not present. No suitable habitat for this species is present.	No
Invertebrates			
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>) FT/None	Inhabits rocky outcrops and cliffs in coastal scrub. Host plant includes stonecrop (<i>Sedum spathulifolium</i>). Found in coastal mountains. All known locations are restricted to San Mateo County.	Project site does not contain the typical topographically variant habitat requirements. The site is located outside of designated habitat for the species. No known populations are within Alameda County.	No
San Bruno elfin butterfly (<i>Callophrys mossii bayensis</i>) FE/None	Rocky outcrops and cliffs in coastal scrub on the San Francisco Peninsula. Found in coastal mountains near San Francisco Bay.	No suitable habitat at the project site. All known occurrences restricted to San Mateo County.	No
Monarch butterfly (<i>Danaus plexippus</i>) Under Review/None	Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress) with nectar and water sources nearby.	No suitable habitat at the project site. Nearest occurrence is in Coyote Hills Regional Park, more than five miles northwest.	No
Western bumble bee (<i>Bombus occidentalis</i>) Under Review/CE	Nests occur primarily in underground cavities such as old animal nests and open west-southwest slopes bordered by trees. Requires plants that bloom and provide adequate nectar and pollen throughout the life cycle (February–November).	Periodic soil disking prevents the establishment of small mammal burrows for bees to colonize.	No
Conservancy fairy shrimp (<i>Branchinecta conservation</i>) FE/None	Pools in grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools that last until June.	Project site is outside of the known range for the species; no occurrences are within Alameda County.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>) FT/None	Endemic to grasslands of the Central Valley; inhabit small, clear water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	No undisturbed vernal pools are present at the project site. Local occurrences are in eastern Alameda County.	No
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>) FE/None	Present in a wide variety of ephemeral wetland habitats varying in size, water temperature, and pH. Has been found in vernal pools ranging from 6.5 square feet to 88 acres in surface area. Found on a variety of geologic formations and soil types.	One small depression is found at the project site but is not identified as vernal pool habitat due to the lack of appropriate surface soil conditions. While the hydroperiod is unknown, a slow evaporative drying period typically associated with hardpan vernal pools does not occur. The site is not contiguous with a drainage ditch and does not appear to have a surface water connection to existing drainages in the area. The nearest vernal pool complex is more than one mile southwest of the site, and other vernal pools with tadpole shrimp are present within one mile of the site. Species unlikely to be present at the project site.	No
Fish			
Delta smelt (<i>Hypomesus transpacificus</i>) FT/SE	Primarily found in open waters of the Sacramento-San Joaquin Delta. Seasonally found in Suisun Bay, Carquinez Strait, and San Pablo Bay.	No waterways capable of supporting this species are within or adjacent to the project site.	No
Coho salmon – Central California coast ESU (<i>Oncorhynchus kisutch</i> pop. 4) FE/SE	Naturally spawning, originating from rivers south of Punta Gorda, California, including Aptos Creek, as well as coho salmon originating from tributaries to San Francisco Bay.	No waterways capable of supporting this species are within or adjacent to the project site.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Steelhead – Central California coast DPS (<i>Oncorhynchus mykiss irideus</i> pop. 8) FT/None	Spawns and rears in coastal streams between the Russian River and Aptos Creek, as well as drainages tributary to San Francisco Bay, where gravelly substrate and shaded riparian habitat occurs.	No waterways capable of supporting this species are within or adjacent to the project site.	No
Sacramento perch (<i>Archoplites interruptus</i>) None/SSC	Sloughs, slow moving rivers, and large lakes of the Central Valley.	No waterways capable of supporting this species are within or adjacent to the project site.	No
Pacific lamprey (<i>Entosphenus tridentatus</i>) None/SSC	Adults primarily remain in marine environments 1–3 years, then migrate to freshwater streams where they remain for approximately one year before spawning.	No waterways capable of supporting this species are within or adjacent to the project site.	No
Reptiles			
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>) FT/ST	Observed in chaparral and scrub communities, including coastal sage scrub, chaparral, and northern coastal scrub. May range into adjacent habitats, including grassland, oak savanna, and oak-bay woodland, mostly within approximately 160 feet of scrub habitat but have been observed at distances greater than 1,000 feet from scrub habitats, usually in areas where rock outcrops are abundant. Common types of retreat are small rodent burrow and rock crevices, but brush piles, deep soil crevices, and debris piles are also used. Inhabits open to partially open scrub communities, including coyote bush scrub and chamise chaparral on primarily south-facing slopes.	Heavy development in the vicinity of the site and periodic disking of the site would prevent individuals from moving onto the site. No chaparral or scrub community habitats are on or adjacent to the project site. While the project site is within a quad-wide CNDDDB occurrence for this species, any core habitats would be more than two miles east of the project site. Highway 880 and extensive urban development present significant barriers for whipsnake movement between known habitats and the project site. Disking of soil at the project site would remove potential small mammal burrow habitat. No other upland microhabitats capable of providing sheltering habitat for adult Alameda whipsnake (such as brush or debris piles) are present.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Western pond turtle (<i>Emys marmorata</i>) None/SSC	Ponds, marshes, rivers, streams, and irrigation ditches. Need basking sites and suitable upland habitat for egg laying.	Aquatic habitat is not present at the project site.	No
Amphibians			
California red-legged frog (<i>Rana draytonii</i>) FT/SSC	Breeding sites within aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds, and lagoons. During summer and fall months, this species may disperse upstream and downstream of breeding sites to forage and seek sheltering habitat, including all aquatic, riparian, and upland areas within the species range. Roads with heavy traffic present significant barriers to migrating amphibians.	Lack of nearby creeks or ponds, as well as heavy development surrounding the project site, would severely limit and or effectively preclude the presence of this species. Core habitats would be more than two miles southeast of the project site. Project site is surrounded by surface streets and larger roads that would be difficult for frogs to cross, including Auto Mall Parkway to the north. I-680 to the east and I-880 to the west would be considered impassible barriers for terrestrial frog movement. The nearest documented occurrence is located across I-680 and other major thoroughfares, which would impede frog movement from Agua Caliente Creek and other higher-quality habitats toward the project site. On the project site, the small depression holds only 2–3 inches of water and would not be considered potential breeding habitat. Typical breeding adult frogs are associated with water greater than two feet deep, and tadpoles occur in water depths of 10–20 inches.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
California tiger salamander (<i>Ambystoma californiense</i>) FT/ST	Commonly breeds in vernal pools, but can breed in ponds, reservoirs, lakes, and drainages. Adults spend most of the year in terrestrial habitats including subterranean refugia such as burrows of California ground squirrels and pocket gophers, debris piles, and man-made structures. Like the California red-legged frog, major roads and highways impede California tiger salamander movements, and mortalities at road crossings have been well documented with the majority of observed adult salamanders in the vicinity of some breeding areas being road kills.	Lack of nearby vernal pools or ponds as well as heavy development surrounding the project site would limit presence of this species. Nearest occurrence is less than one mile southwest of the project site at the Don Edwards National Wildlife Refuge. While adult California tiger salamanders have been recorded moving 0.63 miles or more, I-880 and extensive urban development present significant barriers for tiger salamander movement between known occurrences and the project site. Breeding of California tiger salamander has been recorded in ponds from 1–6.6 feet deep, which is much deeper than the 2–3 inches of the depression found at the project site. Disking of soil at the project site would remove potential small mammal burrow habitat. No other upland microhabitats capable of providing sheltering habitat for adult salamanders (such as downed wood or rock piles) are present.	No
Foothill yellow-legged frog (<i>Rana boylei</i>) None/CT, SSC	Rocky streams and rivers with rocky substrate and open, sunny banks in forests, chaparral, and woodlands. Sometimes found in isolated pools, vegetated backwaters, and deep, shaded, spring-fed pools.	Lack of nearby creeks or ponds as well as heavy development surrounding the site would limit presence of this species.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Birds			
California least tern (<i>Sterna antillarum browni</i>) FE/SE	Feeds in relatively shallow, nearshore waters, coastal freshwater ponds, channels, and lakes occupied by small fish. Colonial nesters on sand, gravel, or shell beaches where visibility is good.	No nesting or foraging habitat is present.	No
Cooper's hawk (<i>Accipiter cooperii</i>) None/WL	Present in marginal, open woodlands; nest sites most often located in riparian deciduous trees and live oaks.	Potential nesting and foraging habitat exist.	No
Golden eagle (<i>Aquila chrysaetos</i>) BGEPA/WL	Nests in large trees in open areas or cliff-walled canyons; forages in rolling foothills, mountain areas, sage-juniper flats, and desert habitats.	No nesting habitat is present at the project site.	No
Tricolored blackbird (<i>Agelaius tricolor</i>) None/ST, SSC	Nests colonially in freshwater marshes with large stands of cattails (<i>Typha</i> spp.).	No nesting habitat is present at the project site. Potential foraging habitat exists.	No
California black rail (<i>Laterallus jamaicensis coturniculus</i>) None/St, FP	Freshwater marshes, wet meadows, and shallow margins of saltwater marshes; needs dense wetland vegetation for nesting.	No nesting or foraging habitat is present.	No
Alameda song sparrow (<i>Melospiza melodia pusillula</i>) None/SSC	Salt marshes of central San Francisco Bay.	No salt marsh habitat on or adjacent to the project site.	No
Burrowing owl (<i>Athene cunicularia</i>) None/SSC	Present in open annual grasslands with abundance of small mammal burrows for nesting.	Despite burrowing owl occurrences near the project site, periodic soil disking prevents the establishment of small mammal burrows for owls to colonize. Feral cats, which are potential predators for owls, have been observed at the site.	No

Common Name (Scientific Name) Federal/State Listing Status	Habitat Requirements	Habitat at Project Site?	Designated Critical Habitat Present?
Mammals			
Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>) FE/SE	Salt marsh habitat dominated by pickleweed.	No pickleweed/saline emergent wetland is in the vicinity of the project site.	No
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>) FE/ST	Annual grasslands or grassy open stages with scattered shrubby vegetation; need suitable prey base and loose, sandy soils for dens.	No suitable undisturbed habitat is present. Fremont is generally considered outside this species' range.	No
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>) None/SSC	Forest habitats of moderate canopy and moderate to dense understory. Requires abundant nesting materials such as grass, leaves, and sticks.	No suitable woodland habitat is present at the project site, only scattered trees.	No
Pallid bat (<i>Antrozous pallidus</i>) None/SSC	Day roosts in caves, crevices, mines, and hollow trees and buildings. Night roosts can occur in more open areas, like porches and open buildings.	Potential roosting habitat is present in the trees on and adjacent to the project site. The nearest CNDDDB occurrence is approximately 4.5 miles east of the project site.	No
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>) None/SSC	Roosting habitat within caves and cave-analogs. Found in dry uplands, mesic coniferous and deciduous forest habitats along the Pacific Coast.	Potential roosting habitat is present in the trees on and adjacent to the project site, though this is not considered typical habitat of this species.	No

(VA, 2011a; USFWS, 2005; USFWS, 2017; U.S. Forest Service, n.d.; NOAA Fisheries, n.d.; CDFW, n.d.; USFWS, 2007; USFWS, 2002a; USFWS, 2002b; CDFG, 2010; CaliforniaHerps, n.d.)

Federal/State Designations Key: D = delisted; FE = federal endangered; FT = federal threatened; BGEPA = Bald and Golden Eagle Protection Act; SE = state endangered; ST = state threatened; CE = candidate endangered; CT = candidate threatened; SSC = species of special concern (state designation); WL = watch list (state designation); FP = fully protected (state designation).

Other Terms Key: DPS = distinct population segment; ESU = evolutionarily significant unit.

3.4.2 Environmental Consequences of the Proposed Action

Implementation of the Proposed Action would have minor adverse impacts on wildlife and habitat in the short term and negligible impacts in the long term, as discussed in the following paragraphs.

Impacts on species that potentially use the project site would be minor over the short term and negligible over the long term. Impacts would include minor disturbance during construction activities from noise and loss of vegetation. There is the potential for displacement of common wildlife that may inhabit or use portions of the project site for nesting, foraging, or temporary cover. Following construction of the CBOC, the remainder of the site would be maintained with grass and other landscaped vegetation, which would return these functions (nesting, foraging, and temporary cover) to the site. The Proposed Action would not result in substantial changes to topography or drainage in the vicinity of the small depression on the northeast corner of the site.

The 2011 EA stated there was little potential habitat for protected species at the project site. An updated assessment (Table 17) has identified no habitat for protected species within the area of construction. Construction noise would indirectly affect nesting birds and roosting bats that may be present within the trees on the perimeter of the site. However, since the site is currently situated among commercial and light industrial use buildings and roadways, any species present would be acclimated to the noise, and noise impacts would be minor and temporary.

No federally listed endangered or threatened species or critical habitat are known to occur or expected to be present on the project site. As described in Table 17, there is no suitable habitat at the site for protected species.

3.4.3 Environmental Consequences of the No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented at the project site. There would be no change in the existing wildlife and habitat. The site would continue to be maintained by VA through periodic disking and mowing. No significant impacts on wildlife and habitat would occur.

3.4.4 Minimization/Management Measures

No mitigation measures would be required since there are no significant impacts on wildlife and habitat. During construction, environmental controls outlined in VA Document PG-18-1, *Master Construction Specifications*, No. 01-57-19, "Temporary Environmental Controls," would be implemented. Measures would include protecting trees, shrubs, vines, grasses, landforms, and other landscape features identified for protection during site planning, and keeping construction activities under surveillance, management, and control to minimize interference with, disturbance of, or damage to fish and wildlife.

3.5 Cumulative Impacts

Cumulative impacts are those impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative impact analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken during the duration of the Proposed Action in the same geographic area. This SEA considers past, present, and reasonably foreseeable short-term and long-term future effects from implementing the Proposed Action and other projects (not part of this action) that coincide with the location and timetable of the Proposed Action.

3.5.1 Considered Cumulative Actions

Fremont is the fourth largest city in the San Francisco Bay Area, and the Association of Bay Area Governments projects that Fremont's population will increase by almost 35,000 people from 2010–2030. To accommodate this growth, Fremont's 2030 General Plan looks to encourage higher-intensity development near transit, such as current and future BART stations, the Centerville Train Station, and key bus corridors like Fremont Boulevard (City of Fremont, 2011c). The Warm Springs/South Fremont BART Station, which opened in March 2017, is located approximately one mile south of the project site, and development is planned and currently underway near this station. The Tesla Motors automobile manufacturing plant and principal production facility is located approximately one-half mile southwest of the BART station. The Warm Springs/South Fremont area is considered a "Priority Development Area" within the city of Fremont (City of Fremont, 2011c).

Warm Springs/South Fremont Community Plan

The proposed new CBOC site falls within the boundaries of the Warm Springs/South Fremont Community Plan, a subplan of the Fremont 2030 General Plan that sets a framework to transform the area into an employment center and pedestrian-focused "Innovation District" neighborhood. The Community Plan comprises the area bounded by I-880 to the west, I-680 to the east, Auto Mall Parkway to the north, and Mission Boulevard to the south (City of Fremont, 2014).

The Community Plan identifies, in total, new development and redevelopment of approximately 11.5 million square feet of light industrial, research and development, office, retail, and hotel within the Warm Springs/South Fremont area, as well as between 2,700 and 4,000 residential units and an elementary school (FirstCarbon Solutions, 2014). Actions that are currently planned and undergoing permitting in the area, as part of the Community Plan, include projects discussed in the following paragraphs.

Tesla Expansion

Additional development is planned at the existing Tesla industrial facility, approximately two miles south of the project site. An additional 4.5 million square feet of development is planned, and the project has attained entitlement approval by the City of Fremont. The estimated completion of the Tesla expansion is in 2020 (City of Fremont, 2018a; City of Fremont, 2018b).

Residential and Mixed-Use Development

In response to economic growth in the greater Bay area and the opening of the Warm Springs/South Fremont BART station, the South Fremont area is experiencing a great deal of development. Development has already begun in proximity to the new BART station, and there are approximately 4,000 residential units (townhomes and condos) and over one million square feet of commercial development planned with an estimated completion date between 2018 and 2020 (City of Fremont, 2018a; City of Fremont, 2018b).

Lila Bringham Elementary School

Lila Bringham Elementary School, to be bounded by Fremont Boulevard, South Grimmer Boulevard, and Lopes Court (approximately one mile south of the proposed CBOC site), was built to accommodate the increase in elementary school age children that would live the Warm Springs/South Fremont Community Plan area. The school was developed in coordination with the Fremont Unified School District and the residential developers in the Community Plan area (City of Fremont, n.d. (b)). The school will open for the 2021/22 school year, pending sufficient student enrollment (Fremont Unified School District, 2019).

Warm Springs Tech Center

Approximately 692,000 square feet of research and development and industrial floor area is being developed on 21.46 acres on the eastern side of Warm Springs Boulevard, between Reliance Way and Corporate Way (City of Fremont, n.d. (c)). It will include four four-story research and development buildings, a parking structure, and an industrial building (Sobrato, 2017). The project has been approved.

Street System Improvements

Within the Warm Springs/South Fremont Community Plan area, street system improvements are planned to facilitate the anticipated growth that is expected to occur after the Warm Springs/South Fremont BART station opens. The Community Plan hopes to achieve a new grid of public streets and a network of new transportation opportunities (i.e., rail, bus transit, local streets, and regional freeways) that will enhance the links between South Fremont and other residential and employment centers within Alameda and Santa Clara Counties and the larger San Francisco Bay Area. Since the focus of the Warm Springs/South Fremont Community Plan is the BART station, the conceptual street improvements, shuttle routes, and new bicycle lanes do not encompass the project site (City of Fremont, 2014). Conceptual improvements to the street network surrounding the BART station and the planned residential and mixed-use area include the following:

- Roadways designed to accommodate bicyclists, pedestrians, transit riders, motorists, and emergency vehicles.
- New streets in a grid pattern to provide better mobility and block sizes small enough to encourage mobility for pedestrians and bicyclists.
- A primary new street, conceptually called “Innovation Way” to connect Fremont Boulevard (at the intersection of Ingot Street) and the Warm Springs/South Fremont BART station. This would be considered a new urban corridor street and a primary new entry to the district.

A Transportation Impact Assessment conducted for the Warm Springs/South Fremont Community Plan determined that the Community Plan’s buildout scenario would add approximately 52,000 daily vehicle trips to the surrounding roadway system, with 6,100 trips during each of the AM and PM peak hours (Fehr Peers, 2013). These trips would cause significant transportation impacts at six intersections under “Background with Project Conditions” and 13 intersections under “Cumulative with Project Conditions.” VA’s Proposed Action² was included as part of the “Background” conditions for this analysis, which considers existing traffic conditions and traffic from approved but not yet constructed developments in the area.

The following intersections near the project site were projected to experience unacceptable LOS under the “Background with Project Conditions” (Fehr Peers, 2013):

- Auto Mall Parkway and Fremont Boulevard intersection: Operations would degrade from LOS D (acceptable) to LOS E during the AM peak hour, and from LOS E to LOS F during the PM peak hour.
- Auto Mall Parkway and Osgood Road intersection: Operations would degrade from LOS D (acceptable) to LOS E during both AM and PM peak hours.

The following intersections near the project site were projected to experience unacceptable LOS under “Cumulative Conditions” (Fehr Peers, 2013):

- Auto Mall Parkway and South Grimmer Boulevard intersection: Operations would be at LOS E during the AM peak hour and LOS F in the PM peak hour. No mitigation measures would bring this intersection to acceptable conditions; impacts would be unacceptable and unavoidable.
- Auto Mall Parkway and Fremont Boulevard intersection: Operations would be LOS F with and without the Community Plan’s projects. No mitigation measures would bring this intersection to acceptable conditions; impacts would remain unacceptable and unavoidable.

² The Warm Springs/South Fremont Community Plan Transportation Impact Analysis estimated 191 AM peak trips and 286 PM peak trips for an 80,000-square-foot VA clinic. VA’s 2020 Transportation Impact Analysis estimated 97 AM peak trips and 121 PM peak trips for a 35,000-square-foot VA clinic.

- Auto Mall Parkway and Osgood Road intersection: Operations would be LOS F, and the Community Plan's contributions are considerable. No feasible mitigation; impacts would be unacceptable and unavoidable.
- Auto Mall Parkway and I-680 Southbound Ramps: Operations would be LOS E during the AM peak hour and LOS F during the PM peak hour. Impacts would be unacceptable and unavoidable.

Mitigations recommended in the Transportation Impact Assessment for the expected unacceptable LOS impacts vary street to street but include a combination of measures such as additional turn lanes, additional travel lanes, and reconfiguration of turn lanes. Widening of roadways and additional travel lanes may require property acquisition and/or may not be feasible throughout the area (Fehr Peers, 2013).

Irvington BART Station

A new BART station is planned approximately halfway between the existing Fremont BART station and the Warm Springs/South Fremont BART station. It will be at the intersection of Washington Boulevard and Osgood Road, approximately 1.5 miles northeast of the new CBOC location. An updated Station Site Plan was approved in August 2019, and the station construction will occur between 2022 and 2026 (City of Fremont, 2019).

Additional Development

Additional projects that are planned near the project site include a large commercial project in the area immediately south of the Pacific Commons Shopping Center and Fremont Auto Mall, which are approximately one mile west/southwest and across I-880 from the project site (Geha, 2017). The following projects are included in this development:

- eleven buildings in varying size with a total of 2.53 million square feet on 143 acres
- two car dealerships, totaling 100,000 square feet on an additional 10 acres

Department of Veterans Affairs Clinics

In addition to the proposed VA CBOC in Fremont, VA is also currently planning and undertaking an EA for another CBOC and a CLC near the city of Stockton (see also Section 1.1). The planned CBOC and CLC in Stockton would expand services for Veterans in the Central Valley, and is a component of VA's plan to improve the services and facilities in the East Bay, Central Valley, and Palo Alto areas in preparation for the eventual closure of the Livermore VAMC. The Stockton CBOC is planned to be a four-story structure to provide primary care, mental health services, medical/surgical sub-specialty clinics (no outpatient surgery), audiology and speech pathology, dental, eye clinic, basic blood laboratory, pharmacy, physical medicine and rehabilitation, prosthetics, radiology (general x-ray), and business office functions. The Stockton CLC is planned to include three "neighborhoods," each consisting of 40 bedrooms, with each neighborhood connected to a community center.

As part of its master plan to improve services provided by VAPAHCS, VA also plans to renovate a minimally invasive procedure center at the Palo Alto VAMC. The status of this renovation is unknown, but it will add to the services that VA offers in the Palo Alto region to support Veterans once the Livermore VAMC is closed.

3.5.2 Environmental Consequences of Cumulative Actions under the Proposed Action

No significant cumulative adverse effects would be anticipated from implementation of the Proposed Action. The Proposed Action would result in the effects identified throughout Chapter 3 of this SEA and in the 2011 EA. These include potential adverse effects ranging from minor to moderate on transportation and parking (Section 3.1), air quality (Section 3.2), noise (Section 3.3), and wildlife and habitat (Section 3.4), as analyzed in this SEA. No significant direct, indirect, or cumulative effects would occur for aesthetics, cultural resources, geology and soils, hydrology and water quality, land use, floodplains, wetlands, coastal zone management, socioeconomics, community services, solid waste and hazardous materials, utilities, and environmental justice, as discussed in the 2011 EA. There would be cumulative net beneficial effects on the local socioeconomic environment from increased employment opportunities at the CBOC in addition to increased direct and indirect employment from all future development planned within the Warm Springs/South Fremont area.

As the South Fremont region grows, increases in residential and commercial development would result in commensurate increases in traffic congestion, noise, and air quality. In the context of anticipated regional and local growth, the Proposed Action would be expected to contribute to adverse cumulative effects as they pertain to traffic congestion, air quality, noise, and wildlife and habitat.

Overall, no significant cumulative beneficial or adverse impacts are expected from the construction and operation of the proposed CBOC at the project site. Close coordination between the agencies listed in Chapters 4 and 9 of this SEA, coupled with enforcement of applicable current and future regulations, ordinances, and laws, would serve to manage and control cumulative effects, including managing regional traffic increases. Implementation of land use and resource management plans would serve to control the extent of environmental effects, and proper planning would ensure that future socioeconomic conditions maintain, if not improve, the local standard of living in the community.

Transportation. Employees and patients who drive to the CBOC would contribute to an overall increase in traffic in the area surrounding the project site. As described in Section 3.5.1, the planned development around the Warm Springs/South Fremont BART station will result in a large increase in residents and traffic to the area (City of Fremont, 2011b). The Transportation Impact Analysis conducted for the proposed CBOC analyzed the cumulative traffic conditions, which was developed based on the existing count volumes plus the difference in the volume data for the Alameda County Transportation Commission Travel Demand Models for 2020 and 2040. Using the 2020 model as a base year and the 2040 model as the buildout year, a growth rate was developed for each of the 11 study intersections in order to develop cumulative conditions. The addition of the Proposed Action traffic to the cumulative traffic volumes at the 11 study

intersections would not severely worsen any of the intersections, with the exception of Technology Drive / Technology Place-Technology Court (No. 7), which is the Project Driveway, as discussed in Section 3.1. The traffic volume at this intersection (No. 7) would increase by more than five percent under the Proposed Action, but traffic volumes would remain below the level to warrant signalization. As such, this would not be considered a significant impact under City of Fremont impact criteria. For all other intersections, the cumulative baseline would worsen through 2040 as development pressures continue, but LOS would not diminish with the addition of the proposed CBOC (Crain & Associates, 2020).

While there would be substantial impacts on traffic near the project site from overall development within the region, traffic generated from the Proposed Action would not result in significant impacts to cumulative traffic volumes.

Air Quality. As described in Section 3.2.1, Alameda County is designated as a marginal ozone and moderate PM_{2.5} nonattainment area and a carbon monoxide maintenance area. Air emissions associated with the construction and operation of the Proposed Action would not be expected to exceed any *de minimis* applicability thresholds. Warm Springs/South Fremont Community Plan identifies several mitigation measures that would be used to reduce fugitive dust, exhaust emissions, and GHG emissions that would be followed during construction activities (City of Fremont, 2014). Cumulative criteria air pollutant emissions resulting from VA's proposed CBOC and individual Community Plan projects could occur when project timelines overlap. However, VA's estimated criteria pollutant emissions are well below *de minimis* thresholds; therefore, the proposed CBOC would not contribute to any significant cumulative impacts on criteria pollutant emissions.

Long-term growth in the area would increase GHG emissions, particularly those associated with cars and other mobile sources. The Proposed Action would contribute to these kinds of long-term, cumulative emissions. Expanded public transit, such as the new Irvington BART and expansion of community spaces around the Warm Springs/South Fremont BART Station, promote increased reliance on mass transit and decreased reliance on cars for transportation, decreasing cumulative GHG emissions. Furthermore, the Fremont 2030 General Plan and Alameda County's Climate Action Plan promote green building codes that target long-term efficiencies aimed at decreasing carbon footprints.

Noise. The increase in traffic from cumulative actions would correspondingly result in increased noise emissions in the long term. Proposed developments near the project site are anticipated to add a large volume of traffic in the region. The Transportation Impact Analysis analyzed cumulative conditions, which evaluated future traffic operations in 2040 and VA's CBOC-generated trips (Crain & Associates, 2020). The cumulative traffic volume would increase on roadways adjacent to the project site (Intersection Nos. 4 to 7, as shown in Figure 3) by approximately 9 percent during the AM peak hour and increase by approximately 18 percent during the PM peak hours. As discussed in Section 3.3.2., a doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by approximately 3 dBA. Generally, the average person can barely perceive either increases or decreases of 3 dBA. Therefore, significant cumulative impacts on the noise environment is not expected.

Wildlife and Habitat. The continued development of the South Fremont region will contribute to the cumulative degradation and loss of habitat within the region. Increases in industrial, commercial, and residential development within the region would result in commensurate losses of available habitat for local species, if occurring on vacant and vegetated properties. All construction projects would be expected to generate some noise and fugitive dust, which can indirectly affect wildlife species. Projects that involve development of a currently undeveloped parcels would have more adverse cumulative impacts because of the incremental losses of potential habitat. Given that South Fremont is already an urban area and that habitat quality is poor at the project site, the proposed CBOC would not contribute to any significant cumulative impacts on wildlife and habitat.

3.5.3 Environmental Consequences of Cumulative Actions under the No Action Alternative

Under the No Action Alternative, the CBOC would not be developed at the project site, and, as such, the CBOC would have no contributions to cumulative impacts.

3.6 Potential for Generating Substantial Public Controversy

The 2011 Draft EA was made available to federal, state, and local agencies and the public for a 30-day public review period, which was extended by an additional two weeks, from February 24, 2011, to April 8, 2011. VA received only one comment on the 2011 Draft EA from Caltrans (letter dated March 22, 2011). The 2011 EA contains this comment in full and a response (VA, 2011a).

Caltrans noted that the 2011 EA did not include a detailed discussion of traffic-related impacts. At the time, the 2011 EA was being prepared to provide the director, VA Northern California Health Care System with the information to select a site location, so preparation of a detailed traffic impact study was deferred until VA selected its preferred site. In 2012, VA prepared its Transportation Impact Analysis, addressing Caltrans' comments (Whitlock & Weinberger Transportation, Inc, 2012), and updated the analysis in 2020 (Crain & Associates, 2020) (refer to Section 3.1). The Transportation Impact Analysis concluded that the proposed CBOC would increase traffic in and around the VA facility but would not result in significant impacts at the study intersections.

Based on the results of the various studies conducted for this action, there appears to be little potential for generating public controversy. The most notable area of public concern is potential increases in traffic, though the increase would not be significant. The Proposed Action would be a permitted use and consistent with future property development (off site by others) in the area. No significant adverse impacts on the human environment or natural resources would be expected.

4 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

This chapter describes the public, agency, and Native American consultation process associated with development of this SEA.

4.1 Agency and Tribal Coordination

During development and review of the EA, VA contacted federal, state, and local agencies with oversight responsibilities related to this project. A full list of all agencies and individuals coordinated with during the preparation of this SEA can be found in Chapter 9. Copies of all correspondence conducted during for this SEA, as well as comments and responses received, can be found in Appendix A.

State Historic Preservation Office, California Department of Parks and Recreation

VA conducted a Phase I Cultural Resources Assessment for the project site in support of the 2011 EA. VA also sent a letter to the California State Historic Preservation Office (SHPO) initiating consultation pursuant to Section 106 of the National Historic Preservation Act on February 2, 2011, requesting concurrence with the recommended site Area of Potential Effect and determination of no effect. On March 17, 2011, the SHPO concurred with the Area of Potential Effect and the finding of No Historic Properties Affected for the “Technology Drive site,” which is the project site considered in this SEA. The SHPO concurrence letter from 2011 is included in Appendix A.

During preparation of this SEA, VA’s contractor conducted a records search with the California Historical Records Information System to inquire whether subsequent studies near the Area of Potential Effect have encountered or determined other resources eligible for the National Register of Historic Places. No other resources were identified during this records search.

Tribal Coordination

VA’s contractor sent a Sacred Lands File and Native American Contacts List Request to the Native American Heritage Commission (NAHC) on November 24, 2010, in support of the 2011 EA. The Native American Heritage Commission responded on December 16, 2010, noting that no Native American cultural resources are known in the immediate project area, and providing a list of Native American contacts. VA sent scoping letters to the provided list of tribes in 2011. No responses were received from the tribal contacts.

During preparation of this SEA, VA’s contractor requested another Sacred Lands File and Native American Contacts List Request to the Native American Heritage Commission to ensure the most recent information is being considered for potential impacts. NAHC responded on February 25, 2020, noting that no Native American cultural resources are known at the project site.

VA has prepared a letter requesting National Historic Preservation Act Section 106 consultation with the Miwok tribe, a federally designated tribe identified for this location; any tribal response will be included in the Final EA. This tribe had not been contacted during the 2011 EA.

U.S. Fish and Wildlife Service, Sacramento Field Office

VA sent a scoping letter to the Sacramento Field Office on January 28, 2011. The letter requested concurrence with the VA determination of no significant adverse effects on federally listed endangered and threatened species or critical habitat from the Proposed Action. On April 22, 2011, the Sacramento Field Office requested descriptions of listed species or critical habitat affected, description of how the action may affect listed species or critical habitat, and any relevant reports or studies. VA responded in a letter dated June 2, 2011, providing detailed assessments for California red-legged frog, California tiger salamander, Contra Costa goldfields, and vernal pool tadpole shrimp; the letter concluded no effects on these four species.

During preparation of this SEA, VA received an updated official species list from USFWS through the Service's IPaC tool. VA has made a determination that the proposed project would have no effect to federally listed species as a result of no suitable habitat onsite; therefore, consultation under Section 7 of the Endangered Species Act is not required.

4.2 Public Involvement

VA will publish a Notice of Availability for the Draft EA in Fremont's *East Bay Times* newspaper initiating a 30-day public comment period. VA will publish the Draft SEA on the VA website (www.cfm.va.gov/environmental/). Public comments received within the public comment period will be reviewed and addressed, as warranted, in the Final SEA.

Future public involvement will include consideration of the public comments in the Final SEA, and publication of a Notice of Availability for the Final SEA and VA's decision document, which is anticipated to be a signed FONSI for the Final SEA.

5 MANAGEMENT MEASURES

This chapter summarizes the management measures identified in Chapter 3 that are proposed to minimize and control adverse effects of the Proposed Action at acceptable, minor levels. “Management measures” are defined as routine BMPs and/or regulatory environmental compliance and protection measures that are regularly implemented as part of proposed activities, as appropriate. Per established protocols, procedures, and requirements, VA (and VA’s design and construction contractors) would implement BMPs and would satisfy all applicable regulatory requirements in association with the design, construction, and operation of the proposed CBOC.

Table 18 provides a summary of BMPs and environmental protection measures included in the Proposed Action to ensure that adverse, minor effects are controlled and/or reduced. In general, implementation of management measures, as identified in Table 18, would maintain impacts at acceptable levels for all resource areas. Refer to the 2011 EA (available at www.cfm.va.gov/environmental/) for those resources not analyzed in detail in this SEA.

Table 18. Minimization and Management Measures Incorporated into the Proposed Action

Technical Resource Area	Minimization or Management Measure (including Best Management Practices)
Transportation and Parking (Section 3.1)	<p>Prepare and implement a Traffic Management and Safety Plan adhering to Alameda County and Caltrans requirements, including the following elements:</p> <ul style="list-style-type: none"> • Schedule project-generated construction truck trips on Auto Mall Parkway and Technology Drive outside the peak commute hours to reduce potential traffic congestion during peak morning and evening commute periods. • Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local-police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways. • Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “ROAD WORK AHEAD,” “SLOW TRUCKS,” and/or “TRUCKS TURNING AHEAD”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.
Air Quality (Section 3.2)	All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered as needed to control project site fugitive dirt and dust emissions, but at a minimum two times per day.
	All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
	All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.
	All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

Technical Resource Area	Minimization or Management Measure (including Best Management Practices)
Air Quality cont. (Section 3.2)	All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
	Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
	All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All site equipment shall be checked by a certified mechanic, determined to be running in proper condition (maintained and properly tuned in accordance with manufacturers specifications) and regularly documented within project site documentation (in agreement with the VA Construction documentation requirements for air compliance), prior to operation (and throughout the contract).
	Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
Noise (Section 3.3)	Implement noise control as outlined in VA Document PG-18-1, <i>Master Construction Specifications</i> , No. 01-57-19, "Temporary Environmental Controls."
	Designate a noise disturbance coordinator during construction.
	Perform noise-producing work during less-sensitive hours of the day or week.
Wildlife and Habitat (Section 3.4)	Implement environmental controls as outlined in VA Document PG-18-1, <i>Master Construction Specifications</i> , No. 01-57-19, "Temporary Environmental Controls."

6 LIST OF PREPARERS

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U.S. Department of Veterans Affairs, Office of Construction and Facilities Management

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Ashleigh Benson	Document Support	3
Dr. Paula Bienenfeld	Cultural Resources	30+
Elizabeth Pratt	Noise, Wildlife and Habitat, Cumulative Effects	13
Mary Young	Air Quality, Potential for Generating Substantial Public Controversy	17

Crain & Associates (Transportation Consultant)

Name	Role	Years of Experience
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George Rhyner	Senior Engineer II	38
Hilary Mau	Senior Associate Planner I	12
Daniel Hendricks	Associate Planner II	4
Daniel Villegas	Associate Designer II	14

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8 LIST OF ACRONYMS AND ABBREVIATIONS

AC Transit	Alameda-Contra Costa Transit District
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	best management practices
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBOC	Community Based Outpatient Clinic
CEQ	Council on Environmental Quality
CFM	Office of Construction and Facilities Management
CFR	Code of Federal Regulations
CLC	Community Living Center
CNDDDB	California Natural Diversity Database
dB	decibel
dBA	A-weighted decibels
EA	Environmental Assessment
FONSI	Finding of No Significant Impact
GHG	greenhouse gas
Ldn	day-night average sound level
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
PM ₁₀	suspended particulate matter less than or equal to 10 micrometers
PM _{2.5}	fine particulate matter less than or equal to 2.5 micrometers
RONA	Record of Non-Applicability
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
U.S.	United States
U.S.C.	United States Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VA	Department of Veterans Affairs
VAMC	Department of Veterans Affairs Medical Center
VAPAHCS	Department of Veterans Affairs Palo Alto Health Care System

9 AGENCIES AND INDIVIDUALS CONSULTED

**Additional agencies consulted on the 2011
EA are discussed in Section 4**

Native American Tribe

California Valley Miwok Tribe

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State Agencies

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APPENDIX A AGENCY COORDINATION AND PUBLIC INVOLVEMENT MATERIALS

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State Historic Preservation Office Concurrence Letter (March 17, 2011)

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95818-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



March 17, 2011

Reply in Reference To: VA110204B

Amanda Wehner, Realty Specialist
Department of Veterans Affairs
Real Property Service (00CFM3C)
810 Vermont Ave
Washington DC 20420

Re: Section 106 Consultation for Construction of Veterans Affairs Community Based
Outpatient Clinic, Fremont, Alameda County

Dear Ms. Wehner:

Thank you for initiating consultation regarding the Department of Veterans Affairs (VA) efforts to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800.

You have identified the undertaking as the construction of 420 parking spaces and a two story, 84,000 square foot community based outpatient clinic in Alameda County. At this time, the VA has yet to choose between two potential sites for this project. Both project locations, Technology Court (4100-4149 Technology Drive, Fremont, CA) and South Grimmer Boulevard (at intersection with Old Warm Springs Boulevard, Fremont, CA) are approximately eight acre sites and have been evaluated in the following document:

- *Phase 1 Cultural Resources Assessment for Two Alameda County Alternatives-Veterans Affairs Outpatient Clinic Project, Alameda County, California* (Bowden and Koenig: February 2011)

Ground disturbance for utility installation is not expected to exceed ten feet below grade. The results of records search and pedestrian survey did not identify cultural resources within either of the two proposed project areas. The VA is requesting my concurrence with their Area of Potential Effect (APE) delineation and that this project, in either location, will not adversely affect historic resources. After reviewing the submitted documentation, including evidence of tribal notification, I have the following comments:

- 1) I concur that the APE has been properly determined and documented pursuant to 36 CFR Parts 800.4 (a)(1) and 800.16(d).
- 2) The VA has determined that this project will not adversely affect historic resources, however as no cultural resources have been identified within the project areas, I suggest that a finding of No Historic Properties Affected pursuant

17 March 2011

VA110204B

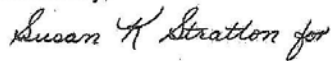
Page 2 of 2

to 36 CFR Part 800.4 (d)(1) is appropriate and that the documentation supporting this finding had been provided pursuant to 36 CFR Part 800.11(d).

- 3) Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Ed Carroll of my staff at (916) 445-7006 or at email at ecarroll@parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Native American Heritage Commission Response (February 25, 2020)



STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

February 25, 2020

Paula Bienenfeld, PhD, Senior Cultural Resources Manager
Marstel-Day, LLC

Via Email to: pbienenfeld@marstel-day.com

CHAIRPERSON
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Pomo

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Fremont, VA Community Based Outpatient Clinic & Community Living Center Project, Alameda County

Dear Dr. Bienenfeld:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Sarah.Fonseca@nahc.ca.gov.

Sincerely,

Sarah Fonseca
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Native American Contact List
Alameda County
2/25/2020**

***Amah Mutsun Tribal Band of
Mission San Juan Bautista***

Irenne Zwielerlein, Chairperson
789 Canada Road
Woodside, CA, 94062
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

Costanoan

***The Confederated Villages of
Lisjan***

Corrina Gould, Chairperson
10926 Edes Avenue
Oakland, CA, 94603
Phone: (510) 575 - 8408
cvltribe@gmail.com

Bay Miwok
Ohlone
Delta Yokut

***Costanoan Rumsen Carmel
Tribe***

Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909) 629 - 6081
Fax: (909) 524-8041
rumsen@aol.com

Costanoan

***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org

Costanoan

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Monica Arellano,
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 205 - 9714
marellano@muwekma.org

Costanoan

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3388
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com

Bay Miwok
Ohlone
Patwin
Plains Miwok

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Fremont, VA Community Based Out Patient Clinic & Community Living Center Project, Alameda County.

PROJ-2020-
001068

02/25/2020 03:35 PM

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U.S. Fish and Wildlife Service IPaC List of Threatened and Endangered Species (October 5, 2020)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:
Consultation Code: 08ESMF00-2018-SLI-3323
Event Code: 08ESMF00-2021-E-00053
Project Name: VA Community Based Outpatient Clinic, Fremont, CA

October 05, 2020

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

10/05/2020

Event Code: 08ESMF00-2021-E-00053

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The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

10/05/2020

Event Code: 08ESMF00-2021-E-00053

3

Attachment(s):

- Official Species List

10/05/2020

Event Code: 08ESMF00-2021-E-00053

1

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

10/05/2020

Event Code: 08ESMF00-2021-E-00053

2

Project Summary

Consultation Code: 08ESMF00-2018-SLI-3323

Event Code: 08ESMF00-2021-E-00053

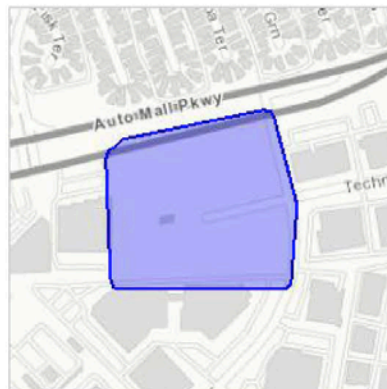
Project Name: VA Community Based Outpatient Clinic, Fremont, CA

Project Type: ** OTHER **

Project Description: Construct and operate a Community Based Outpatient Clinic (CBOC) at 4100–4149 Technology Drive, Fremont, California, which is within the city of Fremont. Project also includes associated infrastructure, which includes parking areas, utilities, and landscaping. The CBOC would be approximately 35,000 gross square feet and would be constructed on 7.9 acres.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/37.50991727470608N121.95579646091332W>



Counties: Alameda, CA

10/05/2020

Event Code: 08ESMF00-2021-E-00053

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Endangered Species Act Species

There is a total of 13 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/613	Endangered
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2873	Endangered

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered

Reptiles

NAME	STATUS
Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis euryxanthus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5524	Threatened

10/05/2020

Event Code: 08ESMF00-2021-E-00053

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Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2076	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Bay Checkerspot Butterfly <i>Euphydryas editha bayensis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2320	Threatened
San Bruno Elfin Butterfly <i>Callophrys mossii bayensis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3394	Endangered

Crustaceans

NAME	STATUS
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8246	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

10/05/2020

Event Code: 08ESMF00-2021-E-00053

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Flowering Plants

NAME	STATUS
Contra Costa Goldfields <i>Lasthenia conjugens</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7058	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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APPENDIX B AIR CONFORMITY APPLICABILITY ANALYSIS, CALCULATIONS, AND RONA

Air Quality Conformity Applicability Analysis

Introduction

The Clean Air Act requires federal actions in air pollutant nonattainment or maintenance areas to conform to the applicable State Implementation Plan (SIP). The SIP is designed to achieve or maintain an attainment designation of air pollutants, as defined by the National Ambient Air Quality Standards (NAAQS). The regulations governing this requirement are found in 40 Code of Federal Regulations (CFR) part 93, also known as the General Conformity Rule. The threshold (*de minimis*) emission rates have been established for actions with the potential to have significant air quality impacts. A project/action in a nonattainment area that exceeds the *de minimis* rates must have a full conformity determination prepared to address significant impacts.

This air quality conformity applicability analysis was prepared to determine whether the United States (U.S.) Department of Veterans Affairs' (VA) Proposed Action to construct and operate a Community Based Outpatient Clinic (CBOC) in Fremont, California, is subject to the General Conformity Rule.

VA prepared an Environmental Assessment (EA) and signed a Finding of No Significant Impact (FONSI) that led to the site selection and eventual purchase of the property at 4100–4149 Technology Drive, Fremont, California. That EA is more than five years old; therefore, VA must consider whether information gathered since the 2011 EA was prepared would pose new circumstances or generate environmental concerns different from what was understood at that time. Refer to Chapters 1 and 2 of the supplemental EA (SEA).

Alameda County is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is responsible for implementing and updating air quality plans to achieve reduction goals for criteria pollutants and other air quality management goals in compliance with the SIP, which aims to reduce criteria pollutants below NAAQS thresholds. The USEPA has designated attainment statuses for Alameda County as shown in Table B-1.

Table B-1. Criteria Pollutant Federal Attainment Statuses for the San Francisco Bay Area Air Basin and Applicable *de minimis* Thresholds

Criteria Pollutant	Federal Designation	Applicable <i>de minimis</i> Threshold
8-hour ozone (2008 standard)	marginal nonattainment	100 tons per year of nitrogen oxides or volatile organic compounds
8-hour ozone (2015 standard)	marginal nonattainment	100 tons per year of nitrogen oxides or volatile organic compounds
PM _{2.5} (2006 standard)	moderate nonattainment	100 tons per year of direct emissions of PM _{2.5} , sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia
PM ₁₀	attainment	—
Carbon monoxide (1971 standard)	maintenance	100 tons per year
Nitrogen dioxide	attainment	—
Sulfur dioxide	attainment	—
Lead	attainment	—

(USEPA, 2020; 40 CFR 93.153)

Note: These pollutants and emissions rates are applicable to this analysis because the project site is within the following:

(1) a marginal ozone nonattainment area, so ozone precursors—volatile organic compounds and nitrogen oxides—are applicable; (2) a moderate PM_{2.5} nonattainment area, so direct PM_{2.5} emissions and PM_{2.5} precursors—sulfur dioxide, as well as volatile organic compounds and nitrogen oxides—are applicable; and a carbon monoxide maintenance area, so direct carbon monoxide emissions are applicable. Criteria pollutants for which the area is in attainment do not have applicable *de minimis* thresholds unless that pollutant is a precursor for a pollutant that is in nonattainment or maintenance.

Key: PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less.

Project Description

VA's Proposed Action is to construct a 35,000-square-foot CBOC on an approximate 7.9-acre lot in Fremont, California, within Alameda County. An emergency generator to serve the CBOC would be located on-site. Parking would also be provided for medical and administrative staff and visitors. Construction is anticipated to last approximately three years beginning in fall 2021.

Under the No Action Alternative, VA would not construct the CBOC in Alameda County. Veterans would continue to use the current Fremont CBOC until the lease expires in 2022. The current Fremont CBOC is located at 39199 Liberty Street, Fremont, California, which is approximately three miles northwest of the project site. If the proposed CBOC is not constructed, VA would also continue to operate the Livermore VA Medical Center, and resources would be used to maintain its aging infrastructure. Veterans would continue to travel within the region to access services, as needed, which requires some patients to travel to the VA Palo Alto Division hospital. Finally, as the owner of the property at 4100–4149 Technology Drive, Fremont, VA would continue to mow and maintain the project site, as needed.

Federal Requirements

Section 176(c) of the Clean Air Act, as amended, requires federal agencies to ensure that actions undertaken in nonattainment or maintenance areas are consistent with the Clean Air Act and with federally enforceable air quality management plans. The Clean Air Act places responsibility on individual states to achieve and maintain the NAAQS through USEPA-approved SIPs.

Under the General Conformity Rule (40 CFR part 93), emissions of criteria pollutants and their precursors that are associated with a project that is in a nonattainment or maintenance area for a given pollutant must be below *de minimis* emission rates for that pollutant to be exempt from a formal conformity determination. The federal *de minimis* rates for the NAAQS pollutants of concern are listed in Table B-1. Projects that contribute less than these amounts and have no other conformity requirements are exempt from the General Conformity Rule. Proposed actions that exceed the pollutant federal *de minimis* threshold in any given year must undergo a detailed analysis, and a formal conformity determination is required. Finally, mitigation would be required if the detailed analysis indicates an exceedance of the federal *de minimis* levels for any of the pollutants of concern.

Methodology

In accordance with 40 CFR part 93, subpart B, the incremental increase in emissions above the existing conditions has been considered and includes reasonably foreseeable direct and indirect emissions. The total of direct and indirect emissions from the Proposed Action has been evaluated to assess if it would exceed any of the applicable *de minimis* thresholds. Direct and indirect emissions and reasonably foreseeable emissions are defined in the following paragraphs. Emissions are caused by the federal action if they would otherwise not occur in the absence of the federal action.

Reasonably foreseeable direct and indirect emissions can be estimated based on acceptable techniques using assumptions about the type and quantity of equipment to be used.

- Direct emissions: Direct emissions are caused by the action itself, such as the reasonably foreseeable “tailpipe” emissions from the construction of a facility on government property.
- Indirect emissions: Those emissions that are caused by the federal action, but that may occur later in time and/or may be farther removed in distance from the federal action itself but are still reasonably foreseeable. Typically, indirect emissions include two types: (1) emissions from mobile sources that are associated with the federal action but that are not owned or operated by the federal agency (e.g., employee vehicles, delivery trucks); and (2) emissions from the actions of private entities under a federal lease, permit, or approval.

Emissions resulting from the Proposed Action were estimated based on the approximate number, type, and duration of construction operations to complete the Proposed Action.

Construction Activities and Equipment

Conservative construction equipment assumptions were developed based on a review of other projects. The total emissions were estimated for the duration of construction. For the purposes of this conformity analysis, all construction activities were estimated as if they would occur in the same calendar year to demonstrate unequivocally that construction emissions would be well below *de minimis* thresholds. In reality, construction would occur over approximately three years (i.e., three to four calendar years) with varying intensities.

The emission attributes for 2020 equipment were used as the fleet year for the construction calculations, which provides a slightly conservative weighting as, generally, newer fleet vehicles would be progressively cleaner each year due to improvements in emissions standards and technologies. Emission factors for non-road equipment were estimated using composite emissions factors compiled by the South Coast Air Quality Management District (2018). Non-road diesel engine emissions were calculated as follows:

$$EP = EF \times h$$

Where

EP = emissions per pollutant in pounds

EF = Emission factor in pounds per hour, which is a composite of various horsepower engines and load factors

h = total hours operated

The total hours of equipment operations provide the basis for air emissions from construction activities; however, the specific configurations of equipment are not known at this stage of project planning. Therefore, general estimates for how many pieces and which types of equipment are needed per acre of activity were used; these estimates come from guidance by the Sacramento Metropolitan Air Quality Management District, U.S. Army Corps of Engineers, and others. These estimates are believed to be conservative in that emissions are slightly over-estimated to allow for variations in actual project implementation.

The following summarizes project inputs and equipment assumptions regarding non-road construction vehicles:

- Grading and site preparation: Includes backhoe, grader, and bulldozer operations; one piece per 10 acres of grading activity (i.e., one each as the site is less than 10 acres); each piece would be operated for 8 hours per day for 21 days per month of activity for a total of 4 months (84 days) of grading activity.
- Building construction: Includes skid steer loader, forklift, crane, and portable diesel generator operations; one piece per 10 acres of activity (i.e., one each); each piece would be operated for 8 hours per day for 21 days per month of activity for a total of 28 months (588 days) of construction.

- Parking: Includes roller and paver (one each); total paving assumed to occur over 2 months; each piece would be operated for 8 hours per day for 21 days per month of activity for a total of 2 months (42 days) for paving activities.
- Interior: Includes one air compressor; 21 days of operations would be needed for architectural coatings.
- Landscaping: Includes miscellaneous equipment for landscaping activities assumed to occur over 2 months; three pieces of equipment would be needed per 10 acres of activity (i.e., one piece each for this project); each piece would be operated for 8 hours per day for 21 days per month of activity for a total of 2 months (42 days) for landscaping activities.

On-road equipment emission factors (e.g., heavy trucks and passenger trucks) were estimated using the highest emission factors from the South Coast Air Quality Management District's EMFAC2007, version 2.3, for on-road passenger vehicles, delivery trucks, heavy-duty diesel trucks (2008a, 2008b). As with non-road emissions factors, 2020 equipment was used for all years of construction for on-road equipment. On-road engine emissions for road travel were calculated as follows:

$$E = VMT \times EF$$

Where

E = emissions per pollutant in pounds

VMT = vehicle miles traveled

EF = pollutant emission factor in pounds per mile for a given speed and vehicle type

The following summarizes project inputs and equipment assumptions regarding on-road construction vehicles:

- Construction truck trips (diesel): Conservatively, this analysis assumes that two truck trips per day would occur over 36 months (756 days of construction). It is further assumed these trucks would travel 40 miles each day. This is believed to be a conservative estimate for the heavy truck traffic that would be needed to delivery construction materials including concrete and to remove construction waste. However, actual trucks per day would depend on the phase and intensity of construction.
- Construction workers: Conservatively, it is estimated that two workers would be needed per piece of equipment for the duration of construction activities, which is approximately 22 workers per day for 36 months (756 days of construction). It is further assumed that each worker would travel 30 miles per day in a gasoline passenger truck. The numbers of workers on-site per day would vary throughout the entire construction process.

Fugitive dust emissions were estimated using empirical guidance from the Western Regional Air Partnership's Fugitive Dust Handbook (Countess Environmental, 2006). For general construction, fugitive dust was calculated as follows:

$$E = EF \times FC \times A \times D$$

Where

E = controlled emissions in tons

EF = PM₁₀ emission factor in tons per acre per month of activity

FC = fractional content for PM_{2.5}:PM₁₀

A = exposed area in acres

D = duration of area exposed in months

The average emissions factor for construction operations is 0.11 tons of PM₁₀ per acre-month. The entire project site of 7.9 acres and the entire duration of 36 months were used for the basis of this calculation to provide conservative estimates. The fractional content of PM_{2.5} to PM₁₀ is 0.1 (Countess Environmental, 2006). Earth-moving activities during the initial site preparation and grading period generate the highest amounts of fugitive dust.

Operations

Equipment operations were primarily obtained from an air quality assessment and preliminary construction planning documents prepared for this project (Cermak Peterka Petersen, Inc., 2016; HDR, 2018). Table B-2 summarizes operational equipment and assumptions associated with the proposed CBOC. The estimated daily trips for the new CBOC was taken from the transportation impact analysis prepared for this project (Crain & Associates, 2020).

Results and Conclusion

Total emissions of the proposed project were calculated for construction and operations. The emissions calculations are provided in the Air Emissions Calculations on the following pages. The total estimated emissions are provided in Table B-3. Total combined construction and operational activities would not exceed the federal *de minimis* thresholds. Individual calendar years of construction activity, as well as subsequent years of operation, would be below the *de minimis* thresholds for a marginal ozone nonattainment area, moderate PM_{2.5} nonattainment area, and carbon monoxide maintenance area. Therefore, the Proposed Action is exempt from the General Conformity Rule requirements to prepare a full conformity determination.

Table B-2. Summary of Project Components, Equipment, and Assumptions for Operation of the Fremont Community Based Outpatient Clinic

Equipment	Operational Assumptions
Emergency Generator (stationary source)	<ul style="list-style-type: none"> One 1-MW emergency diesel-fuel generators, operating 250 hours per year maximum for maintenance and during power outages.
Facility Boilers (stationary source)	<ul style="list-style-type: none"> Boilers would operate during each working day (i.e., Monday through Friday, 10:00 AM to 6:00 PM, which is 2,500 hours per year). Operations were estimated for two boilers, 1.5 MMBtu each, natural-gas-fired/low-NO_x burners.
Water Heaters (stationary source)	<ul style="list-style-type: none"> Water heaters would operate during each working day (i.e., Monday through Friday, 10:00 AM to 6:00 PM, which is 2,500 hours per year). Operations were estimated for three heaters, 1.5 MMBtu each, natural-gas-fired/low-NO_x burners.
Patients, Staff, and Visitors (mobile source)	<ul style="list-style-type: none"> Around 609 people (workers, Veterans) would access the Fremont CBOC each day, 250 days per year.¹ Veterans (and staff) would travel no more than 20 miles each way (40 miles roundtrip) to access the Fremont CBOC. Passenger trucks (<8,500 pounds) would make up this fleet.
Deliveries (mobile source)	<ul style="list-style-type: none"> Total of two deliveries would occur each day, 250 days per year. Mileage is estimated to be 20 miles roundtrip. Delivery trucks (>8,500 pounds) would make up this fleet.

(Cermak Peterka Petersen, Inc., 2016; HDR, 2018; Crain & Associates., 2020)

Key: CBOC = Community Based Outpatient Clinic; MMBtu = million British thermal units; MW = megawatt; NO_x = nitrogen oxide.

Note: ¹ The approximate number of daily trips is based on the Institute of Transportation Engineers' empirical trip generation rates per thousand square feet of medical-dental facility space—34.80 trips per 1,000 square feet, or a total of 1,218 daily trips. To estimate daily personnel and visitors, the number used for air quality is half of this trip generation as one trip for transportation is the arrival and the subsequent departure of that car.

Table B-3. Estimated Annual Emissions Compared to *de minimis* Thresholds

Proposed Activity	VOC (tpy)	CO (tpy)	NO _x (tpy)	SO ₂ (tpy)	PM _{2.5} (tpy)
<i>de minimis</i> threshold	100	100	100	100	100
Total Construction Emissions (all years, combined)	0.79	4.97	4.87	0.014	3.33
Total Operations (mobile and stationary sources)	1.70	15.13	3.90	1.40	0.37
Total (maximum impact, construction + operations)	2.49	20.10	8.77	1.41	3.71
Exceeds <i>de minimis</i>?	no	no	no	no	no

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM_{2.5} = fine particulate matter less than or equal to 2.5 micrometers; tpy = tons per year.

Air Emissions Calculations

Section A. Total Emissions Summary

Proposed Activity	VOC (tpy)	CO (tpy)	NO _x (tpy)	SO ₂ (tpy)	PM ₁₀ (tpy)	PM _{2.5} (tpy)	CO _{2e} (tpy)
Total Construction: Non-road	0.63	3.71	4.39	0.01	0.19	0.17	918
Total Construction: On-road	0.16	1.26	0.48	0.004	0.04	0.03	401
Total Construction: Fugitive	—	—	—	—	31.28	3.13	—
Total Construction	0.79	4.97	4.87	0.01	31.51	3.33	1,319
Operations: Mobile Sources	1.53	13.44	1.26	0.03	0.27	0.18	3,367
Operations: Stationary Sources	0.17	1.69	2.64	1.37	0.19	0.19	1,297
Total Annual Operations	1.70	15.13	3.90	1.40	0.46	0.37	4,664
Total Combined Construction and Operations Emissions	2.49	20.10	8.77	1.41	31.97	3.71	5,983

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO_{2e} = carbon dioxide equivalents; tpy = tons per year.

Section B. Construction Phase: Non-road Equipment

Non-road Emission Factors and Total Hours (for all years of construction), Fleet Year 2020

Equipment	Total Hours	ROG (lb/hr)	CO (lb/hr)	NO _x (lb/hr)	SO _x (lb/hr)	PM (lb/hr)	CO ₂ (lb/hr)	CH ₄ (lb/hr)
Site prep, grading								
Backhoe	672	0.043	0.361	0.274	0.0007	0.013	66	0.003
Grader	672	0.091	0.576	0.582	0.0014	0.028	132	0.008
Bulldozer	672	0.211	0.8	1.577	0.0024	0.063	239	0.019
Construction								
Skid Steer Loader	4,704	0.043	0.361	0.274	0.0007	0.013	66	0.003
Forklift	4,704	0.032	0.216	0.169	0.0006	0.007	54	0.002
Crane	4,704	0.089	0.391	0.661	0.0013	0.025	128	0.008
Diesel Generator	4,704	0.039	0.273	0.323	0.0006	0.014	60	0.003
Paving								
Roller	336	0.058	0.383	0.379	0.0007	0.023	67	0.005
Paving	336	0.075	0.408	0.48	0.0007	0.031	68	0.006
Interior								
Air compressor	168	0.026	0.169	0.186	0.0003	0.009	34	0.002
Landscaping								
Misc. Equipment	336	0.056	0.35	0.351	0.0012	0.013	122	0.005

(South Coast Air Quality Management District, 2018)

Key: ROG = reactive organic gas (=VOC/volatile organic compound); CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; CO₂ = carbon dioxide; CH₄ = methane; lb = pounds; hr = hour.

Non-road Equipment Calculations = Total Operating Hours × Emissions Factor, convert pounds to tons

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Total Non-road Construction	0.63	3.71	4.39	0.01	0.19	0.17	918

Notes: ROG = VOC; PM is assumed to be PM₁₀; the PM_{2.5} fraction of PM₁₀ is 92 percent; CO_{2e} = CO₂ + (CH₄ × 25).

Key: ROG = reactive organic gas; VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; CH₄ = methane; CO_{2e} = carbon dioxide equivalents.

Example Calculation: Non-road NO_x (tons) = {[672 hours × (0.274 + 0.582 + 1.577 lb/hr)] + [4,704 hours × (0.274 + 0.169 + 0.661 + 0.323 lb/hr)] + [336 hours × (0.379 + 0.48 lb/hr)] + [168 hours × 0.186 lb/hr] + [336 hours × 0.351 lb/hr]} ÷ 2,000 lb/ton = 4.39 tons NO_x.

Section C. Construction Phase: On-road Equipment

On-road Emission Factors and Total Vehicle Miles Traveled (for all years of construction), Fleet Year 2020

Equipment	Vehicle Miles Traveled	ROG (lb/mi)	CO (lb/mi)	NO _x (lb/mi)	SO _x (lb/mi)	PM ₁₀ (lb/mi)	PM _{2.5} (lb/mi)	CO ₂ (lb/mi)	CH ₄ (lb/mi)
Heavy Trucks	60,480	0.0011	0.0053	0.0127	0.00003	0.00064	0.00005	4.2	0.00005
Passenger Trucks	498,960	0.0005	0.0044	0.0004	0.00001	0.00009	0.00006	1.1	0.00004

(South Coast Air Quality Management District, 2008a, 2008b)

Key: ROG = reactive organic gas (=VOC/volatile organic compound); CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; CO₂ = carbon dioxide; CH₄ = methane; lb = pounds; mi = mile.

On-road Equipment Calculations = Total Vehicle Miles Traveled × Emissions Factor, convert pounds to tons

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Total On-road Construction	0.16	1.26	0.48	0.004	0.04	0.03	401

Notes: ROG = VOC; PM is assumed to be PM₁₀; the PM_{2.5} fraction of PM₁₀ is 92 percent; CO_{2e} = CO₂ + (CH₄ × 25).

Key: ROG = reactive organic gas; VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; CH₄ = methane; CO_{2e} = carbon dioxide equivalents.

Example Calculation: On-road NO_x (tons) = [(60,480 mi × 0.0127 lb/mi) + (498,960 mi × 0.0004 lb/mi)] ÷ 2,000 lb/ton = 0.48 tons NO_x.

Section D. Controlled Fugitive Dust

General Construction

PM ₁₀ Emissions Factor	0.11 tons/acre/month of activity
PM _{2.5} :PM ₁₀ Ratio	0.1
Exposed Area	7.9 acres
Duration Exposed	36 months

Fugitive Dust (general construction) = emissions factor × fractional content × project size × duration

Project Activity	PM ₁₀ (tons)	PM _{2.5} (tons)
Total Construction Fugitive Dust	31.28	3.13

(Countess Environmental, 2006)

Key: PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less.

Example Calculation: Fugitive Dust PM₁₀ (tons) = 0.11 tons/acre/month × 7.9 acres × 36 months = 31.28 tons.

Section E. Operations

Mobile Source Emission Factors and Total Vehicle Miles Traveled per Year, Fleet Year 2020

Equipment	Vehicle Miles Traveled	ROG (lb/mi)	CO (lb/mi)	NO _x (lb/mi)	SO _x (lb/mi)	PM ₁₀ (lb/mi)	PM _{2.5} (lb/mi)	CO ₂ (lb/mi)	CH ₄ (lb/mi)
Delivery Trucks	10,000	0.0012	0.0079	0.0083	0.00002	0.00035	0.00027	2.8	0.00005
Passenger Trucks	6,090,000	0.0005	0.0044	0.0004	0.00001	0.00009	0.00006	1.1	0.00004

(South Coast Air Quality Management District, 2008a, 2008b)

Key: ROG = reactive organic gas (=VOC/volatile organic compound); CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; CO₂ = carbon dioxide; CH₄ = methane; lb = pounds; mi = mile.

Mobile Source Calculations = Total Vehicle Miles Traveled × Emissions Factor, convert pounds to tons

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Total Mobile Sources from Operations	1.53	13.44	1.26	0.03	0.27	0.18	3,367

Notes: ROG = VOC; PM is assumed to be PM₁₀; the PM_{2.5} fraction of PM₁₀ is 92 percent; CO_{2e} = CO₂ + (CH₄ × 25).

Key: ROG = reactive organic gas; VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM = particulate matter; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; CH₄ = methane; CO_{2e} = carbon dioxide equivalents.

Example Calculation: Mobile Source NO_x (tons) = [(10,400 miles × 0.0083 lb/mi) + (6,090,000 × 0.0004 lb/mi)] ÷ 2,000 lb/ton = 1.26 tons NO_x.

Stationary Source Emission Factors and Annual Hours of Operation for Emergency Generators

Equipment	No.	Size (MW)	Hours	TOC/VOC (lb/hp-hr)	CO (lb/hp-hr)	NO _x (lb/hp-hr)	SO ₂ (lb/hp-hr)	PM ₁₀ (lb/hp-hr)	PM _{2.5} (lb/hp-hr)	CO ₂ (lb/hp-hr)
Emergency Generator	1	1	250	0.000705	0.0055	0.013	0.00809	0.0007	0.0007	1.16

(USEPA, 2011)

Key: TOC = total organic carbon (TOC=VOC/volatile organic compound); CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; lb = pounds; hp = horsepower; hr = hour.

Emergency Generator Calculations = Emissions Factor (in pounds per horsepower-hour) × power output (in megawatts) × annual operating hours × no. units; convert horsepower to megawatts and pounds to tons

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Emergency Generators Annual Operations	0.12	0.92	2.18	1.36	0.12	0.12	194

Notes: TOC = VOC; CO_{2e} = CO₂.

Key: TOC = total organic carbon; VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; CO_{2e} = carbon dioxide equivalents.

Example Calculation:

Generator NO_x (tons) = 0.013 lb/hp-hr × 1 MW × 250 hr/year × 1 unit ÷ 2,000 lb/ton ÷ 0.0007457 MW/hp = 2.18 tons NO_x.

Stationary Source Emission Factors and Annual Hours of Operation for Natural-Gas Fired Equipment

Equipment	No.	Size (MMBtu)	Hr	TOC/VOC (lb/MMscf)	CO (lb/MMscf)	NO _x (lb/MMscf)	SO ₂ (lb/MMscf)	PM ₁₀ (lb/MMscf)	PM _{2.5} (lb/MMscf)	CO ₂ (lb/MMscf)
Boilers	2	1.5	2,500	5.5	84	50	0.6	7.6	7.6	120,000
Water Heaters	3	1.5	2,500	5.5	84	50	0.6	7.6	7.6	120,000

(USEPA, 2014)

Key: TOC = total organic carbon (TOC=VOC/volatile organic compound); CO = carbon monoxide; NO_x = nitrogen oxides;

SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; MMBtu = million British thermal units; hr = hour;

lb = pounds; MMscf = million standard cubic feet.

Natural-Gas Fired Equipment Calculations = Emissions Factor (in pounds per million standard cubic feet) × power output (in million British thermal units) × annual operating hours × no. units; standard cubic feet to British thermal units and convert pounds to tons

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Boilers Annual Operations	0.02	0.31	0.18	0.002	0.03	0.03	441
Water Heaters Annual Operations	0.03	0.46	0.28	0.003	0.04	0.04	662

Notes: TOC = VOC; CO_{2e} = CO₂.

Key: TOC = total organic carbon; VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO_x = sulfur oxides; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO₂ = carbon dioxide; CO_{2e} = carbon dioxide equivalents.

Example Calculation:

Boilers NO_x (tons) = 50 lb/MMscf × 1.5 MMBtu/hr × 2,500 hr/yr × 2 units ÷ 2,000 lb/ton ÷ 1,020 Btu/scf = 0.18 tons NO_x.

Total Stationary Source Operations Emissions

Proposed Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO _x (tons)	PM ₁₀ (tons)	PM _{2.5} (tons)	CO _{2e} (tons)
Total Stationary Sources	0.17	1.69	2.64	1.37	0.19	0.19	1,297

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM₁₀ = suspended particulate matter with a diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with a diameter of 2.5 micrometers or less; CO_{2e} = carbon dioxide equivalents.

Section F: Operational Greenhouse Gas Emissions

Greenhouse gas emissions are not a component of determining federal conformity, but as the Bay Area Air Quality Management District has guidance for operational greenhouse gas emissions, this section summarizes the calculations used in estimating the Proposed Action's operational greenhouse gas emissions.

Project-level greenhouse gas thresholds for the San Francisco Bay Area Air Basin are as follows (BAAQMD, 2017):

- 10,000 metric tons of carbon dioxide equivalents per year from stationary sources
- 1,100 metric tons of carbon dioxide equivalents per year from other than stationary sources

Estimates of operational carbon dioxide equivalents emitted in tons are shown beginning on page B-12, and included below, with conversions to metric tons.

Source	Tons CO ₂ e	Metric Tons CO ₂ e
Total Stationary Sources	1,297	1,177
Exceeds Threshold of 10,000 metric tons?	No	
Other than Stationary Sources	3,367	3,054
Exceeds Threshold of 1,100 metric tons?	Yes	

Key: CO₂e = carbon dioxide equivalents.

Note: 1 metric ton = 1.102 tons.

Total stationary sources do not exceed the threshold of 10,000 metric tons but other sources do exceed the threshold of 1,100 metric tons.

General Conformity Rule Record of Non-Applicability (RONA) for Clean Air Act Conformity

Action Proponent: U.S. Department of Veterans Affairs (VA)

Proposed Action Name: Supplemental Environmental Assessment (SEA) for the Proposed Community Based Outpatient Clinic (CBOC)

Location: Alameda County, California

Construction Date: 2021 (to last approximately three years)

Point of Contact: Mr. Glenn Elliott, Environmental Engineer
Office of Construction and Facilities Management (CFM)
425 I Street, NE
Washington, DC 20001
glenn.elliott@va.gov

Proposed Action Summary: The Proposed Action, which includes constructing and operating a CBOC and associated infrastructure in Fremont, California, is subject to the General Conformity Rule. VA prepared an EA and signed a Finding of No Significant Impact (FONSI) that led to the site selection and eventual purchase of the property at 4100–4149 Technology Drive, Fremont, California (the project site). That EA is more than five years old, so the results of that analysis, including associated traffic impacts on other resources, are being considered in this SEA.

The Clean Air Act requires federal actions in air pollutant nonattainment or maintenance areas to conform to the applicable State Implementation Plan. The State Implementation Plan is designed to achieve or maintain an attainment designation of air pollutants as defined by the National Ambient Air Quality Standards. The regulations governing this requirement are found in 40 Code of Federal Regulations part 93, also known as the “General Conformity Rule.” The threshold (*de minimis*) emission rates have been established for federal actions with the potential to have significant air quality impacts. A project/action in an area designated as nonattainment or maintenance and exceeding the *de minimis* rates must have a general conformity determination prepared to address significant impacts.

The project site is within the San Francisco Bay Area Air Basin. Alameda County is designated as a marginal ozone nonattainment area, a moderate fine particulate matter less than or equal to 2.5 micrometers (PM_{2.5}) nonattainment area, and a carbon monoxide maintenance area. It is unclassified or in attainment for all other criteria pollutants. Thus, the *de minimis* thresholds for ozone (i.e., ozone precursor pollutants nitrogen oxides and volatile organic compounds, PM_{2.5} (i.e., direct PM_{2.5} emissions and precursors including sulfur dioxide), and carbon monoxide all apply.

Air Emissions Summary: VA proposes to construct the proposed CBOC and associated parking and infrastructure at the project site in Fremont, California. Construction is anticipated to last approximately three years, beginning in 2021 (VA, 2017). The CBOC would also include an emergency generator, boilers for heating, and water heaters. The proposed CBOC would replace an existing CBOC three miles away from the project site. A conservative total of approximately 609 personnel, including workers and patients, would access the new CBOC each day; many of the Veterans that would seek care at the new CBOC are currently driving within the San Francisco Bay Area Air Basin to access other VA medical centers.

Based on the maximum emission estimates, identified in the table below to include all construction occurring in one year as well as a full year of operations, a general conformity determination is not required because the total estimated direct and indirect emissions for the Proposed Action are below the *de minimis* thresholds for each year of activity.

Estimated Construction and Operations Emissions Compared to *de minimis* Thresholds

Project Activity	VOC (tons)	CO (tons)	NO _x (tons)	SO ₂ (tons)	PM _{2.5} (tons)
Total Construction Emissions (all years, combined)	0.79	4.97	4.87	0.014	3.33
Total Operations	1.70	15.13	3.90	1.40	0.37
Total (maximum impact, construction + operations)	2.49	20.10	8.77	1.41	3.71
<i>de minimis</i> thresholds	100	100	100	100	100
Exceeds <i>de minimis</i>?	no	no	no	no	no

Key: VOC = volatile organic compound; CO = carbon monoxide; NO_x = nitrogen oxides; SO₂ = sulfur dioxide; PM_{2.5} = fine particulate matter less than or equal to 2.5 micrometers.

Supporting documentation and emissions estimates can be found in the SEA in Section 3.1, Air Quality, and the Air Quality Conformity Applicability Analysis and Air Emissions Calculations in Appendix B.

Date RONA Prepared: October 2020

RONA Prepared by: U.S. Department of Veterans Affairs

RONA Approval

Name
Title
Agency

Date

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