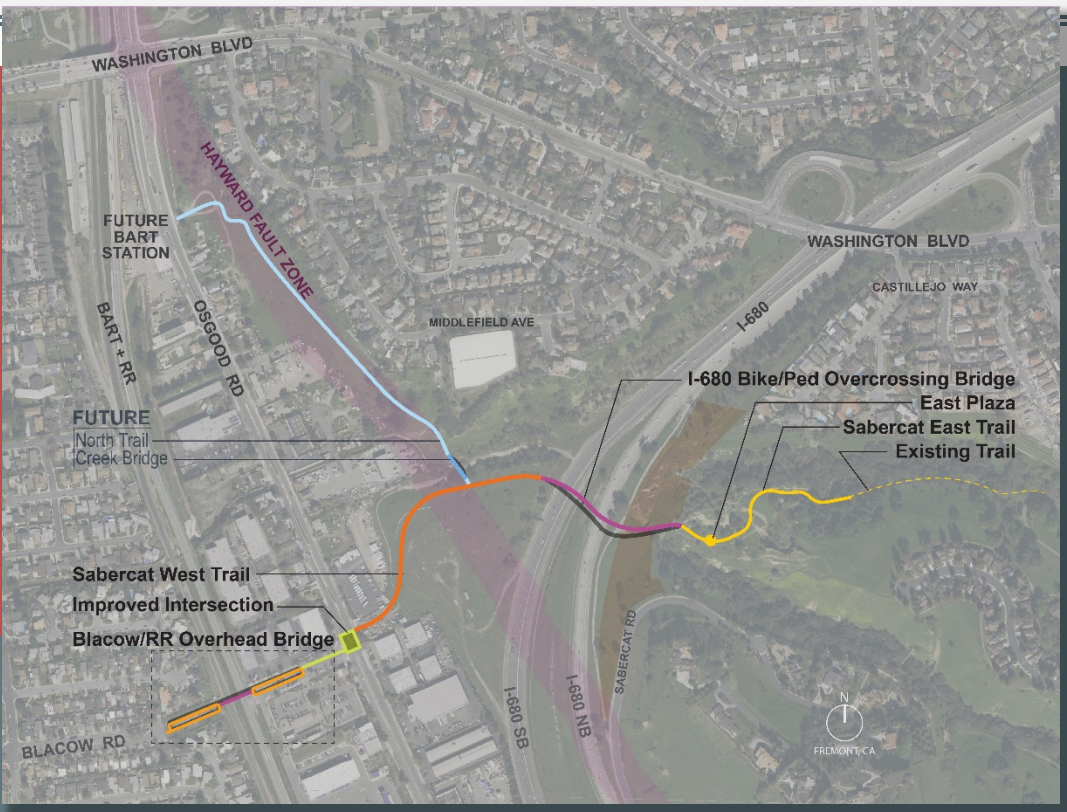
Initial Study/Mitigated Negative Declaration

Sabercat Trail Extension Project

A Class I pedestrian and bicycle trail with crossings over UPRR, BART, Interstate-680 (I-680), and Sabercat Creek

Fremont, California
January 2022



Prepared For:

CITY OF Fremont

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CITY of FREMONT INITIAL STUDY

INTRODUCTION

Project Title:	Sabercat Trail Extension Project
Lead Agency Name and Address:	Fremont Public Works Engineering Division 39550 Liberty Street Fremont, CA 94538
Contact Person and Phone Number:	Wayland Li, Principal Planner Phone: (510) 494-4453 Email: wli@fremont.gov
Project Location:	Blacow Road, Osgood Road, I-680 to Sabercat Historical Park Portion of APNs (6): 525-336-7-16, 525-375-3-5, 525-345-32-14, 525-345-1-4, 525-336-2-3, 525-336-6-8
Project Sponsor's Name and Address:	Fremont Public Works Engineering Division 39550 Liberty Street Fremont, CA 94538 c/o Jeanne Suyeishi, Senior Engineer Phone: (510) 494-4728 Email: sabercatProject@fremont.gov
General Plan Designation:	Open Space, Public Facilities, Low Density Residential (2.3 – 6.7 dwelling units), and Urban Residential (30 – 70+ dwelling units)
Zoning:	R-1-6 (SF Residential), R-1-8 (SF Residential), R-3-70 (MF Residential), IS (Industrial Service), PF (Public Facilities), and OS (Open Space)

Project Overview:

The City of Fremont, California (City), in cooperation with the California Department of Transportation (Caltrans), is proposing to extend the existing Sabercat Creek Trail in Sabercat Historical Park east of Interstate-680 (I-680) into the City's Irvington District neighborhood. The proposed Project includes grade-separated crossings over the Union Pacific Railroad and Bay Area Rapid Transit rail corridor (UPRR/BART rail corridor) and I-680 for a distance of approximately 0.9-mile. This Class I bicycle and pedestrian trail would also include an approximate 0.4-mile northerly trail extension to the future Irvington BART station near the intersection of Washington Boulevard and Osgood Road. This portion of the trail would take advantage of undeveloped property east of Osgood Road. The Project would improve pedestrian and bicycle access to both the future Irvington BART station and Ohlone College east of Sabercat Historical Park. The Project Vicinity is shown in Figure 1.

PROJECT LOCATION

The Project site is located in the City of Fremont in the communities of Irvington and Mission San Jose south of Washington Boulevard and north of Auto Mall Parkway. It generally begins on Blacow Road crossing the UPRR/BART rail corridor, Osgood Road, the I-680 freeway and terminates when it joins the existing Sabercat Creek trail within the Sabercat Historical Park. The surrounding areas are associated with residential, industrial, commercial, and open space uses along with the I-680 corridor. Sabercat Historical Park is a 98-acre park that was the site of the former Bell Quarry where numerous paleontological discoveries were made in the 1940s. Within the I-680 right-of-way is the Caltrans spoils mound, which has been used, and continues to be used, to stockpile and excavate soils for Caltrans-related projects. To the immediate north of Sabercat Historical Park and continuing to the north of the stockpile is Sabercat Creek. To the east of I-680, and within the Caltrans right-of-way, the Caltrans Sabercat Creek Mitigation Site. Both Sabercat Creek and Mammoth Creek join within the mitigation site before crossing westward under I-680 in a culvert. A portion of the Project site includes a portion of the Hayward Fault. The future Irvington BART Station is located in the north terminus of the Project area.

Project Key Terms and Definitions

Structure: a general term for any transportation facility that is not at same elevation as the current ground.

Overcrossing: A structure carrying a road/trail over a transportation corridor.

Overhead: A structure carrying a road/trail over a railroad.

Bridge: A structure carrying a road/trail over a body of water, stream or canyon.

At-grade: A trail design to be at the same elevation as the ground or adjacent roadway.

Grade separation: A structure carrying a road/trail over or under another roadway.

Trail: A paved bicycle route that includes pedestrians and other non-motorized vehicles.

Class I bicycle and pedestrian shared-use trails: A physically separated from motor vehicle traffic and are intended for use by pedestrians, bicyclists, and other non-motorized users. These trails encourage active transportation which in-turn encourage healthy choices for its community members.

Abutment: Supports at either end of a bridge, overpass, or overhead structure.

Piles: Structural foundation elements providing support from below ground.

PROJECT DESCRIPTION

The Sabercat Trail Extension Project (Project) would construct an approximate 1.3-mile Class I bicycle and pedestrian trail as an extension of the Sabercat Creek Trail currently located in Sabercat Historical Park. The Project proposes developing an approximate 0.9-mile Class I trail from the existing Blacow Road, east of Roberts Avenue and west of the UPRR/BART rail corridor eastward to the existing paved trail within Sabercat Historical Park, which lies east of I-680, as well as extending north to the future Irvington BART station. Structures would provide grade-separated crossings of the UPRR/BART rail corridor and I-680. The approximate 0.4-mile north section of the trail would extend north from proposed I-680 overcrossing, cross Sabercat Creek on a pre-fabricated bridge and terminate in the vicinity of a planned signalized crossing on Osgood Road as part of the planned mid-block access to the Irvington BART station. Figure 2 illustrates the proposed Project and the Project sections.

The proposed trail would occupy an overall width of approximately 14 to 16 feet, consisting of a paved surface of 10 feet to 12 feet with graded safety shoulders of 2 feet on either side. Some areas would require drainage swales, retaining walls or cut and fill slopes which would expand the area needed. The typical trail cross sections are shown in Figure 3 and the parcels that would be impacted are shown in Figure 4. Over the total length of the proposed Project, the trail would either require easements or partial property acquisitions from four private properties (one residential and three industrial/commercial) and two parcels owned by BART. The trail would be paved with either asphalt or reinforced concrete supported on compacted base material. Lighting may be needed in portions of the trail for safety purposes. Where lighting is proposed, it would be shielded to avoid overflowing onto grounds outside the trail and/or bridge structures consistent with the City of Fremont Citywide Design Guidelines (Fremont 2017).

The proposed Project incorporates aesthetic treatments on the bridge structures and trail which have been vetted through three public meetings. Input on the aesthetics have emphasized the integration with the natural rolling hill terrain and reference to the important paleontological resources discovered near the I-680 Overcrossing site. Aesthetic treatment considerations for the proposed bridge, supports, and walls include texture, color and/or patterning to reduce visual impacts, glare, and potential for graffiti. The aesthetic details continue to be refined

throughout the preliminary and final design phases. Bridge safety fencing includes maximizing visual transparency. The proposed Project also incorporates Crime Prevention through Environmental Design (CPTED) measures which includes use of landscaping and lighting on trails which help to maintain proper use of trail, reduce potential for incidents and improve users' feeling of safety.

Blacow Road to Osgood Road Trail and UPRR/BART Overcrossing

The proposed Project begins at the Blacow Road turnaround east of Roberts Avenue and west of the UPRR/BART rail corridor with a paved entry plaza adjoining Blacow Road. An overhead crossing of the rail corridor is proposed to be a prefabricated steel truss structure with a clearance of 25 feet above the rail elevation supported by concrete abutments with ramps to meet roadway grade on either side of the rail corridor. The intersection geometry at Osgood Road/Blacow Road intersection would be modified to include protected intersection design elements within the existing public right-of-way for safe pedestrian and bicycle crossing along the west side of the intersection. The existing traffic signal would be modified to facilitate the new intersection geometry, as well as incorporate video detection technology and Americans with Disability Act (ADA) accessible push button detection for all trail users.

Because the UPRR/BART overcrossing structure adds new elements into a previously undeveloped area and elevated elements for UPRR/BART railroad crossing, the following aesthetic treatments would be included as part of the proposed Project's design*:*

- The fence will be replaced with a concrete modular units (CMU) wall of up to 8 feet tall. The CMU will be enhanced with color and texture.
- Within one year of completing the overhead crossing structure, plant fast growing evergreen tree species using 15-gallon containers minimum and should be irrigated using a permanent, automatically controlled system installed below grade. The trees will be planted along the north and south sides of the lot to provide further privacy screening to residences on Blacow Road, Gage Court, and/or Howe Court.
- Aesthetic screening treatments will be incorporated into overcrossing fencing to minimize the intrusion into adjacent residences however, the fencing will maximize transparency from the street view for security purposes.
- Further, landscaping in the empty lot will maintain visibility, be low maintenance plantings that do not invite vagrants or attract litter. These plantings may consist of grasses and other low plantings with thorns and/or tufted growth forms. The entry plaza will be designed to emphasize continual movement and connection to the existing trail via the median planting on Blacow Road (as opposed to the sidewalks in front of the homes).

Osgood Road to Sabercat Historical Park

The portion from Osgood Road eastward to the Sabercat Historical Park is identified as part of Phase 1 for the air quality analysis purposes (Section 1.3). The trail would require encroachment on a portion of the I-680 right-of-way and connect to Sabercat Historical Park owned by the City of Fremont. The majority of these lands are undeveloped except for one private property occupied by AMG Pipeline which would require partial property acquisition. From Osgood Road, the trail would cross the AMG Pipeline property to access I-680 right-of-way. The I-680 right-of-way area to the east of the AMG Pipeline property is currently being used by Caltrans to stockpile soils taken from I-680 construction and other Caltrans projects and as needed, use the borrows for use on Caltrans projects. The stockpile soil is located approximately 50 to 60 feet above Osgood Road. The trail would extend northward around the mound, then east along, but just outside of the Sabercat Creek riparian corridor and adjoin with the west landing of the proposed I-680 Overcrossing bridge. The trail would travel over the Hayward fault and Alquist Priolo zone which traverses diagonally across this property. Caltrans intends on continuing to make deposits in the I-680 spoils mounds. To buffer the trail users from the dust and views of the soil deposits on the 'mound', the area between the trial and the spoils area will be seeded with drought, native plants.

The I-680 Overcrossing bridge would cross the freeway to join with Sabercat Historical Park. The trail proceeds east to a proposed interpretative plaza and continues east to connect with the existing Sabercat trail within Sabercat Historical Park at the eastern Project terminus. The overcrossing structure is anticipated to be a multi-span structure crossing with a height of approximately 40 to 50 feet above the south- and northbound traffic lanes. The

overcrossing bridge would have a minimum deck width of 14 feet and potentially up to 16 feet. Supports for the overcrossing would be located outside the limits of the ultimate I-680 shoulders and the clear recovery zone (an unobstructed and relatively flat area beyond the edge of travel that allows a motorist to recover control of his vehicle in a run-off-the-road incident), with a support located in the freeway median. Before the structure reaches the Sabercat Historical Park, the eastern bridge span passes over the east side of the I-680 right-of-way, where the Sabercat Creek Mitigation Site has been developed to address impacts to riparian habitat under two I-680 improvements projects completed by Caltrans over 10 years ago. The Sabercat Creek Mitigation Site is approximately 5.6 acres and is located north of the proposed Project. The overcrossing bridge is designed to avoid or minimize impacts to Sabercat/Mammoth Creeks, the Caltrans Sabercat Creek Mitigation Site, and existing drainages, stormwater and wastewater facilities on the east side of I-680. The I-680 Overcrossing bridge's east landing, abutment and interpretative plaza area would be located within the western portion of City-owned Sabercat Historical Park consistent with the City's intentions for this undeveloped portion of the park lands. Inside Sabercat Historical Park, where the trail requires cut and fill and removed existing vegetation, replacement trees consistent with the FMC Chapter 18.215, Tree Preservation (see Project Construction Section for more detail) as well as seeded with native seeds for disturbed soil areas.

North Trail from the West Landing of the I-680 Overcrossing to BART

A third and future trail section would extend approximately 0.4-miles north to provide a connection from the future Irvington BART station to the west landing of the I-680 Overcrossing with destinations extending east or west. The north terminus would connect to Osgood Road approximately 800 feet south of the Washington Boulevard intersection and at the approximate location of the future Irvington BART station signalized pedestrian crossing. The north section of the trail would progress from a path intersection at the spoils mount within the I-680 right-of-way and continue north, over Sabercat Creek within undeveloped lands located behind development fronting Osgood Road. The undeveloped portion of these parcels are likely unbuildable due to the steep slopes and known presence of the Hayward Fault. The trail would include a bridge crossing of Sabercat Creek to reach the east-west portion of the Sabercat Trail Extension. The bridge would be located outside the fault zone, span above the 100-year floodplain and avoid natural vegetation to the extent possible. The bridge abutments would be placed outside the creek channel.

Project Construction

Construction activities would typically occur during the work week, Monday through Friday, between 7:00 a.m. and 4:00 p.m. Construction activities outside of these hours, if necessary, would comply with Fremont Municipal Code (FMC) requirements.

Construction activities would comply with the requirements in FMC Chapter 18.218, Standard Development Requirements to Address Resource Protection, which includes direction on managing on air quality, endangered species, cultural and tribal resources, geology and soils, hazardous materials, and noise. Sections 1.3 (Air Quality), 1.4 (Biological Resources), 1.5 (Cultural Resources), 1.13 (Noise), and 1.18 (Tribal Cultural Resources) during construction and measures including the pertinent details that would be implemented as part of the proposed Project.

A Construction Management Plan (CMP) would be developed consistent with the requirements in FMC Section 18.218.050 and approved by the City of Fremont and Caltrans and would include the measures to minimize potential construction impacts including but not limited to dust control, construction emissions, construction traffic control, storm water pollution prevention, noise control, and cultural and tribal resource management as applicable. The CMP would include a section on the worker training to increase awareness for archaeological resources, tribal resources, paleontological resources, and biological resources prior to beginning construction activities. In addition, the CMP would include directions on managing construction activities in the natural areas including limiting the construction footprint to the smallest area possible and avoiding nighttime construction and if required restricting the use of artificial lighting to the area under construction to the extent practicable. Specific measures in the CMP with regards to the natural areas would include the following:

- Use of Construction Vehicles. Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.
- Conducting Worker Awareness Training. The City or its designee will provide training to construction personnel on the importance of protecting sensitive natural resources (i.e., listed species and designated critical and/or suitable habitat for listed species). Training will focus on recognizing special-status species and the construction scenarios where they might be encountered (e.g., grubbing, grading, trenching, excavating). Training will be conducted during preconstruction meetings so that construction personnel are aware of their responsibilities and the importance of compliance. All trainees will be required to sign a sheet indicating their attendance and completion of environmental training.
- No pets would be allowed in construction areas in order to prevent harassment, injury, or mortality of protected species.
- Collection and Disposal of Food Related Trash. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a day from the work area.
- Avoid Monofilament Erosion Control. Plastic monofilament netting (erosion control matting) or similar material will not be used for the project because Alameda whipsnakes, California red-legged frogs, and California tiger salamanders may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Prevent Wildlife Entrapment. Section 10 of the Endangered Species Act (ESA) generally prohibits the unauthorized take, which is defined in the ESA as harass, harm, pursue, hunt shoot, wound, kill, trap, capture, or collect any threatened or endangered species. To prevent inadvertent entrapment of special-status species during construction, excavated holes or trenches more than one-foot deep with walls steeper than 30 degrees will be covered at the close of each working day by plywood or similar materials. Alternatively, an additional 4-foot-high vertical barrier, independent of exclusionary fences, will be used to further prevent the inadvertent entrapment of special-status species. If it is not feasible to cover an excavation or provide an additional 4-foot-high vertical barrier, independent of exclusionary fences, one or more escape ramps constructed of earth fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped listed animal is discovered, the on-site biologist will immediately place escape ramps or other appropriate structures to allow the animal to escape or the USFWS will be contacted by telephone for guidance. The USFWS will be notified of the incident by telephone and electronic mail within 48 hours.
- Listed Species Identified on Site. The federal ESA and the California ESA both have requirements that if a listed species is identified, the Resident Engineer will immediately contact the agency-approved project biologist(s) in the event that a special-status species is observed within a construction zone. The Resident Engineer will suspend construction activities within a 50-foot radius of the animal until it leaves the site voluntarily or an agency-approved protocol for removal has been established.

Construction would also comply with the applicable City of Fremont Standard Details which are generic drawings that illustrate and describe a common activity for improvements within the public right of way including Curb, Gutter, and Sidewalk; Signs, Streetlights, Utilities, Trails, and Other Miscellaneous; Traffic; and Landscape. To minimize impacts on trees, Landscaping Standard Detail (LSD) 9, Tree Protection Fencing, would be implemented. LSD-9 identifies tree protection measures that must be in place before construction including fencing around trees at the dripline identified for preservation, no storage of materials or construction vehicles within driplines/fenced areas of existing trees, and as required, includes a certified arborist approved by the City on site to monitor construction practices around tree protection during certain construction efforts.

FMC Chapter 18.215, Tree Preservation, includes requirements for tree protection which typically apply to private property but for this proposed Project would be applicable to trees within the public right-of-way to ensure tree removal and replacement is addressed consistently. Requirements of the ordinance include a tree survey for all trees greater than 6 inches diameter at breast height (DBH) for trees proposed for removal and other documents to be submitted with a Landscape Plan Submittal. The City of Fremont proposes to compensate for the removal of native

trees while receiving credit for the removal of non-native and Cal-IPC Inventory trees and will specify the details on the Landscape Plan Submittal. Tree trimming will be limited to the area needed to provide a clear work area. All tree removal, solutions for preservation, and pruning activity is to be completed under the review and approval of the City Urban Forester.

Generally, construction operations would be in the following sequence: clearing and grubbing, grading, compacted based, slab on grade, excavation and backfill, foundations and overcrossing columns, and concrete and steel structures. Typical construction equipment used during construction would be based on the construction sequence and would include backhoes, front-end loaders, dump trucks, compactors, excavators, pile drivers and pile drill rigs, concrete transit mixers, concrete pumps, concrete vibrators, and generators and compressors.

Project construction is expected to last 20 to 24 months if all Project sections are constructed as part of the same construction package, with the overall start date yet to be determined. No one area would be subject to construction effects for the entire construction duration and construction would be phased to minimize disturbance to the shortest feasible time. The I-680 Overcrossing bridge construction would have the longest construction duration and is estimated to take approximately 12 months. The Project schedule is dependent on availability of funding, regulatory approvals, and other factors and, therefore, is subject to change. Construction may occur over four phases or as few as two phases.

Construction Site Access and Staging Areas

Equipment and materials would be staged for construction within established work areas as shown on Figure 5 Staging Areas. The staging areas established for the proposed Project avoid residential areas as much as possible.

Six primary staging areas are proposed totaling approximately five and one-half acres. Heavy vehicles (i.e., haul [tractor-trailer] trucks, machinery) would primarily access the Project site via the Washington Boulevard exit from I-680 and proceed to the study area by turning south on Osgood Road to designated staging areas. Roadways used to access the construction areas would include I-680 freeway both north- and south bound lanes, Washington Boulevard, Blacow Road, Osgood Road, Roberts Avenue and on the east side, Sabercat Road and if detours are necessary, then Auto Mall Parkway as well. Construction workers would also be arriving from different directions. Travel routes for workers, soil export, and material import would be determined in consultation with the City's Public Works Department.

In addition to off-haul trips, vehicular trips would be generated by an estimated maximum of 60 construction employees at any one time. Parking for construction workers would be on-site within the staging areas. Construction workers would be restricted from on-street parking, except during non-business hours. There would be no multi-day staging of vehicles or equipment on or along existing roadways outside of designated areas.

Temporary road closures on Osgood Road and Blacow Road during the weekend or nighttime hours may be required related to the erection of signals or structures or when bringing large equipment and materials to the construction site. Depending on duration of closure at the intersection, detours are anticipated to use Fremont Boulevard. Closures of I-680 are anticipated to be needed during construction which would close the shoulders and two travel lanes of traffic in each direction. A minimum of two (2) night closures per freeway direction (four closures in total) would be required for the installation and removal of falsework, a shoring system installed to support formwork and the concrete superstructure until the structure becomes self-supporting. The freeway closures would occur during low volume periods of night traffic (typically 9pm – 5am). Detours are anticipated to use local roads including off-ramps between Washington Boulevard and Auto Mall Parkway. Allowance for the specific days and hours of closures of I-680 would be determined and approved by Caltrans Traffic Operations relying on current traffic volumes. A minimum of one (1) week advanced messaging sign notification would precede each closure.

Construction by Project Elements

Construction of the trail varies depending on whether the trail section involves an existing roadway or open ground areas. Structures are described separately. Depending on the conditions and multi-use functions, portions of the trail may be either concrete or asphalt. The typical trail cross section is shown in Figure 3. It is composed of a minimum of 8 inches of compacted aggregate base and a leveling/wearing surface consisting of either 7-inches of asphalt pavement or a 6 to 10 inches of reinforced concrete. Clearing the site would either involve removing asphalt and relocating utilities outside of the proposed trail or, where no roads currently exist, clearing would involve

removing surface soils and grading terrain to the designed slope grades. Once grading is completed, curbs and gutters, permanent drainage facilities, utility trenches and pavement base materials would be constructed. Elements such as lighting and location for trail signs and signals would follow installing trail subbase and paving.

Rail Corridor Overhead Bridge. The UPRR/BART rail corridor overhead bridge at Blacow Road would be a hybrid structure of a prefabricated steel truss spans over the railway tracks and the City maintenance access drive, flanked by reinforced concrete slab approach ramps on both ends of the truss spans. The steel truss over the railway corridor would span the entire width of the UPRR and BART rights-of-way. A ramp system would be required on both sides of the railway corridor. The overhead structure would consist of abutments at the bottom of the ramps, intermediate supporting bents under the ramp slabs, and the steel truss spans across the rail corridor and the City maintenance access drive. The abutments and the support bents would require 5-foot diameter cast-in-drilled-hole (CIDH) concrete piles, each approximately 60 feet long. Railings would be installed along either side of the ramps and steel truss spans. Stairs are incorporated into the ramp structures as an alternative means of accent/decent.

Sabercat Creek Bridge. Piles for the Sabercat Creek crossing would either be CIDH or driven piles extending 40 to 60 feet below the footings. The design objective is to keep the abutments above the 100-year floodplain, including the use of wingwalls and retaining walls to contain the approach fill material on the south end of the bridge. The north end would be constructed in a cut section into the hillside.

I-680 Overcrossing. Contractor mobilization and site work would involve setting-up a construction trailer and the equipment storage yard. The site work would involve excavation, forming and placing piers and concrete. The bent foundations for this bridge would likely consist of large diameter CIDH concrete piles on the order of 60 to 90 feet deep depending on the type of structure selected. The diameters of the CIDH concrete piles would range from 5 to 10 feet. Abutment foundations for the I-680 Overcrossing would likely consist of smaller and shorter diameter CIDH concrete piles, but, depending on access and geology of the sites, could also consist of spread footing foundations. Forms for abutments and piers would be constructed, and the fabrication and setting of reinforcing steel bars would be completed.

The superstructure may consist of a cast-in-place, prestressed concrete box girder system. For this construction process, a shoring system called “falsework” would be installed to support formwork and the concrete superstructure until the structure becomes self-supporting. Steel members would be brought to the site in sequence and components stored on site until erected. False work for the cast-in place structure or delivery of bridge components would occur along the shoulder of the I-680 at times stipulated by the Encroachment Permit that will be obtained from Caltrans. The architectural finishing phase includes the details of finishing the deck material, handrails, finishes, lighting and other architectural details.

Stormwater and Landscaping. Permanent storm water protection measures and landscaping will be installed for the site. Permanent drainage is anticipated to include slope ditches and underground pipes leading to a detention basin in the northwest corner of I-680 right-of-way for flow control and water quality treatment prior to discharge into Sabercat Creek which runs along the north leg of the site. Landscaping is anticipated to include finish grading, trees, shrubs, native seeding for exposed soil areas and mulch with an irrigation system for the establishment of trees and shrubs as needed. Vegetation replacement is covered through the Fremont Tree Ordinance *FMC 4-5100, City Ordinance, serial 4-5100 (Fremont, CA, 2002)* which is augmented by the Biological Resources Mitigation Measure MM-BIO-6 (Section 1.4). As part of Project design, the following landscaping requirements would be incorporated:

- Planting is to be completed within 2 years of applicable project section completion, with a minimum of 3-years plant establishment period. The plantings shall be selected to provide a landscape that reaches full maturity 10-15 years post installation.
- Replacement of landscaping where planting strips have been disturbed during construction along Osgood Road and Blacow Road.
- Landscaping along the trail within the I-680 right-of-way to buffer the trail users exposure to dust and views of frequent spoil deposits on the ‘mound’.
- Landscaping within the Sabercat Historical Park shall be designed to continue the Park’s objective of preserving native and riparian habitat.

Figure 1: Vicinity Map

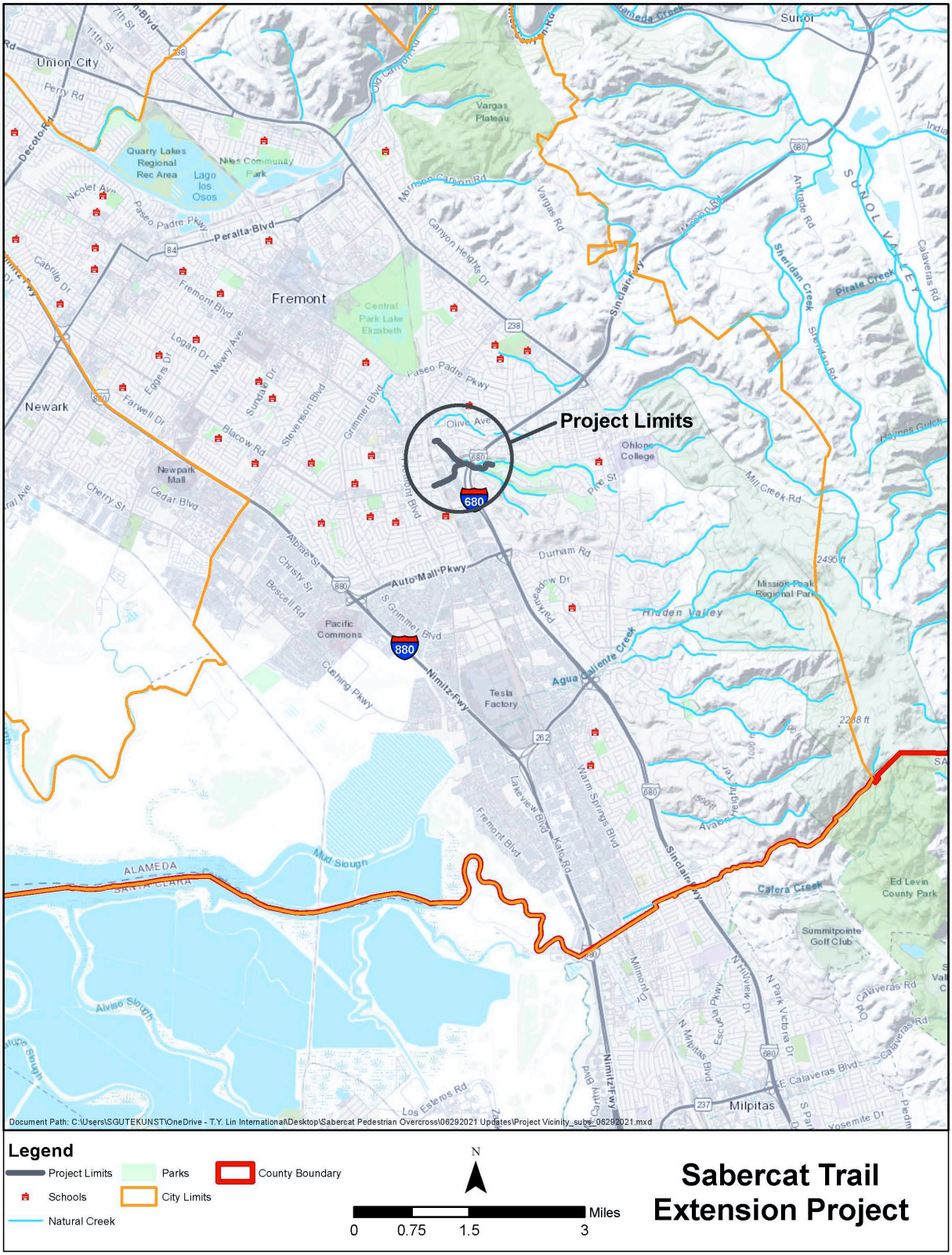


Figure 2: Project Sections

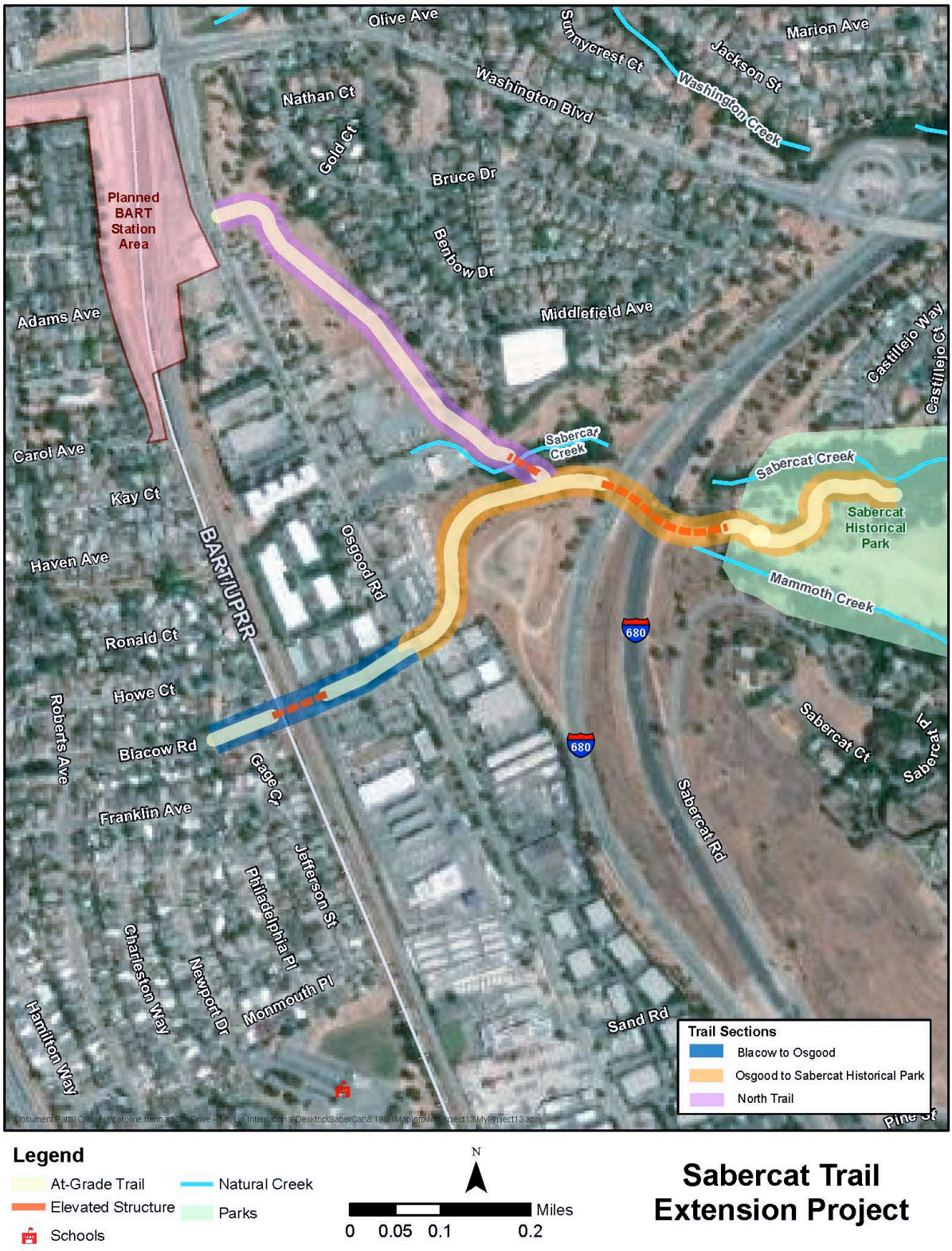
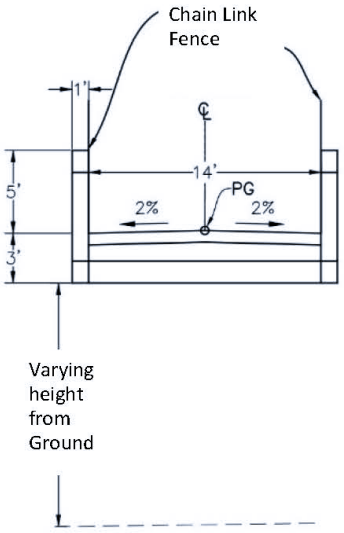
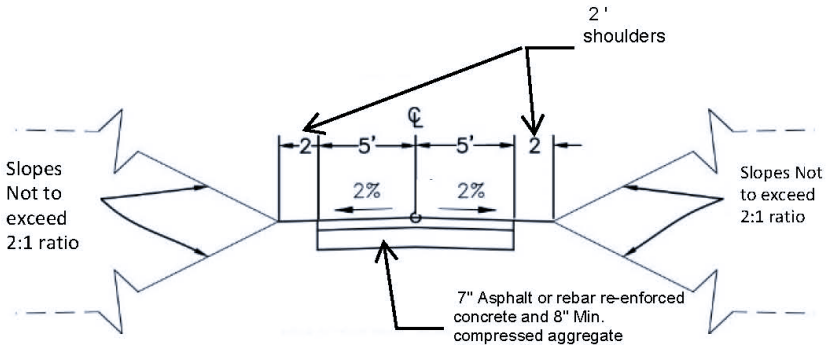


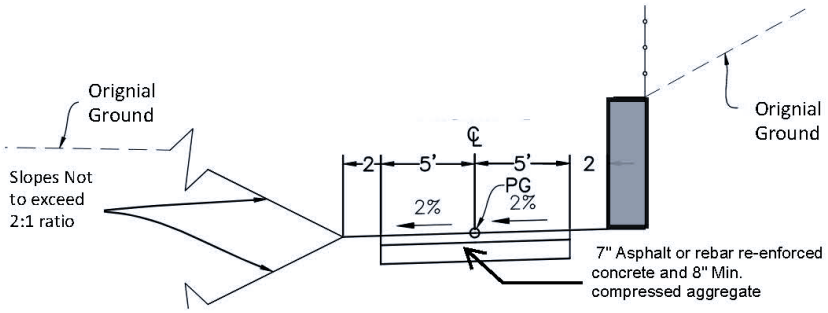
Figure 3: Typical Cross Sections



Typical Pedestrian/Bicycle Bridge Trail Cross Section



Typical Pedestrian/Bicycle Trail Cross Section in slope Conditions



Typical Pedestrian/Bicycle Trail Cross Section with Retaining Wall to Reduce Cutting into Topography

Figure 4: Parcel Map

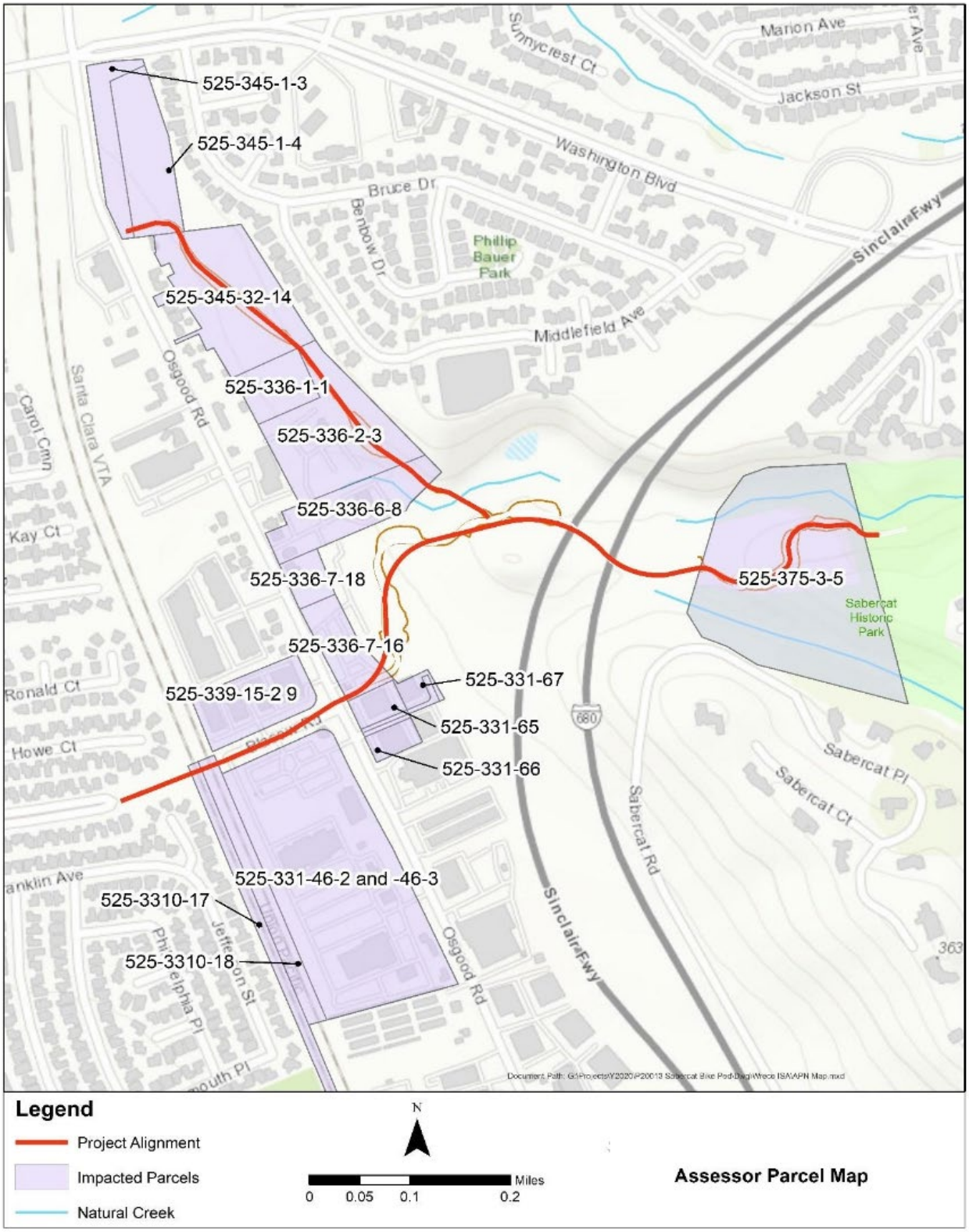
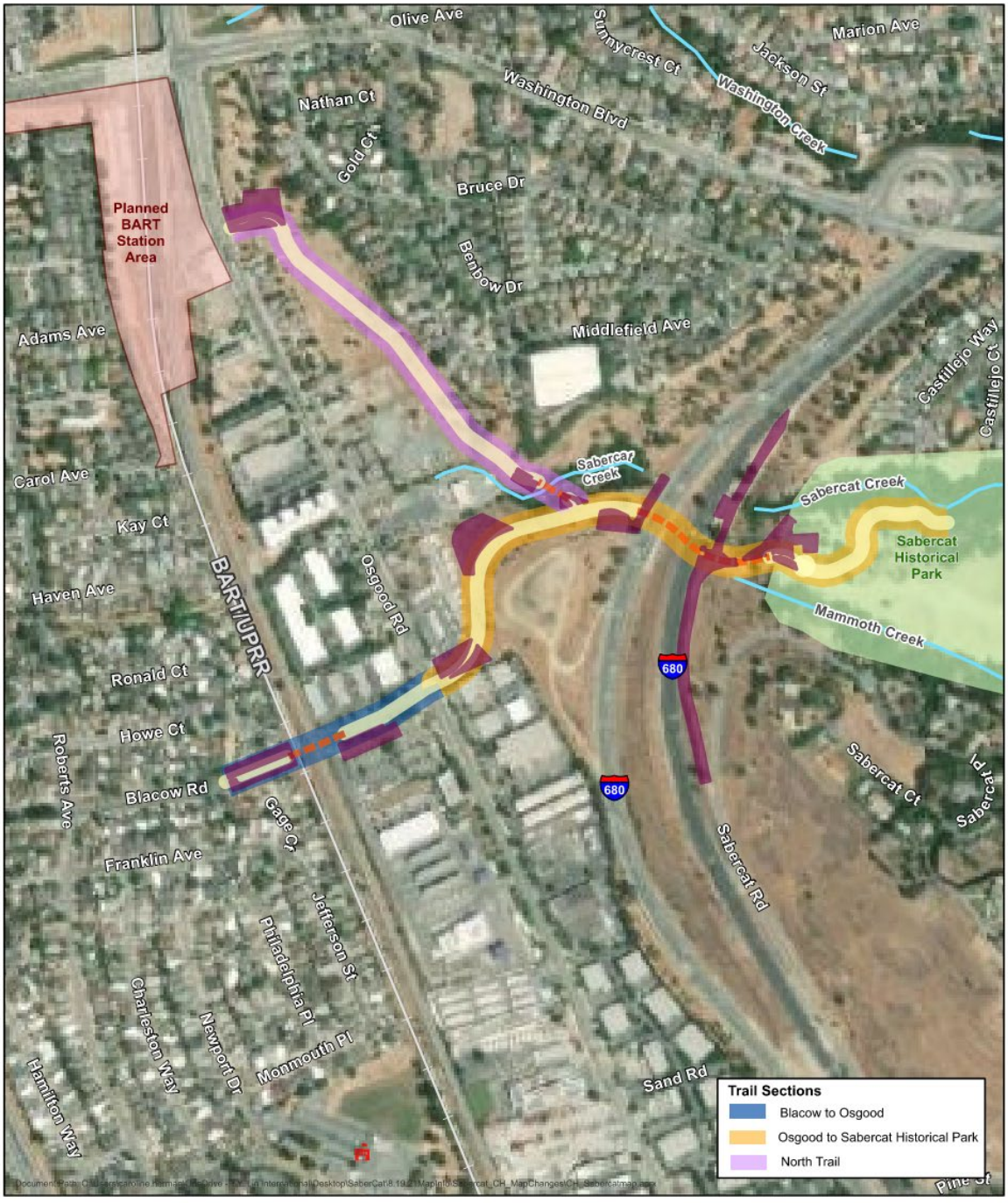


Figure 5: Staging Areas



Other public agencies whose approval is required (e.g., permits, financial approval, or participation agreements)**:**

- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit
- Caltrans Updated Freeway Agreement
- Caltrans Right-of-Way Certification
- Joint Caltrans and City of Fremont Maintenance Agreement (may be included in the Freeway Agreement)
- UPRR/BART: Construction and Maintenance Agreements
- California Public Utilities Commission: GO88-B Authorization

Native American Consultation

In conformance with the requirements of Public Resources Code section 21080.3.1, notice of the proposed Project was sent by certified mail and by email on May 13, 2020, to the seven Native American tribal representatives whose names and contact information were provided to the City of Fremont by the Native American Heritage Commission in a letter dated March 23, 2020. Requests for consultation pursuant to AB52 have been received by Katherine Perez (North Valley Yokuts Tribe) and Kanyon Sayers-Roods (Indian Canyon Mutsun Band of Costanoan). Both Ms. Perez and Ms. Sayers-Roods accompanied project staff and the consulting archaeologist on a site walk on August 23, 2021. Ms. Perez has provided a list of recommended measures to ensure the protection of tribal cultural resources should they be encountered and expressed a desire to monitor excavation activities related to the Project. Ms. Sayers-Roods also expressed a desire to monitor excavation activities and to train construction workers on identification and protection of tribal cultural resources, should they be encountered. See Section 1.18, Tribal Cultural Resources, of this Initial Study for further discussion.

Previous Environmental Review

Fremont General Plan Update EIR (SCH No. 2010082060) – available in-person at the City of Fremont Development Services Center and online at www.fremont.gov/generalplan.

General Plan Conformance

As discussed in this Initial Study, the proposed Project would be consistent with the General Plan for which a program-level Environmental Impact Report (EIR) was prepared and certified by the Fremont City Council in December 2011, in accordance with the requirements of the California Environmental Quality Act (CEQA).

The proposed Project would cross the UPRR/BART railroad corridor where the Transportation Element of the General Plan anticipates a vehicular crossing on Blacow Road. Preliminary review anticipates that a roadway over or undercrossing of the UPRR/BART railroad corridor is restricted by the distance from the crossing to the intersection of Blacow and Osgood Road applying slope grades required by City of Fremont transportation standards and specifications. The proposed Project is positioned along the southside of the right-of-way and would not inhibit the future considerations for a 2-lane roadway, consistent with the Transportation Element.

Pursuant to CEQA Guidelines Section 15168(c), subsequent activities must be examined in light of the program EIR to determine whether an additional environmental document is required. If a later activity would have effects that were not evaluated in the program EIR, an Initial Study must be prepared leading to either preparation of an EIR or Mitigated Negative Declaration. This Initial Study has been prepared for that purpose and has determined that although the proposed Project would have effects that were not examined in the General Plan EIR (GP EIR), mitigation measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration will be prepared.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact. Impacts would be reduced to less than significant with implementation of mitigation measures. Please see the checklist beginning on page 4 for additional information.

- ☐ Aesthetics
- ☐ Agriculture and Forestry
- ☐ Air Quality
- ☒ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☒ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☒ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

The analyses recorded in this Initial Study is supported through the development of the following technical studies which are available for review on the project website or upon request through the City of Fremont Development Services Center:

- Visual Impact Assessment, Earthview Science, August 2021
- Air Quality and Greenhouse Gas Technical Report, Impact Sciences, August 2021
- Natural Environment Study (NES), Swaim Biological, Inc. (SBI), August 2021
- Archaeological Survey Report, Archaeological/Historical Consultants, August 2021
- Historic Property Survey Report, Archaeological/Historical Consultants, August 2021
- Paleontological Identification Report/Paleontological Evaluation Report, Earthview Science, August 2021
- Initial Site Assessment (ISA), WRECO, August 2021
- Water Quality Assessment Report, WRECO, August 2021
- Location Hydraulic Study/Floodplain Evaluation Report (FER), WRECO, August 2021
- Transportation Impact Analysis, CHS Consulting Group, August 2021
- Community Impact Assessment, TY LIN International, August 2021

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

W W H — 1.4.22

Signature — Date
City of Fremont

PRINCIPAL PLANNER

Title

WAYLAND LI

Printed
Name

1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1.1.1 Environmental Setting

The proposed Project is in the City of Fremont in Alameda County, California within the San Francisco Bay Area and includes a crossing of I-680 between postmile M4.8/M5.0. The Project area is located at the boundary of the East Bay coastal plain and the Diablo Range. The west side of the Project area extends into the flatlands of the coastal plain while the east side extends into the foothills of the Diablo Range.

The Project area and surroundings are residential, light industrial, I-680 transportation corridor, and open space. The west end of the Project area is part of a large, mostly single-family residential area in the flatlands of the city of Fremont. The UPRR/BART rail corridor separates this residential zone from a mixed industrial/commercial and residential corridor along Osgood Road. Osgood Road contains warehouses, industrial yards, small office buildings, and single-family homes. Businesses include auto repair, machine shops, carpentry shops, equipment storage, self-storage facilities, small wholesalers, as well as theater, music, and dance lesson providers. Buildings on Osgood Road are mostly one- or two-story but a five-story building apartment building was recently constructed. A new BART station is proposed for the southwest corner of Osgood Road at Washington Boulevard.

East of Osgood Road, the terrain becomes hilly and contains hillside residential, neighborhoods, the I-680 corridor, and Sabercat Historical Park. Sabercat Historical Park is a 98-acre park at the site of a former that includes a mostly paved greenway that runs 1.4 miles through a narrow, forested Canyon along Sabercat Creek and whose western terminus is within the Project area.

The only areas within the Project area with a scenic designation are Sabercat Historical Park and the BART rail corridor.

Regulatory Framework

- City of Fremont General Plan, Community Character Element (2011)
- City of Fremont General Plan, Circulation Element (2011)

This discussion is based on the following document:

- Visual Impact Assessment, prepared by Earthview Science, dated August 2021

1.1.2 Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

The proposed Project would be visible from the west end of Sabercat Historical Park and would be briefly visible for those traveling on BART. The proposed I-680 Overcrossing bridge east abutment would be located at the western edge of Sabercat Historical Park and would be visible to some park users and a new paved trail would be constructed across the westernmost section of the park. The UPRR/BART Overcrossing that would provide a new bicycle/pedestrian connection between the west and east segments of Blacow Road would be visible from BART and for some of the adjacent residences. Aesthetic screening and landscaping have been incorporated to minimize adverse visual changes on the neighborhood and adjacent residents. The UPRR/BART overhead crossing would provide enhanced vista views for persons crossing to see the rolling hill terrain to the east. During construction, temporary impacts to views at the west end of the park would include dust, construction equipment, material storage, and excavation zones. Temporary impacts with the BART corridor are not anticipated since views would be brief outside of the windows of the BART vehicles.

In terms of permanent changes associated with the proposed Project, only the 'Osgood Road to Sabercat Historical Park' trail section would be visible from Sabercat Historical Park. Due to vegetation and topography, the trail section would only be visible from the west end of the park. The proposed I-680 Overcrossing bridge itself would be only visible from the very western edge of park. This area overlooks I-680 and has views across Fremont to the hills on the other side of the Bay. Because of the bridge's low profile, it would not block the long-distance views from the park. Further, the proposed Project would make the scenic views available from Sabercat Historical Park more accessible by providing a new entrance on its west side. In addition to the bridge, a new paved trail would be constructed at the western end of the park that would replace the existing network of dirt trails. Overall, the proposed Project would create at most moderate visual impact for a small portion of Sabercat Historical Park, but also provide additional opportunities for scenic vistas.

Proposed Project features also have the potential to be visible from scenic vista points east of the city such as Mission Peak and Monument Peak (respectively 3.5 and 5 miles away). However, from these points, proposed Project features would be a small part of a large urban vista and blend in with the freeway corridor and surrounding urban development.

Because the proposed Project would not result in adverse effects on scenic vistas the impact would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The proposed Project would not be located along an Officially Designated State Scenic Highway. The closest Officially Designated State Scenic Highway is on I-680, 1.3 miles northeast of the Project area beginning near the I-680 - Mission Boulevard overcrossing to the Contra Costa County line. This portion of I-680 is elevated as it comes out of the hills and provides views over Fremont to the hills on the opposite side of the Bay. But because of its low profile, neither the proposed I-680 Overcrossing bridge nor any other part of the proposed Project would be visible from the Officially Designated State Scenic Highway.

The Project area is, however, within a portion of I-680 classified as an Eligible State Scenic Highway that extends from Santa Clara County Line to SR-24 in Walnut Creek. As described in the project description, the proposed Project would incorporate aesthetic treatments on the bridge and trail that have been vetted as part of public outreach efforts and would not result in visual impacts considered substantially adverse because the low profile of the bridge would not block views. In addition to the permanent changes, up to 25 trees of a mixture of sizes

(most under 1 inch diameter trunk) would be removed along the east side of I-680. Since majority of these are part of a previous I-680 mitigation site, these trees are required to be replaced at a 6:1 ratio within the same vicinity. For trees outside this mitigation area, tree replacement would be in conformance with the FMC 18.215, City of Fremont Tree Preservation Ordinance, and existing mature trees to remain would be protected, in conformance with the City's Standard Details for Landscape Planting and Tree Protection.

Because the proposed Project incorporates aesthetic treatments and incorporates landscaping as part of the project design and preserves mature trees to the extent possible impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed Project is in an urbanized area. Although consistent with the City of Fremont General Plan including Policy 4-5.1 Buffering and Screening and Implementation 4-1.6.A: Respecting Natural Terrain and Landform (see Section 1.11, Land Use and Planning) and not associated with a scenic vista, the construction of the UPRR/BART overhead crossing structure would have an adverse visual effect on the adjacent residences because the structure is boxy and has a visual mass that is larger than that of the adjacent houses and the mostly single-story houses on the street.

The overhead crossing structure adds hardscape into a previously undeveloped area, partially blocks views of the hills, and may create a loss of privacy for neighbors to the south, at the end of Blacow Road and on Gage Court and Howe Court because of its proximity and height. A ramp and staircase from the edge of Blacow Road leading to a deck 23.5 feet above the street. This structure would be visible in frontal views from Blacow Road and likely from the back of houses on Howe Court and Gage Court which back up against the empty lot.

The visual quality of the empty lot would be improved with the Project and landscaping. Though views of the hills from the street would be partially blocked by the structure, the structure also provides new opportunities for residents who use the structure to have long range views of the hills from their street. In addition, the structure is likely to encroach on the view of the sky from the yards of a few adjacent residences and may create of loss of privacy, especially for neighbors to the south, at the end of Gage Court, who are located closer to the placement of the overhead structure. The proposed Project includes keeping the existing trees along the fence line to preserve the visual buffer. With the combination of improved landscaping and access to improved views, and yet some intrusion on adjacent residential views, the proposed Project would result in a moderate-high resource change.

This concern has been addressed with the design elements including privacy screening and landscape treatments of the empty lot, the overhead structure and the entry plaza. As described in the project description, project design incorporates aesthetic treatments and landscaping for the UPRR/BART overhead crossing structure and the impacts would be less than significant, and no mitigation is required.

Because the proposed Project in consistent with the City of Fremont General Plan and incorporates aesthetic design and landscaping for the UPRR/BART overcrossing structure, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Once constructed, the proposed Project would have minimal lighting along all trail sections including the I-680

Overcrossing bridge and UPRR/BART overhead crossing structure. As stated in the project description, permanent lighting for the proposed Project would be dark sky friendly and would not allow substantial light trespass to adjacent areas or from elevated areas and if nighttime construction is required construction lighting would be limited to the area of work to avoid light trespass through directional lighting and shielding of light fixtures which would ensure that impacts related to creating a new source of substantial light or glare would be less than significant. As such no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

1.2.1 Environmental Setting

The Project area consists largely of urbanized and developed areas including existing transportation uses, industrial development, and residential development and other areas consisting of public open space associated with Sabercat Historical Park. There are no areas associated with agricultural related uses within the project area or in close proximity. The Project area is not mapped by the California Department of Conservation's Farmland Mapping and Monitoring Program as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (CDC 2020). The Project area is identified primarily as "Urban and Built-Up Land" and "Other Land". Other Land is defined as vacant and nonagricultural land surrounded by urban development and greater than 40 acres. There are stands of trees within Sabercat Historical Park, but the area is not associated with forest land or timberland.

1.2.2 Discussion

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The proposed Project does not result in the conversion of areas identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The entire Project area is identified as "Urban and Built-Up Land" or "Other Land" and there are no agricultural uses. Because there are no agricultural uses there are no impacts and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

b) Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

The proposed Project does not conflict with existing zoning for agricultural use or a Williamson Act contract because there no areas are zoned for agricultural use and no properties are under a Williamson Act contract within the Project site or the surrounding area. Because there are no areas zoned for agricultural uses and none of the properties in the Project site is associated with a Williamson Act contract there are no impacts, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The proposed Project does not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production because these areas are not within the Project site or surrounding area. The Project site is largely developed or consists of transportation right-of-way and public access areas. The proposed Project does not result in impacts because there are no areas zoned for forest land or timberland, therefore there would be no impacts to forest land or timberland, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

As discussed under c), there are no areas zoned for forest land or timberland, therefore there would be no impacts and no mitigation are required.

e) Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The proposed Project does not involve other changes in the existing environment that could result in conversions of Farmland to non-agricultural use or conversion of forest land to non-forest use because these areas are not within the Project site. No impacts would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

1.3.1 Environmental Setting

The Project site is in the City of Fremont in Alameda County, which is a subregion of the San Francisco Area Air Basin (Air Basin) that is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD is the lead agency in developing plans to address attainment and maintenance of the National Ambient Air Quality Standards and California Ambient Air Quality Standards. The U.S. Environmental Protection Agency is charged with implementing national air quality programs and the California Air Resources Board (CARB) is the State air pollution control agency.

Air quality impacts associated with construction and operation of the proposed Project are based on criteria pollutants contained in the 2017 Clean Air Plan. Ozone precursors, reactive organic gases (ROG) and nitrogen oxides (NOx) and particulate matter smaller than 10 microns in diameter (PM10) and particulate matter smaller than 2.5 microns in diameter (PM2.5) are the primary air pollutants of concern for development projects. Ambient air quality in Fremont can be inferred from ambient air quality measurements of the pollutants noted above conducted at nearby air quality monitoring stations. Existing levels of ambient air quality and historical trends and projections in the vicinity of Fremont are documented by measurements made by the BAAQMD. The closest monitoring stations to the Project site are the Hayward-La Mesa air monitoring station and the San Jose-Jackson Street air monitoring stations, which are located approximately 9.8 miles to the north and 13 miles to the south, respectively, from the Project site. The Air Basin is in attainment, meets all ambient air quality standards, with the exemption of ground-level ozone (O3), PM10, and PM2.5.

BAAQMD thresholds of significance for ROG, NOx, PM2.5, and PM10 are shown below in Table 1. For Toxic Air Contaminants (TAC), the City of Fremont has established acceptable thresholds for new sources of increased health risk of no more than 10 additional incidents of cancer per million exposures or contribute to a cumulative risk in excess of 100 additional incidents of cancer per million exposures pursuant to BAAQMD guidelines and thresholds.

Regulatory Framework

- City of Fremont General Plan Conservation Element (Air Quality Standards)
- Clean Air Plan: The City of Fremont uses the guidance established by BAAQMD to assess air quality impacts associated with Project construction and operation based on criteria pollutants contained in the adopted Clean Air Plan adopted by the BAAQMD Board of Directors on April 19, 2017. The Clean Air Plan focuses on improvement of air quality throughout the basin.
- BAAQMD CEQA Air Quality Guidelines, 2017
- City of Fremont Municipal Code Section 18.218.050(a)

This discussion is based on the following documents:

- Air Quality and Greenhouse Gas Technical Report, prepared by Impact Sciences, dated August 2021

1.3.2 Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

The applicable air quality plan is BAAQMD's 2017 Clean Air Plan, adopted in April 2017. The 2017 Clean Air Plan provides a regional strategy to protect public health and the climate and lays the groundwork for a long-term effort to reduce greenhouse gas (GHG) emissions in the Air Basin to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Projects that are consistent with the development of a regional or local air quality plan are considered not to conflict with the attainment of air quality standards identified in the plan. The primary goals of the 2017 Clean Air Plan are to: Protect air quality and health at the regional and local scale; and Protect the climate.

Consistency with the 2017 Clean Air Plan can be determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment. Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. The proposed Project would not conflict since emissions during construction and operation would not exceed BAAQMD thresholds, see discussion under b) and c) below. Therefore, the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan and impacts are less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The analysis conducted for the proposed Project modeled potential air pollutant emissions associated with Project construction and operation.

Construction Emissions

Emissions associated with the construction of the proposed Project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. Average daily emissions for on-site and off-site construction activities were calculated and compared to BAAQMD's thresholds. Construction of the proposed Project was assumed to occur in two phases, with Phase 1 is associated with the construction of the Blacow to Osgood and Osgood to Sabercat Historical Park segments and Phase 2 associated with the North Trail segment. The analysis used these two phases because the North Trail segment could be constructed at a future date. The analysis assumed construction of Phase 1 would be over a period of 12 months and Phase 2 over a period of 6 months (note: if the construction schedule were to be moved to a later period, construction emissions would likely decrease because of improvements in technology and more stringent regulation requirements as older equipment is replaced with newer, cleaner equipment). This duration of time and associated equipment

represents a reasonable approximation of the expected construction fleet, as required by the CEQA Guidelines. Table 1 provides information on the construction period emissions for both phases and based on the analysis construction emissions do not exceed the BAAQMD thresholds.

Table 1 Construction-Period Emissions

Parameter	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Phase 1				
Total Emissions (tons/construction period)	1.21	7.22	0.32	0.31
Average daily emissions (pounds/day)[1]	6.41	38.20	1.72	1.64
BAAQMD Significance Thresholds (pounds/day)	**54**	**54**	**82**	**54**
Exceed Thresholds?	***No***	***No***	***No***	***No***
Phase 2				
Total Emissions (tons/year)	0.18	1.44	0.06	0.05
Average daily emissions (pounds/day)[2]	1.98	16.17	0.62	0.59
BAAQMD Significance Thresholds (pounds/day)	**54**	**54**	**82**	**54**
Exceed Thresholds?	***No***	***No***	***No***	***No***

Source: Impact Sciences, 2021
[1] Phase 1 average daily emissions based on a 378-day construction duration.
[2] Phase 2 average daily emissions based on a 152-day construction duration.

Site preparation and grading during construction may cause wind-blown dust that could contribute particulate matter to the local atmosphere. Construction related impacts on air quality are anticipated to the be the greatest during the site preparation activities because of the soil disturbances and the temporary generation of fugitive dust in the form of both PM10 and PM2.5. The proposed Project would involve the transport of approximately 6,500 cubic yards of soil export, 1,400 cubic yards of soil import, and 590 cubic yards of demolition debris as well as 420 tons of pavement to be hauled on site. Unless properly controlled, vehicles leaving the site would deposit dust or mud on local streets, which could be airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The BAAQMD CEQA Guidelines do not have thresholds for fugitive dust emissions but state that projects incorporate BMPs for fugitive dust control during construction and the with the implementation of BMPs impacts would be less than significant. Project construction would implement the measures identified in FMC 18.218.050(a)(1) to address construction related emissions:

FMC 18.218.050(a)(1) Air Quality – Construction Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:

A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
B. All haul trucks transporting soil, sand, or other loose material off site shall be covered.
C. 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. The use of dry power sweeping is prohibited.
D. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
E. 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.
F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulation (CCR)). Clear signage shall be provided for construction workers at all access points.

G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
H. All publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action with 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With the implementation of the measures identified above during construction, emissions of fugitive PM10 and PM2.5 would be less than significant, and no mitigation is required. Because construction related emissions do not exceed the thresholds of significance as indicated in Table 2, the supplemental measures identified in FMC 18.218.050(a)(2) are not required to be implemented as part of the proposed Project.

Operational Emissions

The proposed Project is an active transportation project that would support pedestrian and bicycle use and would discourage vehicle trips. As a result, operation would not generate mobile-source operational emissions. Operation may result in emissions from maintenance as well as indirect area emissions from lighting the trail. However, these emissions would be minimal and off-set by the mode shift from passenger cars to bicycle and pedestrian transportation and transit use when the path connects to the future Irvington BART station, anticipated construction to begin in August 2022. There may be overlap in the construction of the proposed Project and the future Irvington BART station. Air quality emissions from project operation are negligible and fall below BAAQMD significance thresholds. Therefore, the impact of the proposed Project's operation emissions on regional air quality would be less than significant.

Based upon the analysis conducted, the proposed Project would not exceed the BAAQMD thresholds during construction and operation, and the proposed Project's impact would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Expose sensitive receptors to substantial pollutant concentration?

Certain groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks.

For sensitive receptors within infill areas of the City, the cumulative exposure threshold of 100 chances in a million is used, per General Plan implementation measure 7-7.3B (and assessed in the Fremont General Plan EIR, page 4-137), taking into account the combined impact from existing sources of TACs.

Project impacts related to increased community risk would occur by introducing a new source of localized pollutants during construction and operation with the potential to adversely affect existing sensitive receptors. The closest sensitive receptors to the proposed Project include the following residences:

- Blacow Road residences, the 42300 block of Blacow Road at the western end of the Project site
- Castillejo Way, 2300 block of Castillejo Way (west side) facing the I-680 freeway, to the north and east of the Project site
- Middlefield Avenue residences, the 3000 block of Middlefield Avenue (south side) to the north of the Project site
- Osgood Road residences, 42200 block of Osgood Road (east side) to the north and east of the Project site
- Sabercat Ranch Estates, residences on Sabercat Court, to the south and east of the Project site

Project Construction

Temporary project impacts related to health risk can occur from project construction activity, which would generate dust and equipment exhaust that could affect nearby sensitive receptors. Construction of the proposed Project would include site preparation and grading, paving, and other construction activities requiring construction equipment. There construction related activities would result in short-term emissions of diesel particulate matter (DPM), known as a TAC, and PM2.5. Construction emissions were estimated from CalEEMod and dispersion modeling was conducted to predict the off-site concentration resulting from project construction, so that lifetime excess cancer risk and non-cancer health risk could be predicted.

Based on the BAAQMD CEQA Guidelines, a project would not result in a significant construction TAC or PM2.5 impact if it exceeds any of the following thresholds of significance:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0; or
- An incremental increase of more than 0.3 micrograms per cubic meter annual average PM2.5, including both DPM (as PM2.5 exhaust) and PM2.5 fugitive dust.

The health risks were evaluated for a hypothetical maximally exposed individual (MEI) located near the Project site. The hypothetic MEI is an individual assumed to be located where the highest concentrations of air pollutants are predicted to occur as a result of project construction. Table 2, below, summarizes the proposed Project's construction cancer risk, chronic non-cancer hazard, and annual PM2.5 concentration impacts at the MEI residential receptor. The proposed Project would not exceed the thresholds. The proposed Project would implement measures in FMC 18.218.050(a), listed above and with the implementation of these measures construction emissions would be less than significant, and no mitigation is required.

Table 2 Estimated Health Risks and Hazards During Project Construction (Pounds/Day)

Parameter	Lifetime Excess Cancer Risk (per million)	Annual PM2.5 ($\mu g/m^3$)[2]	Hazard Index
Residential Receptor[1]	6.90	0.0427	0.007
Significance Thresholds	**10**	**0.3**	**1.0**
Exceed Thresholds?	***No***	***No***	***No***

Source: Impact Sciences, 2021
[1] Residential receptor accounts for the first 2.5 years of life (third trimester, infant, and a portion of the child stages of life).
[2] The annual PM2.5 concentration is the sum of DPM and fugitive dust PM2.5 concentrations.

Project Operations

The proposed Project is an active use facility and would encourage walking, biking, and transit use, and does not include any stationary sources. Operation would not generate TAC or PM2.5 emissions that could affect the health of the community near the Project site and would not result in significant health impacts to nearby sensitive receptors during operation and no mitigation is required.

Based upon the analysis conducted, the proposed Project would not expose sensitive receptors to substantial pollutant concentration during construction and operation, and the proposed Project's impact would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust both during normal use and when idling. These odors would be temporary and transitory and would cease upon completion and would not generate objectionable odors affecting a substantial number of people. Implementation of measures in FMC 18.218.050(a), listed above under b) would reduce odors.

The proposed Project would construct an extension of the bicycle and pedestrian transportation network which is not a proposed land use typical of projects that would emit nuisance odors and operation does not require the use of larger vehicles or equipment that would produce odors. As such, potential impacts related to other emissions, including odors, would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

1.4.1 Environmental Setting

The western portion of the Project area consists of urbanized development with no natural areas beyond landscaping on the edges of properties. From west to east, the Project area changes from an urbanized setting to more natural settings. The natural areas are primarily associated with grasslands, but the area surveyed for the proposed Project also includes scrub vegetation and an assortment of trees with most trees located in areas around Sabercat Creek. Most of the trees are smaller and mostly non-native. The proposed Project parallels Sabercat Creek and Mammoth Creek crosses the Project area inside an existing culvert. The proposed Project was designed to avoid waters, floodplains and wetlands.

The first biological survey included a preliminary delineation of Sabercat Creek west of I-680, a floristic survey, and a tree survey, followed by another reconnaissance survey including a bat habitat assessment. These surveys were conducted for the proposed Project in the summer and fall of 2020; a third and final floristic survey was conducted in April 2021. Work was done within the biological study area (BSA) determined for the proposed Project which covers an area of approximately 38 acres and includes the physical footprint and of proposed Project including areas of ground disturbance (e.g., staging areas, earthmoving) and areas of potential indirect effects. The BSA was determined

by overlaying Project plans onto aerial imagery in ArcGIS and adding geographic data layers for soils, waters and wetlands, special-status species, natural communities, and critical habitats. Surveys consisted of walking transects throughout the Project area to achieve 100 percent visual coverage of the ground and evaluating the Project site and environs for the presence of wetlands and waters, special-status plant and wildlife species, and other significant biological resources (e.g., raptor nests, ground squirrel colonies).

Regulatory Framework

- Federal Endangered Species Act (FESA)
- Clean Water Act
- Executive Order 11990- Protection of Wetlands
- Migratory Bird Treaty Act (MBTA)
- Executive Order 13112- Invasive Species
- California Environmental Quality Act (CEQA)
- California Endangered Species Act (CESA)
- Native Plant Protection Act
- California Fish and Game Code (FGC)
- Porter-Cologne Water Quality Control Act
- State Senate Concurrent Resolution 17
- City of Fremont Tree Protection Ordinance
- City of Fremont General Plan
- City of Fremont Municipal Code Section 18.218.050(b)

This discussion is based on the following document:

- Natural Environment Study (NES) prepared by Swaim Biological, Inc. (SBI), dated August 2021

1.4.2 Discussions

a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Special-Status Plants

No special-status plants are documented to occur in the Project area, and none have been observed. Special-status plants include plants listed under federal and state Endangered Species Acts, plants designated jointly by California Department of Fish and Wildlife (CDFW) and California Native Plant Society (CNPS) as having a California Rare Plant Rank of 1 through 4, plants protected by the Native Plant Protection Act, and plants included on the Native Plant Society's East Bay Chapter's Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties list (EBCNPS 2021). Three seasonal floristic surveys were conducted in accordance with CDFW protocols on June 11, 2020, on September 10 and 11, 2020, and in March and April 2021.

Database queries identified 61 special-status plants as being documented to occur in the 9-quad search area (9 USGS 7.5-minute quadrangles). Based on the presence of potentially suitable habitat and soils, presence of associated natural communities or species, the degree of nativity and invasiveness, indications of regular soil disturbance (i.e., tilling, mowing), the distance to nearest known occurrences, and site elevations, 16 species were eliminated from consideration and 45 species were determined to have at least some potential to occur in the Project area. Western leatherwood (*Dirca occidentalis*) and Satan's goldenbush (*Isocoma menziesii* var. *diabolica*) were the only two species determined to have a Moderate or higher potential to occur.

Western leatherwood is a shrub in the Thymelaeaceae family that is native and endemic to California. It has a CRPR of 1B.2, meaning as a species it is rare, threatened, or endangered in California and its known occurrences are fairly threatened. It is equally likely to occur in wetlands and non-wetlands but is affiliated with riparian habitats within a broad range of natural communities including chaparral, foothill woodland, mixed evergreen forest, closed-cone pine forest, north coastal coniferous forest, and wetland-riparian. It has a blooming period of January through March. Potentially suitable habitat for western leatherwood is present within the BSA in riparian habitats along Sabercat Creek. Because the Project has been designed to avoid aquatic resources, floristic surveys in this habitat were limited to the area beneath the proposed pedestrian bridge (North Trail). The species was not observed during the floristic surveys.

Satan's goldenbush is a shrub in the Asteraceae family. It has a CRPR of 4.2 which means it has a limited distribution in California. It is equally likely to occur in wetlands and non-wetlands but is affiliated with open slopes and cliffs in foothill woodland and grassland. It is also reported to occur in wetland-riparian communities. It has a blooming period of August to November. Potentially suitable habitat for Satan's goldenbush is present within the BSA in riparian habitats along Sabercat Creek, in oak woodlands, and in grasslands. The species was not observed during the floristic surveys.

Potential Impact BIO-1: Although no special-status plants have been observed, there is the potential to dig up, bury, grub, or otherwise maim or injure these two special-status plants (Western leatherwood and Satan's goldenbush).

Mitigation Measure: Implementing the following measure would reduce **Impact BIO-1** to Less than Significant:

MM-BIO-1:

Adjust the trail or other design elements to avoid the species. If avoidance is not possible, the City will consult with the appropriate regulatory agency (USFWS, CDFW, and/or CNPS). At a minimum, the City would prepare and implement a Relocation and Monitoring Plan subject to the review and approval of the agencies**.** As part of the Relocation and Monitoring Plan, seeds may be collected during the appropriate season and stored in a seed bank (e.g., Rancho Santa Ana Botanical Garden). Seed, seed bank, and live plant salvage efforts may be performed. Since relocation efforts have low success rates, compensatory mitigation may also be required.

The implementation of **MM-BIO-1** would reduce the impacts of maiming or injuring the two identified special status plants to less than significant with mitigation.

Special-Status Animals

No special-status animals are documented to occur in the Project area, and none have been observed. Protocol surveys were not conducted for any species. Special-status animals include those listed under federal and state Endangered Species Acts, animals designated by CDFW as Species of Special Concern or Special Animals or Fully Protected Animals, animals protected by California Fish and Game Codes, and nesting birds protected under the federal Migratory Bird Treaty Act.

Database queries identified 65 special-status wildlife species documented to occur in the Project's nine-quad search region. These were evaluated for their potential to occur within the BSA based on the presence of suitable habitat, the distance to the nearest known occurrence, and the distance to a source population (e.g., were the records historical; has the area been developed since the occurrence was documented). Of the total 65 species, 35 were determined to have no potential to occur in the BSA because the BSA is outside of the species' known range and/or suitable habitat is absent. Three special-status species were determined to have at least a Moderate potential to occur in the BSA: pallid bat, western red bat, and San Francisco dusky-footed woodrat (SFDFWR). The remaining 27 species were determined to have a Very Low or Low potential to occur in the BSA.

The California Tiger Salamander (CTS), Foothill Yellow-Legged Frog (FYLF), California Red-Legged Frog (CRLF), Western Pond Turtle (WPT), and Alameda Whipsnake (AWS) all have a Low potential to occur in the BSA because the BSA is fairly disconnected from known source populations in the Diablo Range and remnant populations are not known from within Sabercat Historical Park. CTS, FYLF, CRLF, and WPT have a Low potential to occur in the BSA, but Sabercat Creek could be suitable habitat for the species if undetected remnant populations occur or if

they could get there from source populations. AWS has a Low potential to occur in the BSA but Sabercat Historical Park, undeveloped portions of the Caltrans mound, and slopes above Sabercat Creek (North Trail section) provide suitable remnant habitat for the species if undetected individuals occur there. Special-status invertebrates have No or Very Low potential to occur in the BSA and because their populations are few and precisely mapped (and do not occur in or near the BSA), they are not considered further. The Burrowing Owl (BUOW) has a Low potential to occur because although Sabercat Historical Park has ground squirrel colonies that provide suitable burrows, the park offers no buffer between the burrows and hikers, bicyclists, and dogs.

Aquatic habitats would not be impacted by the proposed Project, so fishes are not considered further.

California Tiger Salamander. CTS adults use aquatic breeding sites that are up to 1.3 miles from upland refugia (and vice-versa). Aquatic breeding sites include vernal pools, seasonal or ephemeral ponds, as well as permanent human-made ponds including stock ponds, reservoirs, and small lakes without predators (Stebbins 2003). Adult salamanders migrate from upland habitats to aquatic breeding sites during the first major rainfall events of fall and early winter, where females lay eggs in water, and then adults return to upland habitats after breeding. The larval stage usually lasts three to six months and juveniles typically leave seasonal ponds before the ponds dry up during the summer, although some larvae may extend their aquatic development phase by overwintering in perennial ponds (Shaffer and Trenham 2005).

CTS have a very low likelihood to be present within the Project site. The proposed Project is a located in an area that is already fragmented by urban development. Osgood Road, the UPRR/BART ROW, commercial business parks, I-680, Mission Road, residential development, and the extensive culverting of Sabercat Creek upstream and downstream of the BSA as well as under I-680, all serve to isolate the BSA from source populations and habitat in the Diablo Range. Within this heavily fragmented landscape, the Project would permanently develop 4.3 acres of grasslands for a pedestrian trail through areas that are, for the most part, already traveled by humans, dogs, and bicycles. The proposed Project would build within this environment, but the fragmentation has already happened. Though the likelihood is very low, there is still potential to encounter subterranean salamanders during site grubbing and grading. Individuals could be intimidated away from the area by construction vibrations and noises and suffer reduced fitness (gradual starvation) or immediate predation as a result. Individuals could also be injured or killed by equipment.

FMC 18.218.050(b), Special Status Species, includes the following measures for California Tiger Salamander:

(4) California Tiger Salamander. New development projects with the potential to impact California tiger salamander habitat through grading, demolition, and/or new construction shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

> (A) Exclusion fencing shall be installed around the perimeter of the two fields to deter tiger salamanders from accessing the fields. The fencing should be regularly maintained, especially during the rainy season when salamanders could traverse onto the fields.
>
> (B) A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the two fields. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
>
> (C) A qualified biologist shall monitor initial grubbing and grading activities to ensure no California tiger salamanders are present.

Implementation of FMC 18.218.050(b)(4) would avoid or minimize impacts on the CTS. As described in the project description as part of the Construction Management Plan specific measures related to special status animals including CTS would be implemented as part of construction that would avoid or reduce impacts on CTS, if present. Even with the implementation of these measures there is still the potential for impacts on CTS during construction.

Potential Impact BIO-2: Construction activities outside of the established work window within suitable CTS habitat could have impacts on CTS including individuals being intimidated away from the area by construction vibrations and noises and suffer reduced fitness (gradual starvation) or immediate predation as a result.

Individuals could also be injured or killed by equipment.

Mitigation Measures: Implementing the following measures would reduce **Impact BIO-2** to Less than Significant:

MM-BIO-2:

Work window for California tiger salamander. Construction activities that would disturb soil within suitable habitat for California tiger salamander will occur between April 15 and October 15, when the species is unlikely to be active and there is lower potential for an individual to enter the work area.

MM-BIO-3:

In non-paved areas, monitor activities during initial ground disturbance and during activities conducted between October 15 and April 15. A Caltrans-approved biologist will monitor all initial ground disturbance and submit a daily report for each monitoring day. Caltrans will submit the names and qualifications of the biological monitor(s) for USFWS and CDFW approval prior to initiating construction activities for the proposed project. The agency-approved biologist(s) will be on-site during initial ground-disturbing activities, and thereafter as needed to fulfill the role of the approved biologist as specified in project permits. The biologist(s) will keep copies of applicable permits in their possession when onsite. Through the Resident Engineer or their designee, the agency-approved biologist(s) shall be given the authority to communicate either verbally, by telephone, email or hardcopy with all project personnel to ensure that take of listed species is minimized and permit requirements are fully implemented. Through the Resident Engineer or their designee, the agency-approved biologist(s) shall have the authority to stop project activities to minimize take of listed species, or if he/she determines that any permit requirements are not fully implemented. If the agency-approved biologist(s) exercises this authority, the agencies shall be notified by telephone and email within 24 hours. Although not expected to occur, initial ground disturbing activities present the most likely opportunity for unearthing a CTS. If a CTS is encountered during any work activities, the biologist shall have the authority to stop work immediately and the Caltrans biologist will be notified immediately. The Caltrans biologist will notify the USFWS and CDFW, and activities in the Project Section will cease immediately and not resume until appropriate permits are obtained.

With the implementation of measures in **FMC 18.218.050(b)(4)**, the measures to be implemented as part of the CMP, as described in the project description, and the implementation of **MMs BIO-2** and **BIO-3** impacts to CTS would be less than significant with mitigation.

Foothill Yellow-Legged Frog. FYLF is a stream-dwelling ranid found in streams with shallow flowing water and at least some cobble-sized substrate. FYLF eggs are generally deposited between late March and early June and need a minimum of 15 weeks to develop before metamorphosis, which typically occurs between July and September (CDFW 2018b). Seasonal movements occur among breeding, post-breeding summer, and overwintering habitats, and the maximum observed movement distance is 4.4 miles (Hayes et al., 2016). FYLF typically remain near the stream channel (<12 m), using watercourses as movement corridors, and fall/winter movements were associated with increasing rain and humidity (Hayes et al. 2016).

FYLF have a very low likelihood to be present within the Project site. Potential aquatic habitat within the BSA is not hydrologically connected to documented breeding populations. Aquatic habitat in the BSA along Sabercat Creek is shallow and lacks suitable deep pool habitat, underwater refugia, and basking sites. The nearest known observations have been from over 3.5 miles from the BSA. Sabercat Creek is perennial but is culverted along various reaches upstream, downstream, and in the BSA.

Since FYLF are not expected in the Project area, they tend to remain near stream channels, and no stream channels or riparian habitats would be impacted by proposed Project activities, impacts on FYLF are not anticipated. However, if present, individual/s could be harassed, injured, or killed by construction noise, vibrations, and equipment.

As described in the project description, as part of the CMP specific measures related to special status animals including FYLF would be implemented as part of construction that would avoid or reduce impacts on FYLF, if present. Even with the implementation of these measures there is still the potential for impacts.

Potential Impact BIO-3: If FYLF are present individuals could be harassed, injured, or killed by construction noise, vibrations, and equipment.

Mitigation Measure: Implementing the following measure would reduce **Impact BIO-3** to Less than Significant:

MM-BIO-4:

Conduct pre-construction surveys. Prior to any ground disturbance, pre-construction surveys will be conducted by an agency-approved biologist for special-status species. These surveys will consist of walking surveys of the project limit. The biologist(s) will investigate all potential cover sites. This includes thorough investigation of mammal burrows, rocky outcrops, appropriately sized soil cracks, and debris. If any listed species are detected during preconstruction surveys, the USFWS, and/or the CDFW and the NMFS will be notified as appropriate within 48 hours.

With the implementation the measures to be implemented as part of the CMP and the implementation of **MM BIO-4** impacts to FYLF would be less than significant with mitigation.

California Red-Legged Frog. The physical and biological features (primary constituent elements) required for the conservation of CRLF are two or more suitable breeding locations, a permanent water source, and a minimum 300-foot vegetative buffer around water sources—all within 1.25 miles of one another and connected by barrier-free dispersal habitat that is at least 300 feet wide (USFWS 2010). CRLF breed between November and April in standing or slow-moving water at least 2.5 feet deep with emergent vegetation, such as cattails (Typha spp.), tules (Scirpus spp.), or overhanging willows (Salix spp.) (Hayes and Jennings 1988). Egg masses containing 2,000 to 5,000 eggs are attached to vegetation below the surface and hatch after 6 to 14 days (Storer 1925, Jennings and Hayes 1994). Larvae undergo metamorphoses 3.5 to 7 months after hatching and reach sexual maturity at 2 to 3 years of age (Jennings and Hayes 1994).

The BSA is not located within designated critical habitat (USFWS 2010) and suitable breeding habitat was not observed. CRLF have a low likelihood to be present within the Project site. The potential for CRLF to occur in the Project area is greatly reduced by the presence of Mission Road and I-680 that serve as substantial barriers to movement from occupied habitats and source populations in the Diablo Range, by dense urban development that surrounds the proposed Project, the lack of known suitable breeding habitat within the BSA, and the lack of documented breeding locations within five miles of the BSA. There are no known breeding locations within dispersal distance of the BSA. Sabercat Creek is perennial but is culverted along various reaches upstream, downstream, and in the BSA.

The proposed Project would not impact aquatic habitat or upland habitat that is known to be utilized by the species. The proposed Project is a located in an area that is already fragmented by urban development. Osgood Road, the UPRR/BART ROW, commercial business parks, I-680, Mission Road, residential development, and the extensive culverting of Sabercat Creek upstream and downstream of the BSA as well as under I-680, all serve to isolate the BSA from source populations and habitat in the Diablo Range. Within this heavily fragmented landscape, the proposed Project would develop 4.3 acres of mostly grasslands for a pedestrian trail through areas that are, for the most part, already traveled by humans, dogs, and bicycles. The proposed Project would build within this environment, but the fragmentation has already happened.

CRLF are not expected in the Project area and impacts are not anticipated. However, if present, individual/s could be harassed, injured, or killed by construction noise, vibrations, and equipment.

As described in the project description, as part of the CMP specific measures related to special status animals including CRLF would be implemented as part of construction that would avoid or reduce impacts on CRLF, if present. Even with the implementation of these measures there is still the potential for impacts.

Potential Impact BIO-4: If CRLF are present individuals could be harassed, injured, or killed by construction noise, vibrations, and equipment.

Implementing **MM-BIO-4** would reduce Impact BIO-4 to less than significant with mitigation.

With the implementation the measures to be implemented as part of the CMP and the implementation of **MM**

BIO-4 impacts to CRLF would be less than significant with mitigation.

Western Pond Turtle. Ponds or slack-water pools with suitable basking sites (e.g., logs or rocks) are an important habitat component for pond turtles. Nesting season typically occurs from April through July, with the peak occurring in late May to early July. Nesting sites typically consist of open habitat with full sun exposure and are typically located along stream or pond margins, but if no suitable habitat is available, adults have been documented making considerable overland journeys and nesting as far as 1300 feet (0.25 mi) from the water (Jennings and Hayes 1994; Bury and Germano 2008). Juveniles feed and grow in shallow aquatic habitats, often creeks, with emergent vegetation and ample invertebrate prey.

The nearest recorded observation of western pond turtle was three adult turtles observed along Alameda Creek in Quarry Lakes Regional Park, approximately 3 miles northwest of the BSA (CDFW 2020). Sabercat Creek east of I-680 was observed to be shallow and lacking deep pools and basking sites. The Caltrans Sabercat Wetland Mitigation Area may provide seasonal aquatic habitat but was observed to be dry during summer 2020. Aquatic habitat in Sabercat Creek west of I-680 is also shallow and lacks suitable deep pool habitat and basking sites. Sabercat Creek is not hydrologically connected to documented breeding populations within the Alameda Creek Watershed.

Project activities are not proposed within riparian zones or aquatic features and impacts on WPT are not anticipated. As described in the project description, as part of the CMP specific measures related to special status animals including WPT would be implemented as part of construction that would avoid or reduce impacts on WPT, if present. Even with the implementation of these measures there is still the potential for impacts.

Potential Impact BIO-5: If present, WPT individual/s could be harassed, injured, or killed by construction noise, vibrations, and equipment.

Implementing the following measure would reduce Impact BIO-5 to Less than Significant:

MM-BIO-5:

Conduct a pre-construction survey for WPT. No more than 14 days prior to the initiation of any activity near the riparian corridor along Sabercat Creek, the monitoring biologist shall conduct a preconstruction survey to determine whether western pond turtles are present. If any turtles are encountered, in consultation with the Caltrans biologist, they shall be relocated to suitable habitat upstream of the work prior to initiating activities.

With the implementation the measures to be implemented as part of the CMP and the implementation of **MM BIO-5** impacts to WPT would be less than significant with mitigation.

Alameda Whipsnake. The AWS (= Alameda striped racer) is most closely associated with scrub and chaparral communities, but also makes extensive use of adjacent habitats, including grasslands, open woodlands, woodland edges, and open riparian scrub (Stebbins 2003; Swaim 1994; USFWS 2006). Telemetry data (Swaim 1994) showed that home ranges of AWS are centered on coastal scrub communities and that home ranges include a mosaic of scrub/woodland/grassland habitats. Within their home ranges most whipsnakes monitored with telemetry had core areas with concentrated use. The microhabitat in core areas consisted of scrub and to a lesser degree, immediately adjacent grassland, with aspects ranging from northeast, southeast, south, or southwest facing slopes.

Rock outcrops within and in very close proximity to scrub and chaparral likely enhance the habitat for whipsnakes because they provide secure cover and promote abundant lizard populations (Swaim 1994). However, rock outcrops are not present at all study areas where whipsnakes have been documented. Trapping surveys have documented breeding populations of AWS in scrub patches as small as ½ acre, when the patch occurs on core type aspects embedded in grassland /open woodland mosaic with other patches of scrub of similar or larger size nearby (Swaim Biological Inc. 2011).

The BSA is not located within designated critical habitat for the Alameda whipsnake (USFWS 2006). One record of Alameda whipsnake occurs within a five-mile radius of the BSA. No suitable habitat is present in Blacow to Osgood section, and only certain small areas in Osgood Road to Sabercat Historical Park and North Trail sections

could be remnant habitat for the species. The BSA does not connect to any other area of habitat and AWS is not expected to occur in the Project area.

Potential Impact BIO-6: If AWS were present during construction, the noise, vibrations, and personnel associated with proposed Project implementation could cause reduced foraging and fitness, exposure to predation, or other forms of harassment. Individuals could also be injured or killed by heavy equipment.

Implementing MM-BIO-3 and MM-BIO-4 would reduce Impact BIO-6 to less than significant with mitigation.

With the implementation the measures to be implemented as part of the CMP and the implementation of **MM BIO-3 and MM-BIO-4** impacts to AWS would be less than significant with mitigation.

Burrowing Owls. Burrowing owls are year-round residents throughout much of California, including the San Francisco Bay region (Gervais et al. 2008). They primarily inhabit open grasslands, but also occur in fallow fields, desert scrub, banks of ditches, gullies and canals, and human-altered landscapes (Bates 2006; Gervais et al. 2008). They nest in open areas with existing small mammal burrows, relatively short vegetation, and suitable perching locations such as fence posts or mounds and may also excavate their own burrows (Bates 2006).

The nearest recorded observation of burrowing owls breeding was in 2005 in ruderal vegetation along the railroad corridor just southwest of the intersection of AutoMall Parkway and Osgood Road, approximately 0.8 miles south of BSA (CDFW 2020).

Potential habitat is present in the areas that are not ungrazed and otherwise undisturbed grasslands along lower slopes of the Caltrans mound within the I-680 right-of-way, though the vegetation is taller than five feet high and no burrow complexes, burrowing owls, or their sign were observed. Potential habitat is present at Sabercat Historical Park, but grasslands are narrow and adjacent to large trees that may be utilized by predators, and the park is heavily used by hikers, dog walkers, and cyclists. However, ground squirrel burrow complexes were observed during surveys and may provide marginal breeding and wintering habitat. Based on multiple breeding records within 2 miles of the BSA, many in marginal habitat, and the presence of open grasslands with low vegetation and many ground squirrel burrows, Sabercat Historical Park provides suitable habitat and a low potential for burrowing owls to be present during construction.

If burrowing owls were present during construction, noise, vibrations, and personnel associated with Project implementation could cause site avoidance or emigration, nest abandonment, reduced foraging and fitness, or other forms of harassment. Individuals could also be injured or killed by heavy equipment.

FMC 18.218.050(b), Special Status Species, includes the following measures for burrowing owl protection:

> (1) Burrowing Owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:
>
> > (A) Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
> >
> > (B) Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.
> >
> > (C) Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.

(D) Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.

Implementation of the FMC 18.218.050(b)(1) would avoid or minimize impacts on burrowing owls.

With the implementation of **FMC 18.218.050(b)(1)** impacts to burrowing owls would be avoided and Project impacts would be less than significant, and no mitigation is necessary.

Nesting Birds. Most birds found in the BSA are protected under the MBTA and/or State FGC codes. Migratory birds that were identified by the USFWS's IPaC query comprise a partial list of migratory species that may occur in the Project area, and include loggerhead shrike (*Lanius ludovicianus*), a California Species of Special Concern. There are multiple wintering observations of loggerhead shrikes mapped within two miles of the BSA including at Lake Elizabeth and in the surrounding foothills, and six occurrences were reported in the 9-quada search area, but locations were concealed by the CNDDB. Additionally, juvenile shrikes were observed being fed by adults near Lake Elizabeth in 2012, which demonstrates the potential for the species to breed in or near the BSA.

Suitable habitat is present in urban trees and shrubs, landscaping along streets and parking lot shade trees, in graveled areas, in the undisturbed annual grasslands and coyote brush scrub along the lower slopes of the Caltrans mound within the I-680 right-of-way, in the Caltrans Sabercat Wetland Mitigation Area, and some portions of Sabercat Historical Park. Sabercat Historical Park is popular among hikers, dog-walkers, and cyclists, so the ambient disturbance is high.

Project construction has the potential to result in the take of nests, eggs, young, or individuals of protected migratory bird species. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to the abandonment of nests.

FMC 18.218.050(b), Special Status Species, includes the following measures for nesting bird protection:

(2) Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:

(A) Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).

(B) Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.

(C) Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.

Implementation of FMC 18.218.050(b)(2) would avoid or minimize impacts on loggerhead shrike and other protected nesting birds.

With the implementation of **FMC 18.218.050(b)(2)** impacts to nesting birds would be avoided and Project impacts would be less than significant, and no mitigation is necessary.

Pallid bat. Day-roosting habitat for pallid bat typically includes rocky outcrops, cliffs, large-diameter live and snag trees, anthropomorphic structures (bridges, residential structures, culverts, etc.) and spacious crevices with access to open habitats for foraging. Pallid bat may also roost in caves, mines, bridges, barns, porches, bat boxes, on the ground, stone piles, rags, baseboards, and rocks. Day roosts are generally warm and out of reach from ground predators and may consist of single- or mixed-sex colonies in crevices or man-made structures. Numbers of individuals in a day roost range from a few individuals and up to a couple hundred individuals. Pallid bats have been documented to use culvert structures for roosting.

Eucalyptus, willow trees, oaks, and other trees with exfoliating bark, cracks, and crevices could provide suitable roost habitat for pallid bats. In addition, pallid bats could be using Sabercat Creek culverts as roosting habitat. Based on the presence of potentially suitable pallid bat roosting habitat within and adjacent to the BSA, pallid bats are likely to roost and/or forage in the BSA. A maximum of approximately 57 trees would be impacted by proposed Project activities (some occur in temporary impact areas and may be trimmed rather than removed). It is not known what trees and tree characteristics western red bats favor, but it is likely they prefer taller trees, which are typically older and have a greater DBH.

In addition to the loss of trees, roosting bats could be roused by proposed Project implementation and suffer reduced foraging opportunities or increased exposure to predation.

FMC 18.218.050(b), Special Status Species, includes the following measures for roosting bats:

> (3) Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on site shall conduct the following measures prior to demolition:
>
> > (A) Preconstruction Surveys. A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of structure(s) or trees as bat roost habitat.
> >
> > (B) Protective Buffer Zone(s). If active bat roosts are found on site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost.
> >
> > (C) Mitigation and Exclusion. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.

Implementation of the FMC 18.218.050(b)(3) would avoid or minimize impacts on roosting bats.

With the implementation of **FMC 18.218.050(b)(3)** impacts on roosting bats would be avoided and proposed Project impacts would be less than significant, and no mitigation is necessary.

Western red bats. Western red bats make regional movements between their winter and maternity roosts seasonally. As a foliage roosting bat, the western red bat is closely associated with well-developed riparian habitats but will also utilize other habitats (e.g., orchard trees, eucalyptus, tamarisk, etc.) that provide suitable dense clusters of leaves creating suitable roosting sites. Of note, this species has been observed roosting on the ground within leaf clutter. The western red bat is a solitary roosting bat that will often have two pups per year.

Though potentially suitable western red bat foliage roost habitat occurs throughout the BSA there are no western red bat records within five miles. However, the dense foliage clusters observed in the eucalyptus grove and willow tree/riparian habitats within the Project area. If present, western red bat roosts are small and only consist of one to a few individuals, however, the Project area could support multiple western red bat roosts and could represent a large portion of the local population. Therefore, based on the presence of potentially suitable roost habitat within and adjacent to the Project area, western red bats are moderately likely to occur. A maximum of

approximately 57 trees would be impacted by Project activities (some occur in temporary impact areas and may be trimmed rather than removed). It is not known what trees and tree characteristics western red bats favor, but it is likely they prefer taller trees, which are typically older and have a greater DBH.

With the implementation of **FMC 18.218.050(b)(3)** impacts to roosting bats would be avoided and proposed Project impacts would be less than significant, and no mitigation is required.

San Francisco dusky-footed woodrat (SFDFWR) can be found throughout the San Francisco Bay Area within mixed coniferous forests and oak and riparian woodlands. SFDFWR are abundant in areas with dense shrub cover and is strongly associated with structurally complex habitats, such as riparian corridors. Woodrats are usually conspicuous where they occur due to their large stick-pile houses, which they construct on the ground, in rocky outcrops, and in trees from sticks and other debris. Houses may be reused by successive generations, and some can grow to be six feet or more in height, while others are well-hidden and easily overlooked. Each house is typically inhabited by one male or one female with young, but individuals may use multiple satellite houses within a home range (Carraway and Verts 1991). SFDFWR houses are also used by a wide variety of native amphibians, small mammals, reptiles, and insects. SFDFWR are mostly nocturnal. They forage in trees and on the ground for a wide variety of nuts, fruits, fungi, foliage, and some forbs (Linsdale and Tevis 1951). Reproduction typically occurs between September and December and between February and July, peaking in April and May.

No woodrat houses were observed during the site assessment, aquatic resources delineation, or floristic surveys but suitable habitat is present and concealed houses could have been overlooked. The Sabercat Creek riparian corridor, remnant orchard, California Sagebrush Scrub community, and Coyote Brush Scrub habitats provide the densest shrub understories in the Project area and are locations where woodrats would be most expected to occur.

MM-BIO-6:

Conduct a pre-construction survey for SFDFWR. A qualified biologist will conduct a preconstruction survey of the BSA prior to the start of construction in woodland areas to determine if woodrat nests are present within areas of temporary and permanent impact. The need for nest dismantling and relocation will be determined by Caltrans in coordination with CDFW.

With the implementation of the measures listed in **FMC 18.218.050(b)** for CTS, burrowing owl, nesting birds, and roosting bats, the measures to be incorporated as part of the CMP discussed in the project description, and implementation of the mitigation measures for special status plants and species, impacts would be less than significant with mitigation incorporated.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measures MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-6

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

The only identified wetland in the Project area is the Caltrans Sabercat Mitigation Wetland located within Caltrans right-of-way east of I-680 and adjacent to Sabercat Historical Park. Sabercat Creek flows into the created wetland which along with upstream enhancement of Sabercat Creek was mitigation to compensate for the loss of riparian habitat and waters and wetlands of the state resulting from Caltrans I-680 Sunol Grade southbound and northbound HOV lane projects. The site consists of a freshwater emergent wetland surrounded by willows and other riparian trees, buffered by an upland zone of mostly coyote brush with lesser amounts of California sage and black sage interspersed with mitigation oak saplings. The wetland was dry during a September site visit but apparently supports emergent cattails during the wet season and a growth of willows where Sabercat Creek debouches.

The wetland would not be directly impacted by the proposed Project, but approximately 270 square feet (0.06 acre) would be newly shaded by the I-680 Overcrossing. The overcrossing span of 850 feet combined with approximately 40 to 50 feet of vertical clearance between the underside of the overcrossing and the surface level

of the mitigation wetland (measured at top of bank) would allow ample light into the area. Since the height of the bridge span would allow ample light to areas below, and because shading of the mitigation wetland would be transitory relative to the sun's arc both seasonally and hourly, there is likely to be no substantive change in the existing conditions. The shading impact is considered less than significant, and no mitigation is required.

A portion of the upland zone within the mitigation area is proposed for construction access to build the east landing and would be temporarily impacted during Project construction. The proposed Project has been designed in conformance with the City of Fremont General Plan Implementation 3-4.7.A: Transportation and Sensitive Natural Features, ensuring that proposed transportation facilities are designed and constructed to avoid or minimize potential impacts on wetlands, steep slopes, and other environmentally sensitive areas. Despite pursuing design alternatives that would avoid the Caltrans Sabercat Creek Mitigation Site, all other feasible alternatives to access the east landing would have a greater impact on sensitive riparian habitat along Sabercat Creek. Therefore, impacts to an upland component of the Caltrans Sabercat Creek Mitigation Site would be considered the least damaging practicable alternative. As described in the project description, the CMP developed for the proposed Project includes a measure to limit the construction footprint to the smallest area possible which would minimize and avoid impacts to the riparian habitat.

Potential Impact BIO-8: Impacts to the Caltrans Sabercat Creek Mitigation Site

Implementation of the following measure would reduce Impact BIO-8 to less than significant:

MM-BIO-7:

Develop compensatory mitigation as prescribed by Caltrans and the resource agencies for impacts to the existing mitigation site uplands. The City of Fremont would develop compensatory mitigation in coordination with Caltrans, CDFW, and RWQCB. Compensatory mitigation would likely involve post-project restoration of the upland zone per the originally proposed HMMP planting plan and a pledge to provide site irrigation (and herbivory protection) sufficient to ensure oak sapling survival. Additional compensatory mitigation proposed to offset these impacts would include non-native tree removal (e.g., olive, wattle, tree-of-heaven) at other Project sections.

With the implementation of the measures identified in the project description related to the construction footprint and **MM-BIO-7**, impacts on the Caltrans Sabercat Mitigation Wetland site would be less than significant with mitigation.

Land Cover Types and Natural Communities

The proposed Project would impact five land cover types (Urban/Landscaped, Paved, Ornamental, Barren and Sparsely Vegetated, Concrete V-ditches) and four natural communities (Coast Live Oak Woodland and Forest, Wild Oats and Annual Brome Grasslands, California Sagebrush Scrub, Coyote Brush Scrub). Efforts have been made to locate project elements within already-developed or highly impacted areas because they provide limited opportunity for biological resources; impacts on Urban/Landscaped, Paved, Ornamental, Barren and Sparsely Vegetated, and Concrete V-ditches are described together. No compensatory mitigation is proposed for impacts on these land cover types.

Project implementation would temporarily impact 5.2 acres of habitat and permanently develop 4.3 acres of habitat, for a total of 9.5 acres of impacts on common natural communities. The loss of this wildlife habitat would be less than significant because of the location of the habitat within an urbanized environment. As described in the project description, the CMP developed for the project includes a measure to limit the construction footprint to the smallest area possible which would avoid impacts to the riparian habitat. Impacts would be less than significant, and no mitigation is required.

Sensitive Natural Communities

Natural communities are described according to California's expression of the National Vegetation Classification System– the Manual of California Vegetation (MCV), 2nd Edition. Natural communities are evaluated using NatureServe's Heritage Methodology. Natural communities with ranks of S1-S3 are considered Sensitive Natural Communities (SNCs), with S1 meaning Critically Imperiled– At very high risk of extirpation in California due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors; S2 meaning Imperiled– At high risk of extirpation in California due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors; and S3 meaning Vulnerable– At moderate risk of extirpation in California due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors. Suffixes (.1, .2, .3) may be added to indicate a threat ranking for the species, i.e., a species may be rare, but all known occurrences are protected so it has a threat rank of .3- Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known).

Database queries identified four SNCs known to occur in the 9-quad search area: Northern Coastal Salt Marsh, Sycamore Alluvial Woodland, Valley Needlegrass Grassland, and Valley Sink Scrub. They are legacy SNCs classified according to "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland 1986). Since the mid-1990s, however, CDFW and its partners, including the CNPS, have been working to classify vegetation types using the state standards embodied in the Survey of California Vegetation, which comply with the National Vegetation Classification Standard (NVCS). None of these legacy SNCs nor any contemporary classifications thereof occur in the BSA. Therefore, there are no impacts, and no mitigation is required.

Potential Red Willow Riparian Woodland & Forest or Shining Willow Groves

During floristic surveys, mixed willow species were observed growing on the banks of Sabercat Creek in the North Trail section of the Project. They had leaves and bark as identifying features, but lacked bud scales and catkins for further identification, and determining percent cover by species was problematic. Therefore, they were tentatively identified as Red Willow Riparian Woodland and Forest (MCV Alliance 61.216.00) or Shining Willow Groves (MCV Alliance 61.204.00) SNC. Red Willow Riparian Woodland and Forest has a SNC ranking of 3, and Shining Willow Groves has a SNC ranking of 3.2, making either of them a Sensitive Natural Community.

The Project has been designed to avoid creeks and riparian zones and impacts are not anticipated. However, there is a low likelihood that the tops of individual trees may need to be trimmed during pedestrian bridge installation if they obstruct the span. This could result in a minimal impact to the willows but would not substantially affect the value or function of this natural community. The possibility that willow trees will need to be trimmed during bridge installation if they obstruct the span is not a certainty. Willows are disturbance-tolerant species and are not expected to experienced negative impacts from minor trimming, and impacts would be less than significant, and no mitigation is required.

An impact from the pedestrian bridge over Sabercat Creek in North Trail section would be permanent shading of the riparian canopy beneath the bridge (the existing understory is already heavily shaded by the canopy). Directly under the proposed bridge are four toyon, seven willows (*Salix* species), one elderberry, two coast live oak, and one olive (*Olea 40uropa*). All have a maximum DBH of three inches. It is unknown if bridge shading would adversely impact the canopy or if the arc of the sun would offset such an impact in a meaningful way, but the bridge would only be 12 feet wide, and would be constructed in a north-south direction, therefore sun angles would not be blocked. In addition, this is a relatively heavy riparian corridor, and the current tree cover is shading each other. Because the proposed Project would not result in shading impacts that negatively impact the existing trees, the impacts of shading on the riparian environment within Sabercat Creek are considered less than significant, and no mitigation is required.

With the implementation of the measure identified in the CMP regarding the construction footprint, as described in the project description and MM-BIO-6, impacts on riparian habitat or other natural sensitive communities would be less than significant with mitigation.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measure MM-BIO-7

c) *Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

All waters and wetlands are located outside of Project disturbance areas and impacts on these features are not anticipated. Aquatic resources in the BSA include Sabercat Creek east and west of I-680; Mammoth Creek east of I-680 occurring south of Sabercat Creek in Sabercat Historical Park; an existing Caltrans Sabercat Mitigation Wetland east of I-680 and west of Sabercat Historical Park; concrete V-ditches in the Caltrans mound area within the I-680 right-of-way; and an open drainage feature on the north BART property.

Sabercat Creek was previously restored by Caltrans where it flows into the Sabercat Mitigation Wetland. The creek supports a riparian canopy of mostly willows, and during the wet season supports emergent cattails in the mitigation wetland. From there it is culverted beneath I-680 and daylights on the other side. In the North Trail section, Sabercat Creek is a perennial creek with a low-flow channel approximately three feet wide and an ordinary high-water mark approximately 75 feet wide at the proposed footbridge that extends to the toe of slope on each bank and overflows the access road along the creek. Sabercat Creek supports a healthy and diverse native riparian canopy consisting of willows, California boxelder (*Acer negundo*), elderberry (*Sambucus nigra*), and California buckeye (*Aesculus californica*). Toyon (*Heteromeles arbutifolia*) and coast live oak form the outer riparian band as it transitions to upland habitat.

Pedestrian bridge footings and landings for the proposed Sabercat Creek bridge in the North Trail section are proposed in upland areas to reduce impacts on the riparian zone. The North Trail section would be constructed in upland habitat in a sequence from north to south, so that construction could both access the area and build the bridge from the upland path. The construction area and landing are upslope from Sabercat Creek and outside the top-of-bank. Due to the steep terrain and vertical cliff face posed by the creek's north bank, the bridge would be a pre-cast steel bridge that would be place on abutments that are built from the trail. Soil and debris catchment will be placed to avoid dropping into the stream while building the abutment**.** Temporary construction site BMPs developed as part of the stormwater pollution prevention plan (SWPPP) would be implemented to minimize temporary erosion impacts and prevent siltation impacts to receiving waters (Refer to Section 1.10, Hydrology and Water Quality for additional details). With the implementation of the BMPs, impacts would be less than significant, and no mitigation is required.

Mammoth Creek flows along the southern boundary of Sabercat Historical Park before being culverted for a short distance beneath an overland crossing and debouching to the Caltrans Sabercat Mitigation Wetland. Its headwaters originate within Sabercat Historical Park and the creek was dry during June and September 2020 site visits. Mammoth Creek would not be impacted by proposed Project activities, but the overland crossing is proposed as an access route for construction of the East Landing.

Concrete V-Ditches. The Caltrans earthwork disposal area within the excess I-680 right-of-way in Osgood to Sabercat Historical Park has concrete V-ditches along its lower slopes to direct sheet flow off the site into an upland buffer zone. The V-ditches were observed to have saturated soil in June 2020 but were dry in September 2020. While these features occur within the BSA, they would not be affected by the proposed Project. Therefore, there would be no impact and no mitigation are required.

Drainage Ditch. An open drainage ditch terminates at the north BART property in the North Trail section. It appears to be the final reach of Washington Creek, which is mapped as being culverted underground at the junction of Driscoll Rd. and Olive Ave. (William Lettis and Associates 1999) but nonetheless appears to also be culverted under Washington Boulevard where it empties to an open drainage ditch paralleling the east side of Osgood Road. This feature was identified for culverting as part of the Bart Warm Springs Extension Final

Supplemental EIR – Addendum 2 Modifications To Irvington Station And Gallegos Winery Components project (Huffman-Broadway Group, Inc., 2019). This feature occurs within the BSA in a proposed staging area, and if unprotected could be impacted. Temporary construction site BMPs developed as part of the SWPPP would be implemented to reduce impacts on the Drainage Ditch. With the implementation of the BMPs, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Project area is an endpoint of habitat in a densely urban area, and may function as a movement corridor for a few urban wildlife species such as red fox (*Vulpes vulpes*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*), assuming they will utilize long culverts to pass under I-680 or can otherwise make it across the freeway. Habitat connectivity between the Diablo Range and Cameron Hills (Sabercat Historical Park) is encumbered by Mission Boulevard and habitat connectivity between the Cameron Hills and the Bay Plain is encumbered by I-680. The Project area is already fragmented by urban development. Osgood Road, the UPRR/BART ROW, commercial business parks, I-680, Mission Road, residential development, and the extensive culverting of Sabercat Creek upstream and downstream of the BSA as well as under I-680, all serve to isolate the BSA from source populations and habitat in the Diablo Range. Extensive urban development further reduces the attraction for terrestrial animals to move among these areas.

There is also no riparian continuity from Sabercat Creek within Sabercat Historical Park to any of its headwater tributaries east of Mission Boulevard (i.e., no riparian connectivity to upstream source populations of special-status species from the Diablo Range) because all tributaries for an approximate 1.7-mile stretch along Mission Boulevard between Mission Creek to the north and Canada del Aliso Creek to the south are culverted on both sides of Mission Boulevard. This disconnects occupied habitat in the Diablo Range from potential habitat in the Cameron Hills for most terrestrial and aquatic animals, perhaps especially for small non-volant animals such as CTS, CRLF, FYLF, AWS, and WPT. Sabercat Creek is then culverted again for a long distance under I-680, further disconnecting potential habitat at Sabercat Historical Park from areas west of I-680.

The proposed Project would result in temporary construction disturbance that may be off-putting to wildlife but would not interfere substantially with their movement. The proposed Project is relatively narrow and meandering, providing opportunities for wildlife to go around. After construction of the proposed Project is complete, the urban wildlife species described above may even utilize the I-680 pedestrian overcrossing to move more easily and safely across I-680. The proposed Project would have no impact on wildlife corridors. As such, there would be no potential impacts related to migratory fish or wildlife species, and no mitigation is required.

Refer above under a) for the discussion on migratory birds.

Potential Impact: No Impact
Mitigation: None required

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of Fremont's Tree Preservation Ordinance (FMC Chapter 18.215) typically applies to trees on private properties but would be implemented for this proposed Project as described in the project description. The Tree Preservation Ordinance requires replacement at a 1:1 ratio with new, minimum 24-inch box size replacement trees to the satisfaction of the City Landscape Architect or payment of an in-lieu fee for each tree that is unable to be replaced on the site for trees that meet the requirements include a DBH greater than 6 inches. A total of 1,298 trees were identified within the BSA using the City of Fremont database on tree location and SBI field work, with the majority having a DBH of less than 6 inches. Approximately 226 protected trees with a DBH greater than 6 inches occur in the BSA and 57 of these protected trees occur within temporary and permanent impact areas.

The number of protected trees that would be removed due to the proposed Project cannot be ascertained until designs are finalized but based on the results of the information collect as part of the City of Fremont surveys and the September 2020 Swaim Biological, Inc. surveys, it is expected that approximately 57 trees would be impacted. Of these, 57 were identified to species and are comprised of 20 native trees and 37 non-native trees.

The proposed Project is consistent with the City of Fremont General Plan polices on protecting biological resources including Policy 2-6.7: Environmentally Sensitive Use of Open Space, Implementation 3-4.7.A: Transportation and Sensitive Natural Features, and Policy 7-1.1: Preservation of Natural Habitat Preserve (see Section 1.11, Land Use and Planning).

With the implementation of the requirements in **FMC 18.215** and Standard Detail LSD-9 as described in the project description there would be no conflicts with local policies or ordinances and no impacts as a result of the proposed Project. As such no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that governs the Project area and activities conducted by the City of Fremont. As such, there would be no potential impacts related to approved local, regional, or state habitat conservation plans, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

1.5.1 Environmental Setting

The proposed Project is located within an urbanized area with a mix of residential and non-residential (commercial, industrial, and institutional) uses and areas of vacant lands. The Area of Potential Effect (APE) includes both the archaeological APE as well as the architectural APE, and includes the areas where the Project could have direct and indirect impacts on cultural resources. The one difference between the archaeological and architectural APE boundaries is on Osgood Road where the architectural APE includes the entire City of Fremont Public Works parcel. A records search for previously recorded cultural resources of the Northwest Information Center (NWIC) California Historical Resources Information System (CHRIS) was conducted for the area that covered the Project APE and a 0.5-mile radius around the APE. Based on the records search, no archaeological resources are known within the APE and two are located within the 0.5-mile radius. There is one built environment resource located within the APE and numerous others within the 0.5-mile radius. Seventeen previous studies have examined parts of the APE and these studies identified two built environment resources. For analysis pertaining to Tribal Cultural Resources, see Section 1.18.

Regulatory Framework

- City of Fremont Municipal Code, Section 18.218.050(d)

This discussion is based on the following documents:

- Archaeological Survey Report, prepared by Archaeological/Historical Consultants, dated August 2021
- Historic Property Survey Report, prepared by Archaeological/Historical Consultants, dated August 2021

1.5.2 Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

The records search conducted with the NWIC for the proposed Project identified one built environment resources recorded within the boundaries of the architectural APE. The resource at 42539 Osgood Road (P-01-002222) is located at the southwest corner of Blacow and Osgood Roads, was designed in 1921 as a residence by prominent local architect Charles McCall. The building was found eligible for the National Register of Historic Places (NRHP) as a rare local example of the Prairie Style (Dobkin and Hill 2000; Lenz 2004). The house and its adjacent landscaping form the eligible area. The building is currently used by the City of Fremont as part of its corporation yard. The proposed Project would repave a small portion of the 42539 Osgood Road parcel, while another part of the parcel will be used as a staging area. However, these areas are outside of the NRHP-eligible area and project activities will not affect the historic property. Construction of the proposed Project would occur adjacent to other

properties with structures that are over 45 years of age, which was used to determine if the structures needed to be considered for NRHP-eligibility; however, no physical alterations are proposed at these adjacent properties as part of the proposed Project and there are no changes in setting or visual or auditory impacts to adjacent properties. The proposed Project has been designed in conformance with GP Implementation 3-4.7.B: Transportation and Historic Resources, ensuring that transportation improvements respect and conserve identified historic structures, sites and landmark trees whenever feasible. As such, there would be no potential impacts related to historical resources and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.6?

The CHRIS record search conducted by the NWIC did not identify recorded known archaeological sites within the APE. There were two resources located within the 0.5-mile radius of the Project site with the nearest being about 400 feet away from the Project limits. The search of the Sacred Lands File for the project vicinity indicated the presence of known or recorded sites nearby.

The archaeological APE was surveyed in 5 to 10 meter transects depending on topography. Soil was examined for evidence of prehistoric or historic activity, including midden soil, shell, bone, modified lithic materials, fire-cracked rock, and historic-era debris and features. Of the 11.7 acres within the APE for archaeology, 8.7 acres were surveyed in pedestrian transects at 10-meter intervals. 2.6 acres were visually inspected from a distance due to limited access. 0.4 acres were not surveyed due to inaccessible terrain or safety concerns. Based on the field survey no archaeological resources were identified. In addition, a geoarchaeology sensitivity analysis was performed where slope, distance to water, and soil age are used to determine site sensitivity. Based on the analysis most of the APE has a low to very low potential for archaeological resources within only the area around Osgood Road and within the Caltrans right-of-way west of I-680 having a moderate potential. However, the area within the Caltrans right-of-way has between 5 to 20 feet of fill on top of native soils.

If previously unidentified cultural materials are unearthed during construction, it is Caltrans' policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.

FMC 18.218.050(d)(2), Cultural and Tribal Resources – Accidental Discovery of Cultural Resources, includes similar requirements for accidental discovery with which the Project must comply:

(2) **Accidental Discovery of Cultural Resources**. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

(A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.

(B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

(C) In the event that any human remains, or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.

(D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.

(E) As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique archaeological resource as defined by Cal. Pub. Res. Code § 21083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code § 21074. Collectively, these terms describe "significant cultural materials."

FMC 18.218.050(d)(3), Cultural Resources – Archaeological Monitoring, would also be implemented:

(3) Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so, determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

(A) An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

With no known archaeological resources identified within the APE and the low to moderate potential based on the field survey and the geoarchaeological analysis it is unlikely that archaeological resources would be encountered. However, if encountered the implementation of the measures identified in FMC 18.218.050(d)(3) noted above would avoid or minimize impacts related to a previously unidentified cultural resources to a less than significant impact and no mitigation is required.

In addition, the measures identified in FMC 18.218.050(d)4), Cultural Resources – Tribal Cultural Monitoring and Training, would also be implemented which address Tribal Monitoring (Refer to Section 1.18, Tribal Cultural Resources, for more information).

Potential Impact: Less than Significant
Mitigation: None required

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Although no evidence of human remains was identified there the potential for human remains to be discovered during construction. If human remains are discovered the impact would be potentially significant. If human remains are identified during construction, the requirements of FMC 18.218.050(d)(2)(C), listed above under b), would be implemented which requires cessation of work, notification, and immediate evaluation. CEQA Guidelines Sections 15064.5 (e) and (f) outline the steps to be taken in the event of the accidental discovery or recognition of any human remains which could include coordination with the NAHC and if the resources are determined to be an historical or unique archaeological resource, it will need to be determined if the resource

could be avoided or development of appropriate mitigation is not avoidable. Work would be allowed to continue on other parts of the proposed Project. By following the requirements above, the impacts associated with the discovery of human remains would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

1.6.1 Environmental Setting

The proposed Project would be constructed in areas of primarily undeveloped lands or within existing land uses including transportation and public open space with no structures. The purpose of the proposed Project is to improve the non-motorized uses and connections transit which would replace vehicle travel, resulting in a reduction in the consumption of energy resources as vehicle miles traveled (VMT) decrease. This is consistent with the objective of providing alternative modes of transportation beyond the automobile.

The discussion is based in part on the following:

- Air Quality and Greenhouse Gas Report, prepared by Impact Sciences, dated August 2021

1.6.2 Discussion

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction equipment would consume energy associated with the movement of equipment and materials. Project construction would be required to implement best management practices consistent with FMC 18.218.050(a)(1), which includes measures related to idling equipment and ensuring construction equipment is maintained and property tuned. Overall, the entire construction duration is expected to last up to 24 months and energy consumption associated with construction would end after completed. Energy usage during construction would result not result in significant impacts and no mitigation is required.

Operation would require energy for lighting, but the location and type of lighting undetermined, and energy would also be required for maintenance. This would not result in significant impacts as the energy usage would be minimal. The proposed Project improves pedestrian and bicycle connections and is designed to encourage walking, biking, and transit use to replace vehicle travel, there would potentially be a reduction in the consumption of energy resources as VMT's decrease. Energy usage during operation would result in impacts that are less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed Project does not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Regulations at the state level are intended to reduce energy use and greenhouse gas (GHG) emissions including California Code of Regulations Title 24, Part 6-Energy Code which are primarily related to the construction of buildings. The proposed Project is anticipated to reduce VMT in the City of Fremont by encouraging other modes including bicycle and pedestrian transportation that would connect to transit services

which is consistent with the Fremont General Plan policies related to reducing GHG and transportation options. Therefore, the proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Because the proposed Project would not conflict with state or local plans and is consistent with goals and policies there would be no impact and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

1.7.1 Environmental Setting

A portion of the Project area is located on the Hayward Fault, the approximate dividing line between East Bay coastal plain and East Bay hills and is within the Alquist-Priolo Earthquake Fault Zone. The Hayward fault is active and capable of significant surface displacements. Settlement occurred within the Project area in mid to late 1800s. There have been and will continue to be sudden earthquake-related surface ruptures and on-going creep displacements occurring along surface traces of the Hayward fault in the vicinity of the Project. The Project area topography is mostly gently to moderately sloping with steeper areas next to Sabercat and Mammoth Creeks.

A portion of the Project area east of Osgood Road overlaps a retired quarry, known as Bell Quarry after Stanley and Anna Bell who owned it from the 1940s through 1960s. Bell Quarry occupied approximately 40 acres east of Osgood Road (Museum of Local History, n.d.). In the late 1960s and early 1970s, Caltrans bought the quarry and constructed I-680 across it. A large stockpile within the study area and west of I-680 is often referred to as the "Caltrans mound,"

where Caltrans deposits spoils from I-680 freeway and other nearby construction activities. This stockpile has grown into a small hill. Fill composition is unknown and may be more than 30 feet thick.

The Project area includes Irvington gravels (QTs) which are determined to have high to very high paleontological sensitivity. More than 29,000 fossil specimens have been recovered from in and around the Project area including mammoth, musk oxen, horses, camels, giant sloths, squirrels, deer, dire wolves, elk, and sabretooth cats (Savage, 1951). Fossils have been found in the Irvington hills since the late 1800s. At the Bell Quarry, which underlies the majority of the Project area, tens of thousands of specimens were recovered from the 1940s through 1960s by a teacher named Wesley Gordon and students he called the "Boy Paleontologists." Additional fossils were found during the construction of I-680 in the early 1970s and along the east side of I-680 in subsequent improvements. Fossils are occasionally found in the creek beds in or upstream of the Project area to this day (CNHM, n.d.). Older Alluvial Sediments (Qoa) which have high paleontological potential and Alluvial Sediments (Qa), which have low to high potential depending on location, depth of excavation, proximity to water courses, and other local specific factors are also found in the Project area.

Regulatory Framework

- City of Fremont General Plan, Safety Element (2011)
- City of Fremont Municipal Code Section 18.218.050(e)

This discussion is based in part on the following documents:

- Preliminary Foundation Report, prepared by Parikh Consultants, Inc., dated August 2020
- Surface Fault Rupture Displacement Hazard Analysis, prepared by Parikh Consultants, dated August 2020
- Paleontological Identification Report/Paleontological Evaluation Report, prepared by Earthview Science, dated August 2021

1.7.2 Discussion

a) Would the project:

Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

Portions of the proposed Project are located within an Alquist-Priolo Earthquake Fault Zone associated with the Hayward Fault which travels generally north-south through the Project area associated with portions of the Osgood to Sabercat Historical Park and North Trail segments. As a result, there is the potential for rupture of the Hayward Fault in the Project area. Because the proposed Project would be constructed within an Alquist-Priolo Earthquake Fault Zone, it is being designed to meet all applicable construction standards in the event of an earthquake. Impacts along the trail that remains at-grade would be minor or easily replaced if damaged and persons may find themselves shaken if they are present in the area during an event, which is possible throughout Fremont and the Bay Area and not unique to this proposed Project. The proposed structures (overcrossings and bridges) located west of I-680 are located within the Alquist-Priolo Earthquake Fault Zone. All of the proposed structures are required to meet Caltrans statewide design standards for bridges and structures which includes the most current adopted edition of the *AASHTO LRFD Bridge Design Specification with California Amendments* and the current version of the Caltrans Seismic Design Criteria to ensure the structures would be resilient to such events and result in less than significant impacts on persons safety or persons passing underneath the structures.

As a result, impacts due to rupture of a known earthquake fault would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

ii. Strong seismic ground shaking?

As discussed above under a)i, portions of the proposed Project are in an area associated with the Hayward Fault and would be subject to strong seismic ground shaking. Because all proposed structures would meet Caltrans statewide design standards for bridges and structures, impacts would be less than significant, and no mitigation is necessary.

Potential Impact: Less than Significant
Mitigation: None required

iii. Seismic-related ground failure, including liquefaction?

Based on the subsurface condition and the groundwater level within the Project area, the liquefaction potential is not likely. Liquefaction potential would be confirmed with additional explorations and laboratory testing during the final design phase and, if required, design of the structure's foundation would be designed to reach bedrock or stable conglomerate below the surface to meet applicable standards and resist damage from liquefaction or ground failure. As noted above in a)i, the proposed Project would meet Caltrans statewide design standards for bridges and structures, and the overcrossings' foundations would incorporate field-verified geotechnical recommendations on design specifications. The proposed Project has been designed in conformance with the City of Fremont General Plan Implementation 10-1.2.A: Site Specific Geologic Studies that **r**equires site-specific geologic and geotechnical studies for land development or construction in areas of potential land instability as shown on the State and/or local geologic hazard maps or identified through other means. With the information obtained from the planned soil boring and required design specifications, impacts from liquefaction potential would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

iv. Landslides?

Based on City of Fremont maps, the areas around Sabercat Creek and Mammoth Creek and other steep areas within Sabercat Historical Park are within landslide hazard areas. These areas are also within an Earthquake-Induced Landslide Zone, which are areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements. The crossing of Sabercat Creek would include bridge elements near the steep areas, but the bridge supports, and abutments are outside of likely landslide zones and (as outlined under liquefaction risks above). As noted above in a)i, the proposed Project would meet Caltrans statewide design standards for bridges and structures, and the overcrossings' foundations would incorporate field-verified geotechnical recommendations on design specifications to avoid impacts from landslides. As a result, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Result in substantial soil erosion or the loss of topsoil?

Construction requires grading activities which have the potential to cause erosion and the loss of topsoil. Prior to construction, an Erosion Control Plan would be developed and submitted as part of the grading permit to minimize the potential impacts. In addition, because disturbance to the site would be greater than one acre, the soil erosion avoidance measures are also a requirement under the Statewide National Pollutant Discharge

Elimination System (NPDES) General Construction Activities Stormwater Permit which will be obtained through the San Francisco Bay Regional Water Quality Control Board. The required NPDES General Construction Activities Stormwater Permit requires that a Storm Water Pollution Prevention Plan (SWPPP) is prepared, approved and implemented during construction. The SWPPP would identify BMPs that would be implemented to reduce soil erosion and topsoil loss. BMPs to minimize erosion and topsoil include, but would not be limited to, temporary check dams, temporary silt fence, and temporary drainage inlet protection for sediment control and the preservation of existing vegetation, temporary hydroseeding, and temporary cover for soil stabilization. With implementation of the State, County and local requirements including FMC 18.218.050(e), impacts associated with soil erosion or loss of topsoil would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) *Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Collapsible soils consist of loose, dry, low-density materials that collapse and compact under the addition of water or excessive loading. These soils can be found in areas of young alluvial fans, debris flow sediments, and loess (wind-blown sediment) deposits. The proposed Project is not located within an area where the soils are unstable or could become unstable as a result of the proposed Project. Based on the available boring data and the anticipated groundwater level, collapsible soils are not expected within the Project area. The presence of collapsible soils would be verified during the advanced design phase upon obtaining additional soil boring data. See detailed responses to a) I through iv above. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) *Be located on expansive soil, as defined in Table 1801-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?*

Expansive soils can change dramatically in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moisture that can trigger this shrink-swell phenomenon include seasonal rainfall, landscape irrigation, utility leakage, and/or perched groundwater.

Based on the current soil boring data, expansive clays were not encountered near the surface. If expansive soils are encountered from the planned field investigation in the Plans, Specifications, and Estimates (PS&E) Phase, laboratory tests, such as Plasticity Index, Expansion Index, and R-value, would be performed to investigate the potential impact on the proposed Project, especially on the structural pavement and shallow footings. All proposed Project elements would be constructed according to applicable standards. With the implementation of additional testing, if expansive soils are encountered and because the proposed Project would be constructed consistent with all applicable standards, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

The proposed Project does not involve, or need, sewers or the use of septic tanks or alternative wastewater disposal systems. No impact would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The operational phase of the proposed Project has no potential to impact paleontological resources. However, earth-moving activities that occur during construction have the potential to cause impacts. These activities include grubbing, grading, open excavation, slope cutting, auguring, and pile driving. Majority of the trail is either a shallow construction, or in areas that have been heavily disturbed by the quarry, or the Caltrans stockpile area which consists of both large cuts and fills. East of I-680, and in the area of the former Bell Quarry, the trail and the abutment for the I-680 overcrossing bridge have the highest potential to impact paleontological resources. The west side of I-680 and the area around the Caltrans stockpile consists of fill and is considered to have no paleontological sensitivity.

Potential Impact Paleo-1: Potential for construction activities, especially east of I-680, to encounter paleontological resources during construction.

Mitigation Measure: Implementing the measures below would reduce Impact Paleo-1 to less than significant:

MM-Paleo-1:

Administration of Paleontological Resources Awareness Module to Construction Personnel

A Project-specific training module will be prepared and administered to all construction personnel as part of the Project's worker environmental awareness training program. The module will provide pictures of fossils that might be encountered, review of laws and regulations protecting paleontological resources, name of a qualified paleontologist to contact if fossils are discovered, description of the role of monitors, and measures to be taken until discoveries can be assessed and recovered. Administration of the module will help to ensure that fossils are recognized and handled properly in the event they are encountered.

MM-Paleo-2:

Preparation of Paleontological Mitigation Plan (PMP)

A PMP will be prepared using detailed Project design plans. The PMP will provide (1) a determination of the level of monitoring necessary for each Project element based on location, excavation type, and depth; (2) monitoring instructions, as necessary; and (3) prescriptions for dealing with paleontological discoveries.

With the incorporation of incorporation of **MM-Paleo-1** and **MM-Paleo-2**, potential Project impacts would be reduced to a less than significant level.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measures MM-Paleo-1 and MM-Paleo-2

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

1.8.1 Environmental Setting

The Project site is in Fremont, Alameda County, which is within the San Francisco Air Basin. Fremont passed its first Climate Action Plan (CAP) in 2012 with the goal of reducing municipal and community-wide greenhouse gas (GHG) emissions 25% by 2020 from a 2005 baseline levels. By 2015, Fremont has already reduced annual community-wide emissions by over 10% from its 2005 baseline, this despite a 7.5% population increase over that same period. The City is currently updating its CAP with new carbon neutrality goals targeting a 55% emissions reduction by 2030 and achieving carbon neutrality by or before 2045. The updated CAP is expected to be adopted by the City in 2021.

The BAAQMD's *CEQA Guidelines* do not use quantified thresholds for projects that are in a jurisdiction with a qualified GHG reduction plan. The reduction plan must address emissions associated with the period that the project would operate. For quantified emissions, the guidelines recommended a GHG threshold of 1,100 metric tons of carbon dioxide equivalent per year (MT CO2e/year) or 4.6 metric tons (MT) per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Since the project will be operational after 2020, neither the City's CAP nor the BAAQMD's thresholds are applicable to the project. Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment utilizes an adjusted bright-line threshold of 660 MT CO_2e/year based on SB 32's GHG reduction goals. This threshold is calculated based on a 40 percent reduction of the BAAQMD's 2020 1,100 MT CO_2e/year threshold. [1]

The natural process through which heat is retained in the troposphere[2] is called the "greenhouse effect." Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases, play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere as short-wave radiation. It travels through the atmosphere without warming it and is absorbed by the Earth's surface. When the Earth re-emits this radiation back toward space, the radiation changes to long wave radiation. Greenhouse gases (GHG) are transparent to incoming short-wave solar radiation but absorb outgoing long wave radiation. As a result, radiation that otherwise would escape back into space is now retained, warming the atmosphere. This phenomenon is known as the greenhouse effect.

Regulatory Framework

- **Executive Order (EO) S-03-05.** EO S-03-05 was issued by Governor Schwarzenegger to set statewide emissions reduction standards. The order required the state to reduce GHG emissions to 1990 levels by 2020 and reduce GHG emissions to 80% below 1990 by 2050.
- **Assembly Bill (AB) 32.** AB 32 was signed into law in 2006 and codified into law the 2020 GHG emissions target set by EO S-03-5.

[1] A per capita efficiency threshold for 2030 was not calculated as this threshold would not be appropriate for the Project. The Project will construct trails and bicycle/pedestrian bridges. It will not generate residents or employees.

[2] The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth's surface from 6 to 7 miles.

- **Senate Bill (SB) 32.** SB 32 was signed into law in 2016 and sets into law the mandated reduction targets set in EO B-30-15, which required a reduction in GHG emissions to 40% below the 1990 levels by 2030.
- **2017 Final Scoping Plan.** The California Air Resources Board (CARB) issued a Final Scoping Plan in 2017 in order to set a framework for the state to meet the reduction goals set in SB 32.

This discussion is based on the following document:

- Air Quality and Greenhouse Gas Technical Report, prepared by Impact Sciences, dated August 2021

1.8.2 Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

This analysis estimated the proposed Project's construction GHG emissions with the California Emissions Estimator Model (CalEEMod) version 2016.3.2. This is the model recommended by the BAAQMD for estimated project emissions. The BAAQMD does not provide a construction related GHG generation threshold but recommends that these emission types be quantified and disclosed. Using CalEEMod, project GHG emissions throughout the construction phases were calculated from off-road equipment usage, hauling vehicles, delivery, and worker vehicle trips to and from the site. The proposed Project's annual GHG emissions was compared to a reduced BAAQMD adjusted bright-line threshold to account for SB 32's statewide GHG reductions.

Construction

The proposed Project would generate GHG emissions during temporary (short-term) construction activities such as demolition, site preparation and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling of materials to and from the site, asphalt paving, and construction worker motor vehicle trips. Phases 1 and 2 would construct the trail and bridges to connect Blacow Road to the west, the future BART station to the north, and Sabercat Historical Park to the east.

The total GHG construction emissions over the approximately 1.5-year construction duration of the proposed Project, assumed as part of the model, would be approximately 1,641 MT CO_2e. As GHG emissions impact from construction activities would occur over a relatively short time span, it would contribute a relatively small portion of the lifetime GHG emission impact of the proposed Project. The total construction GHG emissions were divided by 30 to determine an annual construction emission rate to be amortized over the project's first 30 years of operational life, consistent with guidelines from the California Air Resources Board. Amortized over a 30-year period, the proposed Project is anticipated to emit approximately 54.71 MT CO_2e/year.

Operation

Operational emissions occur over the life of the proposed Project. The proposed Project is anticipated to encourage bicycle and pedestrian travel and result in a reduction in VMT. With the proposed Project trail users would now be able to bicycle and walk to and from the future Irvington BART station and save additional miles that used to be driven. Additional bicyclists and pedestrians would be able to travel from the surrounding area to commercial establishments or other destinations that were previously accessed by vehicle. The operational GHG emissions from the active transportation use of these recreational facilities would be negligible, by definition, as nearly all users would presumably not require motor vehicles to access them.

As a result, based on the amortized construction emissions of 54.71 MT CO2e/year**,** the proposed Project's GHG emissions are less than an adjusted BAAQMD bright-line threshold of 660 MT CO2e/year and operation would result in a negligible change in GHG emissions. Therefore, the proposed Project's generation of GHG emissions impact would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB issued the 2017 Final Scoping Plan to reflect the target set by EO B-30-15 and codified by SB 32. The 2017 Final Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide target.

The proposed Project would not conflict with or otherwise interfere with the statewide GHG reduction measures. The proposed Project would construct an approximate 1.3-mile pedestrian and bicycle trail that would connect Blacow Road to Sabercat Historical Park and would also connect to the future Irvington BART stop. As a result, the proposed Project is anticipated to reduce VMTs in the City of Fremont by encouraging bicycle and pedestrian transportation that also provides connections to transit. The proposed Project would also be subject to local policies that may affect emissions of greenhouse gases. The proposed Project would be consistent with General Plan goals and policies intended to reduce GHG emissions, as described in Section 1.11, Land Use and Planning, of this Initial Study. Because the proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases, there would be no impact and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

1.9.1 Environmental Setting

The Project area is in an urban setting, surrounded by residential neighborhoods and industrial commercial properties with recreational parkland on the east side of I-680. Historical records reviewed as part of the analysis indicate the Project area was utilized for agricultural until the early 1950s. The Project area west of I-680 and east of Osgood Road was a quarry that covered an area of approximately 40 acres and was known as the Bell Sand and Gravel Quarry. The quarry operated until the late 1950s and produced hundreds of thousands of cubic yards of clay, sand, and gravel and contained Pleistocene fossils that were discovered in the early 1940s.

The Project site and the substantially affected properties (properties where excavation and construction work is proposed) Assessor Parcel Numbers (APN) are listed below by Project segment and illustrated in Figure 4, Parcel Map.

Blacow Road to Osgood Road and UPRR/ BART Overcrossing

The UPRR ROW is APN 525-3310-17, the BART ROW is APN 525-3310-18, and adjoining properties along Blacow Road (to the east) include APN 525-331-46-2 and -46-3 (42539 Osgood Road) to the south, and APN 525-339-15-2 9 (42423 Osgood Road) to the north.

Osgood Road to West Landing of the I-680 Overcrossing

The proposed Project route continues to the east of Osgood Road where Blacow Road ends, and adjoining commercial properties include APNs 525-331-65 (3231 Osgood Common), 525-331-66 (3230 Osgood Common), 525-331-67 (3201 Osgood Common), and 525-331-68 (3200 Osgood Common) to the south; and APN 525-336-7-16 (42536 Osgood Rd) the AMG Pipeline property to the north. The trail continues to the northeast adjacent to APN 525-336-7-18 (42282 Osgood Road), and follows Sabercat Creek to the east, with Middlefield Reservoir and residential neighborhood to the north. The eastern extent of the trail, before crossing I-680, is within the Caltrans ROW Mound, where the bridge footings would be placed. The bridge over I-680 would end in Sabercat Historical Park (APN 525-375-3-5).

North Trail

The proposed Project travels over Sabercat Creek, within the Caltrans ROW, and is located to the east of the following addresses and their respective APNs: 42270 Osgood Road (APN 525-336-6-8), 42270 Osgood Road (APN 525-336-2-3), 42000 Osgood Road (APN 525-336-1-1), Osgood Road (APN 525-345-32-14; public agency), and ends at Washington Boulevard (APN 525-345-1-4 and 525-345-1-3; BART public agency) to tie into the proposed BART station.

Regulatory Framework

- City of Fremont General Plan, Land Use and Safety Elements
- City of Fremont Fire Code
- City of Fremont Municipal Code Section 18.218.050(f)
- Department of Toxic and Substance Control
- State Water Quality Control Board

This discussion below is based on the following document:

- Initial Site Assessment (ISA), prepared by WRECO, dated August 2021

1.9.2 Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction would involve the temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, and solvents. Heavy construction equipment would be used, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. If spilled, these substances could pose a risk to the environment and to human health.

The transport, storage, use, or disposal of hazardous materials is subject to federal, state, and local regulations designed to reduce risks associated with hazardous materials, including potential risks associated with upset or accident conditions. Hazardous materials would be required to be transported under U.S. Department of Transportation (DOT) regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations), which stipulate the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways. The use, storage, and disposal of hazardous materials are regulated through the Resources Conservation and Recovery Act (RCRA) and the California Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program. DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California. It does this primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations, Divisions 4 and 4.5). Compliance with existing regulations would reduce the risk of potential release of hazardous materials during construction. Therefore, potential for a hazard impact to occur during construction would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

The Initial Site Assessment identified the following recognized environmental conditions (RECs):

- Aerial Deposited Lead (ADL). ADL could be located along Osgood Road, the I-680, and Caltrans ROW mound property. There is potential for elevated levels of lead in exposed soil from historical vehicle emissions, since leaded gasoline was used through the 1970s.
- Agricultural Fields. Area previously used for agricultural include the areas along Osgood Road, Blacow Road, and the area associated with the North Trail segment. There is the potential for pesticides, metals, and TPH as diesel and motor oil, may be present in soil based on the historical agricultural equipment operations.
- Utility Poles and Pole-Mounted Transformers located in northeast corner of Osgood Road and Blacow Road. Utility poles made from treated wood contains hazardous chemicals that pose a risk to human health and the environment including metals and PAHs. Transformers can contain PCBs.
- Railroad corridor. The UPRR/BART corridor can be a source of metals, SVOCs, PAHs, and PCBs.

Proposed construction activity at the site would require excavation of soil in areas potentially impacted with contaminates of concern (COC) based on the RECs observed. The ISA recommends that the site be further evaluated for these conditions as part of the Preliminary Site Investigation (PSI). The PSI will be conducted to evaluate the presence of the RECS identified within the Project site. The PSI would include shallow soil sampling and groundwater sampling along the areas of planned excavation and soil disturbance for the proposed construction at the Project area. The samples will be collected from specific areas where new construction and trail improvements would be developed will be analyzed for specific COC based on the RECs observed. The PSI will help to verify the presence/absence of the identified RECs, evaluate available options for soil disposal and/or reuse, and to provide guidance for waste management and worker safety during project construction. With the implementation of the PSI the impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest school to the Project site is E.M. Grimmer Elementary School, 43030 Newport Drive, located approximately 0.25 miles south of the Project site associated with the UPRR/BART overcrossing.

Potential releases due to construction activity at the Project site would be dust related due to excavation and grading activity. Soil from these areas is potentially impacted with ADL and other COC identified as part of the analysis, however because the school is 0.25 miles away from the construction site a potential release would have a less than significant impact to the school because of the distance and the type of construction activities. BMPs developed to address dust consistent with FMC 18.218.050(a)(1) and the transport of materials would be consistent with the regulations identified above under a), would minimize potential impacts. As such, potential impacts related to the emitting or handling of hazardous materials within 0.25 mile of a school would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

A review of the State Water Quality Control Board (SWRCB) Geotracker and the Department of Toxic Substances Control (DTSC) Envirostor databases were conducted in the ISA and indicated there are 39 records for individual locations within a 1-mile radius of the Project area that coincide with some of the sites identified in the EDR database. There are approximately 17 known hazardous materials or hazardous waste sites within or adjacent to the Project area.

The DTSC's EnviroStor database is an online search and Geographic Information System (GIS) tool for identifying sites that have known contamination or sites that may require further investigation. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste. The DTSC EnviroStor database listed eight sites (seven voluntary cleanups and one tiered permit) within one mile of the Project area.

The EDR database search was conducted to identify environmental regulatory records associated with the Project area and nearby properties that would indicate environmental conditions (e.g., reported releases of hazardous substances and/or petroleum products), which may have the potential to adversely impact the Project area and surrounding vicinity. Database search results produced by EDR were reviewed in conjunction with other records reviewed during this ISA. The database review was conducted to assess the existing conditions in the Project area that were determined to be low-, moderate-, and high-risk areas for potential RECs based GeoTracker, EnviroStor, and the EDR Radius Map™ Report with GeoCheck®. The risk levels were determined by applying 5 criteria to each site including proximity to the Project area, a hazardous substance release has occurred, hazardous substances must be present or recently present, the Project area must be located downgradient to the listed address, and a known or suspected release at an off-site location must have affected or must have the potential to affect groundwater flowing toward the Project area. The ISA identified 32 properties within 1-mile of the Project area and of these 27 were identified as have a low-risk and 5 identified as having a moderate risk.

The PSI discussed above under b) will be implemented and will help to verify the presence/absence of the identified RECs, evaluate available options for soil disposal and/or reuse, and to provide guidance for waste management and worker safety during project construction. With the implementation of the PSI the impacts would be less than significant, and no mitigation is required.

Project Impact: Less than Significant
Mitigation: None required

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

There are no airports within the City of Fremont and none within two miles of the proposed Project and the Project site is not located within an airport land use plan. As a result, there are no impacts, and no mitigation is required.

Project Impact: No Impact
Mitigation: None required

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed Project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. As such, there would be no potential impacts related to implementation of an adopted emergency response plan or emergency evacuation plan and no mitigation is required.

Project Impact: No Impact
Mitigation: None required

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The Project area within Sabercat Historical Park and to the west of I-680 is located within the City of Fremont's Very High Fire Hazard Severity Zones. The area of the proposed Project within this zone is identified as being within a Local Response Area (LRA) Moderate zone. The other portions of the Project area are classified as LRA Urban Unzoned. Areas of Fremont with this designation are built-out areas that are not susceptible to wildland fires. Refer to Section 1.20, Wildfire, for additional information.

The proposed Project would not expose people or structures to a significant risk of loss, injury, or death as a result of wildfires. Although portions of the proposed Project are within the Moderate zone it is expected that the trail and Sabercat Historical Park would be closed and not allow access in the event of a wildfire. As such, potential impacts related to exposing people or structure to a significant risk of loss, injury, or death involving wildland fires would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i) Result in substantial on- or offsite erosion or siltation;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

1.10.1 Environmental Setting

The Project area is mostly within an unidentified Hydrologic Sub-Area (#205.20) of the Fremont Bayside Hydrologic Area and Santa Clara Hydrologic Unit (Caltrans, 2020). The Alameda County Flood Control and Water Conservation District (ACFC&WCD) identifies the Project area as within the Laguna Creek Watershed. The Project area along Osgood Road may drain to Washington Creek, a tributary to Sabercat Creek. Washington Creek outfalls into Sabercat Creek at approximately 0.37 miles east of the I-680/Sabercat Creek crossing. Mammoth Creek is another tributary that discharges into Sabercat Creek within the Project area. Runoff from the center of the Project is collected through a system of underground culverts or storm drain systems that discharge into Sabercat Creek. The creek flows east to west and crosses I-680 through an 8-foot by 9-foot reinforced concrete box at approximately postmile M5.0. After crossing I-680, Sabercat Creek continues west via an engineered channel for an estimated 0.6 miles, terminating at its confluence with Laguna Creek. The southern Project areas drain into an underground culvert and storm drain system that also outfalls into Laguna Creek, approximately 0.72 miles southwest of the southern Project limits. Laguna Creek generally flows south and joins Coyote Creek at Mud Slough, approximately 3.5 miles from the Sabercat Creek outfall. Mud Slough eventually discharges into the San Francisco Bay.

The San Francisco Bay Regional Water Quality Control Board's *Basin Plan* (2019) lists Sabercat Creek and Laguna Creek as having the existing beneficial uses for: warm freshwater habitat, wildlife habitat, water contact recreation, and non-contact water recreation. Although the Basin Plan (2019) does not list individual beneficial uses for Washington Creek and Mammoth Creek, because they are tributaries to Sabercat Creek, both creeks are classified as having the same beneficial uses as Sabercat Creek.

The *2014/2016 California Integrated Report (Clean Water Act Section 303[d] List / 305[b] Report)* (SWRCB, 2017) does not list Washington Creek, Mammoth Creek, Sabercat Creek, or Laguna Creek as pollutant impaired. However, all urban streams that drain to the San Francisco Bay are included in the total maximum daily load requirements for mercury and PCBs, plus region-wide requirements for trash. The City of Fremont and California Department of Transportation are stakeholders for these impairments.

The proposed Project is located within Federal Emergency Management Agency's Flood Insurance Rate Map panels 464 of 725, published on August 3, 2009. Within the Project limits, there is a Special Flood Hazard Area Zone AE floodplain along Sabercat Creek. Zone AE flood zones represent areas subject to flooding by the 100-year flood event determined by detailed methods where base flood elevations are shown.

The Project area is located within the Santa Clara Valley Groundwater Basin (2-009), Santa Clara Valley-Niles Cone Subbasin (2-009.01). Based on a review of GeoTracker groundwater monitoring data near the Project area, depth to shallow groundwater ranges from 30 to 40 feet below ground surface and groundwater flow direction is generally to the southwest (GHD 2017). The San Francisco Bay Regional Water Quality Control Board's *Basin Plan* (2019) lists the groundwater basin as having the existing beneficial uses of: municipal and domestic water supply, industrial process water supply, industrial service water supply, and agricultural water supply.

Regulatory Framework

- Federal Clean Water Act 1987
- National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (NPDES No. CAS000002, SWRCB Order No. 2009-0009-DWQ)
- National Pollutant Discharge Elimination System (NPDES) Statewide Storm Water Permit Waste Discharge Requirements (WDRs) for State of California Department of Transportation (NPDES No. CAS000003, SWRCB Order No. 2012-0011-DWQ)
- California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES (Order No. R2-2015-0049, NPDES Permit No. CAS612008)

This discussion is based upon the following reports:

- Water Quality Assessment Report, prepared by WRECO, dated August 2021
- Location Hydraulic Study/Floodplain Evaluation Report (FER), prepared by WRECO, dated August 2021

1.10.2 Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction

Temporary water quality impacts can result from sediment discharge from disturbed soil areas and construction near water resources or drainage facilities that discharge to water bodies. The proposed Project would disturb an estimated 12.8 acres soil from proposed grading and excavation activities. Stormwater runoff over disturbed soil areas could potentially cause sediment-laden flows to enter storm drainage facilities receiving waters. This would increase the turbidity, decrease the clarity, and potentially impact the beneficial uses of the receiving water bodies. Additional sources of sediment include uncovered or improperly covered active and non-active stockpiles, unstabilized slopes and construction staging areas, and construction equipment not properly maintained or cleaned. Fueling or maintenance of construction vehicles on-site can potentially result in a risk of accidental spills or releases of fuels, oils, or other potentially toxic materials. The magnitude of the impact from

an accidental release depends on the amount and type of material spilled. Temporary impacts to water quality during construction can be avoided by implementing temporary construction site best management practices. Temporary construction site best management practices include soil stabilization, sediment control, tracking control, non-stormwater management, waste management, and materials pollution control measures. As such, potential impacts related to temporary water quality impacts would be less than significant and no mitigation is required.

Operation

Permanent impacts to water quality result from the addition of impervious area; this additional impervious area prevents runoff from naturally dispersing and infiltrating into the ground, resulting in increased concentrated flow. The Project area is predominantly unpaved in the existing condition, so the impervious surface improvements associated with the proposed Project is mainly comprised of newly created impervious surface and minimal amount of replaced impervious surface. An estimated 3.4 acres of new impervious surface would be created by the proposed Project. The new impervious surface would have a minimal increase to hydromodification and stormwater pollution effects because runoff from Project activities would be treated with stormwater treatment facilities, detained using hydromodification management facilities, and diverted into modified drainage systems. The stormwater treatment and hydromodification management strategy would comply with the Alameda Countywide Clean Water Program's *C.3 Stormwater Technical Guidance* (2021) and California Department of Transportation's Project Planning and Design Guide (PPDG, 2017). As such, potential impacts related to permanent impacts to water quality would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Construction

Dewatering activities may be necessary during construction due to excavations and pile driving activities for the proposed Sabercat Creek bridge foundations. Dewatering activities would comply with the California Department of Transportation's *Field Guide to Construction Site Dewatering* (2014), California Department of Transportation's *Standard Specifications* (2020), and, if needed, a separate dewatering permit would be obtained prior to the start of construction. These dewatering activities would be temporary, localized for abutments or columns only and not substantially decrease groundwater supplies or existing groundwater uses. As such, potential impacts related to construction-period dewatering activities would be less than significant and no mitigation is required.

Operation

The proposed Project's added impervious areas would reduce locations for groundwater recharge; however, the majority of the trail is designed to sheet flow off the trail and onto adjacent pervious ditches and landscape lands. Stormwater treatment measures would be designed to promote infiltration into the groundwater table. Long-term dewatering activities are not needed for the proposed Project. Therefore, permanent impacts to the Niles Cone Groundwater Subbasin are not anticipated. As such, potential impacts related to operational groundwater recharge would be less than significant and no mitigation is required.

The proposed Project does not result in a substantial decrease in groundwater supplies or interfere with groundwater recharge and impacts during construction and operation would be less than significant. As a result, no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or off-site erosion or siltation;

Construction

As previously discussed, erosion and siltation can occur during construction from disturbed soil areas. Temporary construction site BMPs developed as part of the SWPPP would be implemented to minimize temporary erosion impacts and prevent siltation impacts to receiving waters. As such, potential impacts related to construction-period erosion or siltation would be less than significant and no mitigation is required.

Operation

The Project would be designed to avoid increased erosion impacts. Permanent erosion control measures developed as part of the Project would be applied to all exposed areas once grading or soil disturbance work is completed as a permanent measure to achieve final slope stabilization. These measures may include hydraulically applying a combination of hydroseed with a native seed mix, hydromulch, straw, tackifier, and compost to promote vegetation establishment, and installing fiber rolls to prevent sheet flow from concentrating and causing gullies. For steeper slopes or areas that may be difficult for vegetation to establish, measures such as netting, blankets, or slope paving could be considered to provide permanent stabilization. The Project is within hill or high slope regions susceptible to hydromodification and therefore, the Project is required to implement hydromodification management measures. Treatment BMPs, such as bioretention areas designed with weirs, and underground storage areas would be considered for hydromodification management. These hydromodification management measures would maintain existing hydrographs for low-flow events. As such, potential impacts related to operational erosion impacts would be less than significant and no mitigation is required.

With the implementation of BMPs developed as part of the SWPPP and treatment BMPs and other control measures during construction and operation, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Construction

There is no anticipated increased surface runoff or flooding impacts expected during construction. If encountered, measures such as temporary peak flow attenuation basins can be used to detain and meter runoff flows during construction. Potential impacts related to construction-period surface runoff would be less than significant and, no mitigation is required.

Operation

The proposed Project would not alter the greater existing drainage pattern of Laguna Creek Watershed. Within the limits of the proposed Project, existing drainage facilities are expected to be modified or removed, and new drainage features installed to convey runoff. The proposed drainage facilities would ultimately connect to existing drainage facilities, which connect to the existing outfalls to receiving waters. Management measures would be implemented to address hydromodification impacts. The drainage facilities would be designed in consideration of the capacity of existing drainage facilities, and if appropriate, upstream detention or flow control measures would be considered to minimize the need to upsize existing drainage infrastructure. As such, potential impacts related to operational surface runoff would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Construction

Temporary increases in runoff are not anticipated. Temporary construction site BMPs would be used to prevent downstream impacts to existing drainage facilities and receiving waters from increased flows or polluted runoff. As such, there potential impacts related to construction-period runoff would be less than significant and no mitigation is required.

Operation

As previously discussed, the proposed Project includes installation of new drainage facilities. The drainage facilities would be designed to ensure existing downstream drainage infrastructure is not inundated by increases in flow. Hydromodification management measures and appropriate flow control measures would be implemented to maintain existing flows during storm events and stormwater treatment measure would be used to prevent polluted runoff from impacting downstream receiving waters. As such, there potential impacts related to operational inundation by increases in runoff flow would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

iv) Impede or redirect flood flows?

Construction

The proposed Project is not expected to include in-creek work that would require a temporary creek diversion during construction, so no impacts to flood flows during construction are expected and no mitigation is required. As such, there would be no potential impacts related to construction-period flood flows and no mitigation is required.

Operation

Permanent Project features, including embankments and structures, would be placed above the Sabercat Creek floodplain elevations, so no impacts to the existing flood flows are anticipated. As such, there would be no potential impacts related to operational flood flows and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Construction

The Project proposes to construct a bridge over Sabercat Creek which has a recognized floodplain. The structure falsework and embankment construction efforts are designed to occur above the designated floodplain elevation to avoid temporary floodplain impacts. If construction activities occur at or below the floodplain elevation, then the creek embankment and creek would be restored and stabilized to pre-Project conditions to avoid pollutant impacts due to inundation. As such, there would be no potential impacts related to inundation during construction and no mitigation is required.

Operation

Permanent Project features, including embankments and structures, would be placed above the Sabercat floodplain elevations, so no impacts to the existing floodplain are anticipated. The Project area is not susceptible to inundation due to sea level rise. As such, there would be no potential operational impacts related to inundation, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed Project design and construction efforts are required to comply with all statewide, regional, and local water quality requirements, and no design features would conflict with applicable water quality control plan or sustainable groundwater management plan. As such, there would be no potential impacts, related to conflicts with water control plans or sustainable groundwater management plans, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

1.11.1 Environmental Setting

The proposed Project is located within the City of Fremont within the Irvington and Mission San Jose Community Plan Areas. The current land uses surrounding the proposed Project are primarily residential, with some commercial and light industrial uses fronting Osgood Road and Blacow Road; however, much of the areas that are currently active as light industrial along Osgood Road are zoned for future high-density residential development. North of Blacow Road along Osgood Road there has been recent development of new multifamily buildings. Businesses in the area along Osgood Road include auto repair, machine shops, carpentry shops, equipment storage, self-storage facilities, small wholesalers, as well as theater, music, and dance lesson providers. The City of Fremont Public Works Facility is located east of the UPRR/BNSF corridor. Approximately 60 percent of the surrounding area is low-density, single-family homes. About 10 percent of the current land use is high density residential. The remaining land use is relatively evenly distributed between about 10 percent commercial/industrial, 10 percent recreational open land, and 10 percent institutional/public services, transportation, and utilities. Within the Project area and to the west of I-680 within the highway right-of-way, lies a mound of soil that is rising in elevation from Caltrans ongoing placement of excavation material. This stockpile of soil reaches nearly 90 feet above the freeway elevation and appears similar in size to the natural rolling hill terrain. In the eastern portion of this right-of-way lies a retention pond, utility vault, and a Caltrans mitigation area that was developed as part of the I-680 Northbound HOV/Express Land Project. The City's Sabercat Historical Park lies immediately east of this I-680 right-of-way.

The I-680 corridor and the UPRR/BART railroad corridor are located within the Project site and there are limited crossings for pedestrians and bicyclists of these two corridors.

1.11.2 Discussion

a) Would the project physically divide an established community?

The proposed Project does not result in the physically division of an established community. The overall character of the neighborhoods would not change, and the proposed Project would benefit the neighborhoods by creating new linkages between the neighborhoods, to other regional trails and bicycle systems, and providing improved connections to transit. The proposed Project would improve safety for non-motorized trail users by constructing overcrossings of the UPRR/BART and I-680 corridors, benefiting those who live and travel through the study area. The overcrossings and new connections to transit would provide enhanced accessibility between the neighborhoods located on either side of I-680. The proposed Project would not divide established communities and would result in benefits for communities, and as a result there would be no impact.

Project Impact: No Impact
Mitigation: None required

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project does not result in changes to existing land use designations or zoning and does not conflict with any land use plan, policy, or regulation. The proposed Project is consistent with the applicable state and local goal and policies. A review of the of the following planning documents was conducted for the Project to identify the applicable goals, policies and objectives and providing information why the project would be consistent. Plan Bay Area 2040, Alameda Countywide Active Transportation Plan, Alameda County Bicycle Plan, and the City of Fremont General Plan, and Fremont Bicycle Master Plan. Based on the review the proposed Project is consistent with the applicable goals and policies.

The proposed Project would be consistent with the following General Plan goals and policies related to sustainability and alternative modes of transportation, as discussed in the relevant sections of this document, including Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, and Transportation:

General Plan Land Use Element

Policy 2-1.2: A Complete City. Plan and develop Fremont's available land supply in a way that achieves a balance between jobs and housing, matches future jobs to the capabilities of the local workforce and provides an array of shopping choices, recreational choices and entertainment and cultural facilities, thereby reducing the need for residents to travel outside the City.

Policy 2-1.7: Become a More Transit-Oriented City.

Implementation 2.1.7.A: TOD Overlay. Focus the application of TOD development principles on the Fremont, Irvington, and Warm Springs/South Fremont BART Stations, the Centerville train station, and City Center, but consider other opportunities, particularly along the Fremont Boulevard corridor. Apply the TOD Overlay within a one-half mile radius from each transit station.

Policy 2-1.10: Pedestrian Scale. Create a more pedestrian-oriented environment in Fremont's City Center, its five Town Centers, and the other Transit-Oriented Development areas shown on the General Plan Land Use Map.

Implementation 2-2.4.B: Parks and Public Facilities in the General Plan. Allow parks and public facilities in any General Plan land use category, provided that the use is consistent with other policies in the General Plan. A General Plan amendment shall not be required to locate a park or public facility in an area designated for other uses on the General Plan Land Use Map. The Land Use Map should be periodically updated to reflect parkland acquisition and the development of new city parks and public facilities.

Implementation 2-3.6.A: Neighborhood Connectivity. Undertake improvements which make Fremont's neighborhood streets safer and more convenient for walking and bicycling. This is both a sustainability objective and a public health objective. The pedestrian and bicycle networks in Fremont's neighborhoods should reflect universal design principles that make the City more accessible for seniors and others with mobility limitations**.**

Policy 2-6.4: Parks Maintain and enhance a network of civic, neighborhood, community, and linear parks. Parks should be recognized as fundamental to Fremont's quality of life and should be carefully managed to create a balance between passive and active open space.

Policy 2-6.5: Linear Open Space Connections. Utilize open space, including parks, flood control channels, greenbelts, easements, and other open areas to connect the City, provide car-free corridors for pedestrians and bicyclists, and tie together Fremont's neighborhoods, centers, and employment districts.

Implementation 2-6.5.A: Linear Park Network. Utilize the Bicycle Master Plan and Pedestrian Master Plan and work with utility companies and other agencies to complete linear open space connections and trail parks throughout the City.

Policy 2-6.7: Environmentally Sensitive Use of Open Space. Regulate recreational and public facility development on lands designated as open space to conserve the overall character of such sites and minimize impacts on recreational activities, mature landscaping, and environmentally sensitive areas.

General Plan Mobility Element

Policy 3-1.1: Complete Streets. Design major streets to balance the needs of automobiles with the needs of pedestrians, bicyclists, and transit users. Over time, all Fremont's corridors should evolve into multi-modal streets that offer safe and attractive choices among different travel modes.

Policy 3-1.4: Walking, Bicycling, and Public Health. Recognize the importance of a walkable, bicycle- and pedestrian-friendly city to overall public health and wellness.

Policy 3-1.5: Improving Pedestrian and Bicycle Circulation. Incorporate provisions for pedestrians and bicycles on city streets to facilitate and encourage safe walking and cycling throughout the city. Landscaping should reduce wind, provide shade, provide a buffer to adjacent roadways, and stimulate visual interest. Visually appealing, energy-efficient street lighting should be provided to ensure night-time safety.

Implementation 3-1.5.B: Bike Route Design. On designated bike routes, develop striped bicycle lanes and off-road bicycle trails rather than shared bike/auto lanes. Design standards for bicycle lanes and trails should be consistent with those used by the State of California.

Policy 3-1.6: Pedestrian and Bicycle Safety. Improve the safety of pedestrians and bicyclists throughout Fremont through design, signage, capital projects, pavement maintenance, street sweeping and public education.

Policy 3-2.1: Coordinating Land Use and Transportation. Support land use choices and transportation investments which reduce the necessity of driving and create a community that is more walkable and serviceable by public transportation. Land use decisions should recognize the opportunities and constraints presented by the city's transportation system, including road capacity, transit availability, and pedestrian and bicycle mobility

Policy 3-2.3: Pedestrian Networks. Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.

Implementation 3-2.3A: Planning for Pedestrians. Include plans for integrated pedestrian circulation systems as part of any future area plan, neighborhood plan, specific plan, or development plan. Such plans shall include provisions for landscaping, street furniture, and other pedestrian amenities.

Implementation 3-2.3.B: Walkways to BART. Strengthen pedestrian connections to all BART stations. Enhanced pedestrian access shall be considered an important element of station design.

Implementation 3-2.3.D: Mid-Block Trails. Strategically locate and develop highly visible mid-block pedestrian walkways and/or pedestrian only streets in Fremont's City Center and other areas near transit or concentrated and higher density development.

Implementation 3-2.3.E: Improving Pedestrian Mobility. Improve crossings for pedestrians at key intersections through pavement changes, curb redesign, landscaping, countdown crosswalks, and other measures which improve safety and ease of travel.

Policy 3-2.4: Improving Bicycle Circulation. Enhance bicycle circulation, access, and safety throughout Fremont, particularly in the City Center, the Town Centers, around existing and planned BART stations, and near schools and other public facilities. Barriers and impediments to bicycle travel should be reduced.

Implementation 3-2.4.B: Connecting the Trail System. Connect recreational trails in City and regional parks, access trails along creeks and flood control channels, and sidewalks and bike lanes on local streets to fill the gaps and improve the continuity of the city's bike and pedestrian trail system.

Policy 3-3.2: Street Connectivity. Promote connectivity in the street network. Except where necessitated by topography, the use of dead-ends and cul-de-sacs shall be minimized, and the extension or preservation of a grid street pattern shall be encouraged. Additional street network connectivity (i.e., a "grid pattern") should be created and existing gaps in the road, bike, and pedestrian networks should be closed.

Policy 3-3.10: Transportation for Persons with Special Needs. Improve mobility for people of all physical capabilities, including residents who are elderly, disabled, use walkers or wheelchairs, or have other special needs.

Implementation 3-4.7.A: Transportation and Sensitive Natural Features. Ensure that proposed transportation facilities are designed and constructed to avoid or minimize potential impacts on wetlands, steep slopes, and other environmentally sensitive areas.

Implementation 3-4.7.B: Transportation and Historic Resources. Ensure that transportation improvements respect and conserve identified historic structures, sites and landmark trees whenever feasible.

General Plan Community Character Element

Implementation 4-1.6.A: Respecting Natural Terrain and Landform. Accentuate Fremont's natural features from public spaces through design and development. Development should be sited and designed to retain public views of hillsides and ridgelines, enhance vistas to natural landmarks and showcase important natural resources such as creeks and the baylands.

Policy 4-2.2: Connectivity. Improve the ability to travel through Fremont and between Fremont's neighborhoods on foot or by bicycle. Safe, comfortable sidewalks, bike lanes, trails, and trails should be incorporated for pedestrians and cyclists so that neighborhoods are conveniently connected to nearby community facilities, services, and shopping areas.

Policy 4-2.3: Pedestrian Friendly Design. Reduce greenhouse gas emissions by encouraging, and where appropriate requiring, pedestrian-friendly design.

Policy 4-5.1 Buffering and Screening. Provide visual buffers or screening between adjacent uses which are potentially incompatible, such as industrial and residential uses. Buffers may consist of streets, setbacks, open space, landscaping, building design, reductions in height and bulk, and other site planning methods which minimize the impacts of a particular use on its neighbors. On a smaller scale, activities on individual development sites which could detract from the visual quality or enjoyment of a property—such as mechanical equipment and trash collection areas—should be appropriately screened and buffered. As noted in the Land Use Element, buffering and screening is not only important for aesthetic purposes—it also helps protect the public from odors, fumes, noise, vibration, hazardous materials, and other impacts associated with certain land uses. The Fremont Zoning Ordinance includes provisions to ensure adequate buffering and separation between potentially incompatible uses.

General Plan Conservation Element

Policy 7-1.1: Preservation of Natural Habitat Preserve. and protect fish, wildlife, and plant species and their habitats including wetlands, creeks, lakes, ponds, saltwater bodies and other riparian areas. Maintain these areas for their critical biological values and to help improve water quality.

Implementation 7-7.2.A: Construction Practices. Require construction practices that reduce dust and other particulate emissions and require watering of exposed areas at construction sites.

General Plan Parks and Recreation Element

Policy 8-1.5: Linear Parks. Acquire and develop linear trail parks that serve many functions including recreational opportunities, alternative transportation routes, aesthetic enhancements and the re-use of abandoned or underutilized transportation, utility, or other corridors.

General Plan Safety Element

Implementation 10-1.1.D: Mitigation Hazards to Acceptable Levels. Ensure all development impacts associated with geologic hazards are mitigated to an acceptable level as defined by the State of California.

Implementation 10-1.2.A: Site Specific Geologic Studies. Require site-specific geologic and geotechnical studies for land development or construction in areas of potential land instability as shown on the State and/or local geologic hazard maps or identified through other means.

Implementation 10-1.3.B: Grading Plan Review. Review grading plans to ensure earth moving activity and site grading in areas near potential landslides is minimized.

Policy 10-8.5: Construction Noise Levels. Control construction noise at its source to maintain existing noise levels, and in no case to exceed the acceptable noise levels.

Implementation 10-8.5.B: Construction Noise Mitigation. Continue to apply the construction hours ordinance to new development to limit noise exposure created by construction activity. Apply best practices to further limit noise in sensitive areas and long-term projects, such as maintaining construction equipment in good condition and use of mufflers on internal combustion engines, installation of temporary noise barriers, prohibiting extended idling time of internal combustion engines, locating staging areas away from sensitive receptors and other feasible best management practices.

Policy 10-9.1: Crime Preventive Design. Apply site and building design techniques and standards that are intended to deter criminal activity in new development and redevelopment projects.

Implementation 10-9.1.A: Police Department Review. Include the Police Department in the review of development projects and solicit comments regarding implementation of crime prevention and CPTED concepts

Project Impact: No Impact
Mitigation: None required

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

1.12.1 Environmental Setting

The Project site is located within an urbanized area within the city limits of Fremont. Previously, a quarry was operating within the Project site located west of I-680 and east of Osgood Road. The Bell Sand and Gravel Quarry covered an area of approximately 40 acres. The quarry operated until the late 1950s and produced hundreds of thousands of cubic yards of clay, sand, and gravel and contained Pleistocene fossils that were discovered in the early 1940s. There are areas with identified mineral resources within the city limits, but none of these are in the Project area.

Within the City of Fremont there are mineral resources including construction aggregate, salt, and limestone which are designated by the State as regionally significant, however there are currently no active mining operations in the Project area. Areas identified as containing mineral resources in the City of Fremont General Plan are all located outside of the Project area.

Regulatory Framework

- City of Fremont General Plan Conservation Elements

1.12.2 Discussion

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no mineral resource zones located in the Project area that would be affected by the proposed Project; therefore, the proposed Project would have no impact on known mineral resources and no mitigation is required.

Project Impact: No Impact
Mitigation: None required

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The proposed Project does not result in the loss of availability of a locally important mineral resource recovery site because there are none in the Project area; therefore, the proposed Project would have no impact on a locally important mineral resource recovery site and no mitigation is required.

Project Impact: No Impact
Mitigation: None required

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

1.13.1 Environmental Setting

The Project site is in an urbanized area containing a mix of residential and non-residential (commercial, industrial, and institutional) uses. The Project site is surrounded by single-family neighborhoods to the south, east, and west. The most common source of noise in the Project area is vehicular traffic from I-680, Osgood Road, and to a lesser extent from the other local roadways and trains along the UPRR/BART corridor. The commercial and industrial uses also contribute to the noise setting.

As public health restrictions in Spring 2020 precluded in-field noise measurements, local ambient noise levels were modeled based on arterial traffic volumes taken in June 2019 and Caltrans traffic volume data from 2017.[3,4] These predictions for ambient noise levels were modeled at nearby land uses that are sensitive to noise. While the Osgood Road corridor is home to commercial and industrial land uses, there are many residential neighborhoods to the north, east, and west of the Project Site. Sensitive receptors within 1,000 feet of the proposed Project are identified in Table 3 along with the ambient noise levels modeled at each receptor. Based on the modeling the ambient existing noise levels are between 47.5 and 68.8 dBA.

Table 3 Existing Noise Levels (Modeled)

Sensitive Receptor Location	Sound Levels (dbA, Leq)
1. Blacow Road residences - 42300 block of Blacow Road at the western end of the Project	47.5
2. Castillejo Way residences (west side) - 2300 block of Castillejo Way facing the I-680 freeway to the north and east of the Project	67.3
3. Middlefield Avenue residences (south side) - 3000 block of Middlefield Avenue to the north of the Project	56.0
4. Osgood Road (west side) - 42200 block of Osgood Road to the north and east of the Project	68.5

[3] National Data & Surveying Services. 2019. Traffic Volumes and Caltrans Traffic Volumes, https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-505-980, accessed May 15, 2020.

[4] California Department of Transportation (Caltrans). 2017. Traffic Volumes database, https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-505-980

Sensitive Receptor Location	Sound Levels (dbA, Leq)
5. Osgood Road (east side) - 42200 block of Osgood Road to the north and east of the Project	50.0
6. Sabercat Court residences - residences on Sabercat Court, to the south and east of the Project	68.8
Source: Impact Sciences, 2020. Due to public health restrictions, ambient noise levels were modeled with the Federal Highway Administration's Traffic Noise Model (version 3.0) using the SoundPLAN Essential 5.0 model. Sound levels for each receptor were estimated for the building façade facing the Project Site at the ground floor.	

Regulatory Framework

- City of Fremont General Plan Safety Element (Noise and Vibration)
- City of Fremont Municipal Code Chapter 9.25
- City of Fremont Municipal Code Section 18.218.050(g)
- California Building Code

This discussion is based on the following document:

- Noise and Vibration Technical Report, prepared by Impact Sciences, Inc., dated August 2021

1.13.2 Discussion

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Construction

Phase 1 (Bicycle Pedestrian Trail)

For the noise and vibration analysis it was assumed that construction would occur in two phases. Phase 1 would include construction of the Blacow to Osgood and/or Osgood to Sabercat Historical Park segments and Phase 2 would include the construction of the North Trail segment.

On-Site Construction Noise

The analysis assumed that Phase 1 would require 12 months to construct. While this work would generally be phased, some of construction activities could be undertaken concurrently with other work in different sections of this phase. As such, this analysis conservatively assumes that all areas could create noise impacts during construction activities especially if construction occurs outside of the hours identified in FMC Section 18.160.010 which limits construction to the weekday hours of 7:00 am to 7:00 pm and between 9:00 am and 6:00 pm on Saturdays. No construction is allowed on Sundays. It is anticipated that most of the construction would occur within these windows except for the construction activities within Caltrans right-of-way.

The Phase 1 work includes construction within the Caltrans right-of-way of I-680. This construction work would generally occur overnight (i.e., 9:00 P.M. to 6:00 A.M.). Any work done during this period would be in compliance with Caltrans 2018 Standard Specifications (Section 14-8.02), which limits construction activities to no more than 86 dBA L_{max} at 50 feet from the job site from 9:00 P.M. to 6:00 A.M.

Based on the construction noise analysis for most of the areas with residential receptors, there would be a temporary increase in noise of less than 1.1 dBA which would not be perceptible to most. Construction activities are anticipated to increase ambient noise levels at the residential receptors on Blacow Road. The temporary increases in ambient noise levels would be up to 6.7 dBA $L_{eq.}$ above the existing ambient noise levels. The temporary increases in noise in this location are still below the acceptable levels identified in Table 10-4 of the City of Fremont General Plan Safety Element, but because of the increase would be noticeable to residents on Blacow Road the following avoidance and minimization measure would be implemented:

Proposed Project will comply with the noise requirements in **FMC 18.218.050(g)**:

> **(1) Construction Noise.** To reduce the potential for noise impacts during construction, the following requirements shall be implemented:
>
> (A) Construction equipment shall be well-maintained and used judiciously to be as quiet as practical.
>
> (B) Construction, excavating, grading, and filling activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited as provided in Section 18.160.010.
>
> (C) All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
>
> (D) The contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exist(E) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors.
>
> (F) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.
>
> (G) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints.
>
> (H) Temporary noise barriers, such as solid plywood fences, shall be installed around construction sites adjacent to operational businesses, residences or noise-sensitive land uses, unless an existing wall or other barrier provides equivalent noise attenuation. (Ord. 27-2016 § 37, 12-6-16; Ord. 23-2018 § 41, 10-2-18; Ord. 05-2021 § 52, 4-20-21.)

With the implementation of the measures identified in **FMC 18.218.050(g)(1)** specifically the construction of temporary noise barriers, addressed above under (H), for the residences that face Blacow Road and the proposed UPRR/BART overcrossing construction noise impacts would be less than significant, and no mitigation is required.

Off-Site Construction Noise

The proposed Project would also generate noise at off-site locations from haul trucks moving debris and soil from the Project site during demolition, grading and other activities; vendor and contractor trips; and worker commute trips. However, since it takes a doubling of traffic volumes on a roadway to generate the increased sound energy it takes to elevate ambient noise levels by 3 dBA no impacts would occur because traffic volumes would not double during construction. Construction activities during Phase 1 could generate as much as 68 vehicle trips during a peak hour of activity on local roads. This would represent about four percent of traffic volumes on Osgood Road, which carries about 1,687 northbound and southbound trips at Blacow Road during the AM peak hour.[5] Because the proposed Project's construction-related trips would not cause a doubling in traffic volumes on this major arterial, the proposed Project's construction-related traffic would not increase existing noise levels by 3 dBA or more. Therefore, the proposed Project's noise impacts from construction-related traffic during Phase 1 would be less than significant, and no mitigation is required.

Phase 2 (North Trail)

Construction of the North Trail section would include construction of the north leg pathway and the pedestrian bridge. During this phase, construction noise from these Phase 2 activities would increase ambient noise levels by up to 0.5 dBA L_{eq} at the residences the east side of Osgood Road. These construction noise impacts would be inaudible and considered less than significant, and no mitigation is required. Measures identified in FMC 18.218.050(g) would be implemented as part of construction.

[5] CHS Consulting Group. 2020. Sabercat Bicycle/Pedestrian Path, Museum and I-680 Overcrossing Project Transportation Assessment Memorandum.

Operations

On-Site Operational Noise

During operation, the proposed Project would produce noise from both on--site sources, such as human conversation. The proposed Project would not result in an exposure of persons to or a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The proposed Project would also not increase surrounding noise levels by more than 5 dBA Community Noise Equivalent Level (CNEL), the minimum threshold of significance adopted by this analysis. As a result, the proposed Project's on-site operational noise impacts would be considered less than significant, and no mitigation is required.

Outdoor Uses

The proposed Project would improve access to the Sabercat Creek recreational facilities that could generate noise that could impact local sensitive receptors. This would include human conversation, recreational activities, trash collection, and auto activities. These are discussed below:

- Human conversation. Noise associated with everyday human activities would largely be contained internally within the proposed Project. Noise associated with outdoor activities could include activities such as bicycle riding, hiking, and human conversation and socializing in outdoor spaces. This includes socializing in the park and along the trail extensions.

These would be intermittent activities that would produce negligible impacts from human speech, based on the Lombard effect. This phenomenon recognizes that voice noise levels in face-to-face conversations generally increase proportionally to background ambient noise levels, but only up to approximately 67 dBA at a reference distance of one meter. Specifically, vocal intensity increases about 0.38 decibels (dB) for every 1.0 dB increase in noise levels above 55 dB, meaning people talk slightly above ambient noise levels in order to communicate.[6]

While the noise levels from human conversation in outdoor spaces would be marginal, the attenuation from the built and natural environment would virtually eliminate any exposure to elevated noise levels at the nearest sensitive receptors. Noise from speech and conversation generally does not exceed approximately 65 dBA at a reference distance of one meter. These noises attenuate rapidly and would not be capable of elevating surrounding ambient noise levels by more than a nominal degree. Given the distance and terrain between the recreational facilities and nearby residences and other sensitive receptors, any noise from human conversation would be substantially attenuated. As a result, the increase in ambient noise levels at nearby receptors would be marginal for sensitive receptors and impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Generation of excessive groundborne vibration or groundborne noise levels?

Construction

The analysis included a construction vibration analysis using the Caltrans Transportation and Construction Vibration Guidance Manual (Caltrans 2020). The City of Fremont General Plan references the Federal Transit Administration's assessment criteria for vibration, but because the proposed Project would include structures within the Caltrans right-of-way the Caltrans manual was used for the analysis.

Phase 1 (Bicycle Pedestrian Trail)

On-Site Construction Vibration

Construction equipment can produce groundborne vibration based on equipment and methods employed. While this spreads through the ground and diminishes in strength with distance, buildings on nearby soil can be

[6] Acoustical Society of America. 2013. Volume 134; Evidence that the Lombard effect is frequency-specific in humans, Stowe and Golob.

affected. This ranges from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibration at moderate levels, and slight damage at the highest levels.

The proposed Project's estimated construction vibration impacts at the nearest off-site structures would not exceed Caltrans thresholds for potential damage (Table 4). As a result, construction activities would not compromise the structures to the north, west and east of the Project Site. Therefore, the proposed Project's vibration impacts as generated by on-site construction activities would be considered less than significant, and no mitigation is required.

Table 4 Vibration Damage Potential Threshold Criteria

Structure and Condition	Threshold Criteria (in/sec PPV) at 25 Feet for Continuous Frequent intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.08
Fragile buildings	0.1
Historic and some old buildings	0.25
Older residential structures	0.3
New residential structures	0.5
Modern industrial/commercial buildings	0.5
Source: Caltrans Transportation and Construction Vibration Guidance Manual (2020)	

Off-Site Construction Vibration

Construction of the proposed Project would generate trips from large trucks including haul trucks, concrete mixing trucks, concrete pumping trucks, and vendor delivery trucks. According to the Caltrans Transportation and Construction Vibration Guidance Manual, "traffic, including heavy trucks traveling on a highway, rarely generates vibration amplitudes high enough to cause structural or cosmetic damage." The vibration generated by a typical heavy-duty truck would be approximately 0.004 PPV in/sec (Caltrans, 2020). This estimated vibration generated by construction trucks traveling along the anticipated haul route(s) would be well below the most stringent building damage criteria for buildings extremely susceptible to vibration and in the distinctly perceptible category for human annoyance. The proposed Project's potential to damage roadside buildings and structures as the result of groundborne vibration generated by its truck trips would therefore be considered less than significant, and no mitigation is required.

Phase 2 (North Trail)

Impacts for both On-Site and Off-Site Construction Vibration during Phase 2 (North Trail) would be the same as that described above under Phase 1 (Bicycle Pedestrian Trail).

Potential Impact: Less than Significant
Mitigation: None required

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

There are no public or private airports located in the City or within two miles of the Project Site. No impact would result, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
a) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

1.14.1 Environmental Setting

The proposed Project is largely associated with existing transportation related uses including the I-680 right-of-way, the UPRR/BART corridor, and local roadways and the areas adjacent to the proposed Project are associated with a mix of residential, commercial, industrial, and public open space. Zoning within the Project site is primarily related existing transportation rights-of-way, industrial, residential, and public facility. The areas zoned for residential are higher in number of dwelling units per acre the closer in proximity to the future Irvington BART station. The intention is to make using transit more convenient and reduce the use of motorized vehicles. The purpose of the proposed Project is to provide a safe and convenient east-west linkage for pedestrians and bicyclists across the existing I-680 and UPRR/BART railway corridors and increase connectivity with the future Irvington BART station, East Bay Greenway (EBGW), Sabercat Historical Park, East Bay Regional Park District areas in the Diablo Range foothills, Ohlone Collect, and Fremont residential communities and business centers.

This discussion is based on the following document:

- Community Impact Assessment, prepared by T.Y. Lin International, dated August 2021

1.14.2 Impact Analysis

a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed Project does not result in induced population growth because it does not result in the construction of buildings that would increase the number of residents or employees. The construction of the new trail and connections would benefit those living and working in the surrounding area, including the planned growth in the area, and provide safe and convenient east-west linkage for pedestrians and bicyclists. No impacts would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed Project does not result in the displacement of people or housing. Right-of-way would be required from four properties, one residential and three industrial/commercial, for construction of the proposed Project. Three of these partial acquisitions are strips along the edges of the properties and would not result in changes to the land use or zoning or the displacement of people or housing. One of the industrial/commercial property partial acquisitions may require the displacement of a business, AMG Pipeline, but the property is used for equipment storage and would not result in displacing people. No impacts would occur, and no mitigation is required.

Project Impact: No Impact
Mitigation: None required

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

1.15.1 Environmental Setting

Fire Protection

Fremont Fire Department. The nearest stations to the Project area are Station #3 (40700 Chapel Way) located about 0.5 miles to the west and Station #4 (1000 Pine Street) located about 0.75 miles to the east.

Police Protection

Fremont Police Department. The Police Campus is located around two miles to the north at 2000 Stevenson Boulevard. The police department is divided into three zones with most of the Project site located in Zone 3 and a small portion of the western area of the Project site in Zone 1.

California State Patrol – Golden Gate Division. Provides police protection and responds to incidents on I-680. The nearest offices are in Hayward, Dublin, and San Jose.

Schools

Fremont Unified School District. The nearest public school to the Project area is E.M. Grimmer Elementary School located about 0.25 mile south of the proposed UPRR/BART railroad crossing at 43030 Newport Drive.

Parks

Sabercat Historical Park is the only City of Fremont Park within the Project area. There are no other parks or recreation facilities in proximity of the proposed Project.

Other Public Facilities

City of Fremont Maintenance Facility. The maintenance facility is located immediately adjacent and south of the proposed UPRR/BART railroad crossing at 42551 Osgood Road. Maintenance services employs those who maintain the City's physical assets including public buildings, parks, streets, and the City's vehicles.

1.15.2 Discussion

a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

The proposed Project does not require new or physically altered government facilities. There would be no changes in the acceptable service ratios, response times, or other performance objectives for fire and police protection, schools, parks, and other public facilities. The trail extension would provide additional points of access into the Sabercat Historical Park which could benefit response times for situations in the park. As noted in the project description, CPTED measures would be incorporated into the project design to reduce the potential for incidents. As such no impacts to service ratios, response times or other performance objections are anticipated, and no mitigation is required.

During construction there is the potential for temporary impacts on fire and police protection response times associated with temporary roadway and/or lane closures on Osgood Road and Blacow Road and on I-680. Temporary road closures on Osgood Road and Blacow Road are not anticipated but could be required during the weekend or nighttime hours for the erection of signals or structures or when large equipment and materials are brought to the construction site. Few closures on I-680 are anticipated and they would only occur during late evenings, with very low traffic volume (typically 9pm – 5am). Detours are anticipated to use local roads between the Washington Boulevard and Auto Mall Parkway Interchanges. The Transportation Management Plan developed for the proposed Project and approved by the City of Fremont and Caltrans includes information on detours and circulation during construction. As such no impacts on response times are anticipated and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

1.16.1 Environmental Setting

The proposed Project is located within the western portion of the Sabercat Historical Park. The existing Sabercat Trail is in this area and the proposed Project would provide a connection with the existing trail. There are no other existing neighborhood and regional parks or recreation facilities within the Project area.

1.16.2 Discussion

a) *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed Project would provide a new connection to Sabercat Historical Park connecting to the existing Sabercat Creek Trail. The new connection would provide another access point for non-motorized users into the park and provide strong linkage between regional trail systems, specifically connecting the planned East Bay Greenway Trail that would travel north and south with the resources and trails in the Mission Peak Regional Preserve that lie east of the Project area. This connection would result in increased use of Sabercat Creek Trail which is consistent and compatible with the *City's Fremont Mobility Action Plan, March 2019.*

Portions of the existing trail within Sabercat Historical Park currently does not meet City of Fremont standards of a Class I Bicycle Trail due to slope erosion that has occurred over the years since the trail was first constructed. The City has completed portions of the existing trail and will continue to bring the entire Sabercat Creek Trail inside Sabercat Historical Park up to Class I standards. Class I trail standards include space for both bicycles and pedestrians. The City of Fremont's plan includes upgrading the existing trail to maintain the City's commitment to Class I trail standards prior to the proposed Sabercat Trail Extension Project being open for use. Increased accessibility to the Sabercat Historical Park and regional resources and would not result in physical deterioration of the existing facilities and the impacts are less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) *Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment*?

The proposed Project is proposed to expand the existing trail system per the *Fremont Mobility Action Plan, March 2019* to provide improved connections and increased safety for non-motorized users. It does not result in the need for further expansion of trails or recreational facilities that are not already planned for in the *Fremont Bicycle Master Plan*, (October 2011).

Construction of the proposed Project would have temporary effects during construction including temporary increases in noise and dust, and traffic congestion. Construction effects would be minimized through the

implementation of the FMC 18.218, Standard Development Requirements, for construction related emissions and construction noise addressed in Section 1.3, Air Quality, and Section 1.13, Noise. Construction effects would also be reduced from the measures in the CMP to be developed for the proposed Project as described in the project description. With the implementation of measure identified in the Section 1.3 and 1.13 and the CMP impacts would be less than significant, and no mitigation is required.

During operation, there would be no adverse physical effect on the environment and impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

1.17.1 Environmental Setting

The Project area encompasses the areas east and west of, and over I-680, a major freeway that runs in the north-south direction between US 101 in San Jose and I-80 in Fairfield. Near the Project, I-680 has nine lanes, including four lanes in each direction and an extra High-Occupancy Toll (HOT) Lane in the southbound direction. The Project would extend the trail from the existing Blacow Road turnaround west of the UPRR/BART rail corridor and intersect Osgood Road. Blacow Road is an east-west local road with one lane in each direction, and Osgood Road is a north-south primary arterial with two lanes in each direction.

Alameda-Contra Costa Transit District (AC Transit) provides bus service in the Project area and is served by three bus routes (210, 212, and 215. The nearest Route 210 stop is located at the intersection of Washington Boulevard and Bruce Street, adjacent to the northern boundary of the Project site. The nearest Route 212 stop is located at the intersection of Fremont Boulevard and Blacow Road, approximately 600 feet west of the Project site. The nearest Route 215 stop is located at the intersection of Osgood and Blacow Roads. The northern terminus of the path would directly connect to the future Irvington BART Station.

The nearest bicycle facilities from the Project site include Class I exclusive bike/pedestrian paths along the Sabercat Creek Trail between Paseo Padre Parkway and Pine Street, and the East Bay Greenway between Washington Boulevard and Fremont Central Park. Class II bike lanes exist along Osgood Road between Washington Boulevard and South Grimmer Boulevard and along Washington Boulevard between Meredith Drive and Fremont Boulevard. Class III neighborhood bikeways that are shared with vehicles exist along Roberts Avenue between Main Street and Delaware Drive. Sidewalks are provided along both sides of Osgood Road and Blacow Road. The Osgood Road intersection with Blacow Road is signalized and has north and west pedestrian crosswalks with channelized right-turn islands in the northwest and southwest corners.

Regulatory Framework

- City of Fremont General Plan Mobility Element
- City of Fremont Transportation Impact Analysis Handbook

This discussion is based in part on the following documents:

- Transportation Impact Analysis, prepared by CHS Consulting Group, dated August 2021

1.17.2 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The proposed Project is considered an active transportation project which is designed to encourage more people to bike and walk instead of driving, and thus would not generate new permanent vehicle trips. The proposed Project would create new and improved non-motorized connections to existing transit facilities on Fremont Boulevard and Osgood Road in the Project area and provide direct connections to the existing bicycle facilities including the Class II bike lanes on Fremont Boulevard, Blacow Road, and Osgood Road; the Class III bike route on Roberts Avenue; and the Class I bike path east of I-680. The proposed Project is consistent with the plans and policies outlined in the City of Fremont General Plan and Bicycle Plan addressing the local circulation system, including Policy 3-1.1: Complete Streets, Policy 3-1.4: Walking, Bicycling, and Public Health, Policy 3-1.5: Improving Pedestrian and Bicycle Circulation, Implementation 3-1.5.B: Bike Route Design, Policy 3-1.6: Pedestrian and Bicycle Safety, Policy 3-2.1: Coordinating Land Use and Transportation, Policy 3-2.3: Pedestrian Networks, Implementation 3-2.3A: Planning for Pedestrians, Implementation 3-2.3.B: Walkways to BART, Implementation 3-2.3.D: Mid-Block Trails, Implementation 3-2.3.E: Improving Pedestrian Mobility, Policy 3-2.4: Improving Bicycle Circulation, Implementation 3-2.4.B: Connecting the Trail System, Policy 3-3.2: Street Connectivity, and Policy 3-3.10: Transportation for Persons with Special Needs. Refer to Section 1.11, Land Use and Planning. The proposed Project is consistent because of the increases in connectivity, safety, and accessibility for all bicyclists and pedestrians includes persons with special needs. The proposed Project increases the access to the future Irvington BART station and the connectivity between the Irvington and Mission San Jose neighborhoods. The proposed Project would provide an alternative to vehicles and potentially result in lower vehicle miles traveled as people use bicycles or walk to the future Irvington BART station instead of drive. Because the proposed Project does not conflict with a program, plan, or policy no impacts would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), which pertains to vehicle miles travelled?

With the passage of SB 743, VMT has become the state-mandated criteria for determining if a project will result in a "significant transportation impact." In furtherance of this state legislative directive, in June 2020, the City of Fremont amended the General Plan Mobility Element to replace LOS with VMT as the measurement to be used when conducting a Transportation Impact Analysis under CEQA.

The proposed Project is an active transportation project that can cause a mode shift away from automobile use, resulting in a reduction in VMT. The proposed Project would increase connectivity for non-motorized modes by providing a direct, safe route for bicyclists and pedestrians with linkages to the local bicycle network and regional park trails. The proposed Project would encourage persons to choose walking and bicycling for community destinations, contributing to a reduction in VMT. No impacts would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project would not introduce sharp curves or substantial traffic congestion that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The proposed Project would be subject to the City of Fremont Public Works Engineering and Transportation Engineering Division's review for consistency with the City's design standards and applicable City of Fremont Standard Details and Standard Specifications to ensure safety of all users and be designed to be compatible with ADA guidelines. The proposed Project provides crossings of the UPRR/BART railroad corridor and I-680 removing the use of at-grade crossings at other locations.

There are no incompatible uses associated with the proposed Project, and the proposed Project would have no impact, and no mitigation is required.

Potential Impact: No impact
Mitigation: None required

d) Result in inadequate emergency access?

Emergency access would be maintained during construction. Construction may result in additional traffic congestion due to slower vehicular speed requirements through construction areas, but emergency access would remain. A Transportation Management Plan would be prepared and approved in coordination with fire and police protection prior to construction. Operation does not result in changes to emergency access and the proposed Project does not result in inadequate emergency access. With the implementation of the Transportation Management Plan during construction there would be no impact on emergency access, and no mitigation is required.

Potential Impact: No impact
Mitigation: None required

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)? Yes or No	☒ **Yes**		☐	**No**
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

1.18.1 Environmental Setting

Public Resources Code Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

A Sacred Lands File search request to the Native American Heritage Commission (NAHC) in Sacramento. The NAHC provided a list of tribes with traditional lands or cultural places located within Alameda County. The information provided by NAHC also noted that a search of the Sacred Lands File for the project vicinity was positive, indicating the presence of known or recorded sites nearby. The City of Fremont initiated AB 52 consultation with tribes in May 2020 via email and US Mail and again in July 2021 after receiving an updated Native American contact list. This communication-initiated consultation as required under Section 106 of the National Historic Preservation Act of 1966 and for groups which had not been consulted in 2020 under CEQA (Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014, also known as California Assembly Bill [AB] 52). Five of the ten tribal representatives responded,

and the City of Fremont is continuing consultation under CEQA with three of the tribes. The other two tribes either requested information or did not wish to consult on the proposed Project.

In May 2020 the City of Fremont prepared and mailed Project information and maps to the tribes identified by the NAHC with traditional lands or cultural places within Alameda County, which included the following Native American Tribes:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe
- The Confederated Villages of Lisjan

An updated list was received in July 2021 and the City of Fremont prepared and mailed an AB 52 notification letter to the following Native American Tribes:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe
- Wilton Rancheria
- Wuksache Indian Tribe/Eshom Valley Band
- The Confederated Villages of Lisjan
- Tamien Nation

As noted in the project description section of this Initial Study, the City received requests for consultation pursuant to AB52 from Ms. Katherine Perez (North Valley Yokuts Tribe) and Kanyon Sayers-Roods (Indian Canyon Mutsun Band of Costanoan). Following a site walk and discussion with staff and the consulting archaeologist on August 23, 2021, Ms. Perez and Ms. Kanyon Sayers-Roods affirmed their recommendations by email on August 24, 2021, and September 16, 2021, respectively.

Ms. Perez's recommendations were as follows:

- Tribal cultural resource awareness training mitigation measure.
- Post ground disturbance site visit mitigation measure.
- Tribal cultural resource avoidance mitigation measures.
- Inadvertent discoveries mitigation measure.
- Native American monitoring measure.

Ms. Kanyon Sayers-Roods' recommendations were as follows:

- Training of construction workers and future landscaping and trail maintenance crews is necessary to ensure that any tribal cultural materials or any human remains, if found during construction or future maintenance activities, are brought to the immediate attention of the interested tribes for input on protection.
- Requests to review plans and provide input on plant and tree avoidance and protection (specifically for plants and trees of tribal cultural importance).

- Requests to see educational signage sharing the history of Native American tribes in the Project area and would be interested in providing input on the language for those signs.
- Requests to be on-site to monitor during ground-disturbing activities. Is interested in being updated should plans be revised and will give input on when and where Native American monitoring will be necessary.
- Requests tribe to have access to the site for ceremonies and harvesting of plants of tribal cultural importance.

The recommendations of Ms. Perez and Ms. Kanyon Sayers-Roods are discussed in the next section and included in the mitigation measures for the proposed Project, if they are not already addressed by the City's Standard Development Requirements (FMC 18.218.050(d)).

1.18.2 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

No specific tribal cultural resources have been identified. Based on the responses under Cultural Resources in Section 1.5, the only eligible or listed resource within the Area of Potential Effect is a built environmental resource that is not a tribal resource and would not be affected by construction or operation. There are no impacts on CRHR, or local historical resources and no mitigation is required.

Potential Impact: No impact
Mitigation: None required

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

As noted under a) above, no specific tribal resources have been identified. Therefore, for the purposes of this analysis, the City of Fremont assumes that no tribal resources are present on the Project site. However, because the proposed Project involves ground disturbance, there is the possibility of encountering undisturbed subsurface tribal cultural resources during construction. For much of the Project area the potential is considered to be low because of previous ground disturbances associated with utilities, transportation corridors and buildings; the addition of fill soils in the Caltrans mound area; and the proposed Project improvements are located outside of floodplains where there is a greater potential to encounter resources. Therefore, the proposed Project could result in potentially significant impacts to tribal cultural resources. If tribal resources are discovered the impact would be potentially significant. If previously unknown archaeological resources or human remains are identified during construction, the requirements of FMC 18.218.050(d)(2)(C) described in Section 1.5 would be implemented which requires cessation of work, notification, and immediate evaluation.

The requirements of **FMC 18.218.050(d)(4), Cultural Resources – Tribal Cultural Monitoring and Training,** would also be implemented:

> (4) Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the Project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and

shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

Potential Impact TCR-1: Inadvertent discoveries of tribal cultural resources during construction activities.

Mitigation Measure: Implementation of the following measure would reduce Impact **TCR-1** to less than significant:

MM-TCR-1:

Tribal Cultural Review and Coordination. Based upon the consultation with the tribes that have requested consultation the City of Fremont would implement the following measures:

- Prior to construction tribes will be provided the applicable plans to review and provide input on plant and tree avoidance and protection, specifically for plants and trees of tribal cultural importance, and
- Tribes will be provided the opportunity to review educational signage sharing the history of Native American tribes in the Project area and have the opportunity to provide input on the language for the signs.
- In addition to the construction workers, City of Fremont staff associated with future landscaping and maintenance activities would be provided tribal cultural resources awareness training to ensure that tribal cultural materials or any human remains found as part of the future activities are brought to the immediate attention of the interested tribes for input on protection.
- Tribes will be coordinated with on the development of inadvertent discoveries, tribal cultural resource avoidance, and post ground disturbance site visit mitigation measure if tribal cultural resources are discovered during construction.
- Tribes will be able to request access to the site for ceremonies and harvesting of plants of tribal cultural importance.

With the implementation of the measures in FMC 18.218.050 and **MM-TCR-1**, the impact would be less than significant with mitigation with mitigation incorporated.

Potential Impact: Less than Significant, with Mitigation Incorporated
Mitigation: Mitigation Measure MM-TCR-1

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

1.19.1 Environmental Setting

The proposed Project is located within a developed area that is served by utilities generally on and east of Osgood Road and other areas are including the area within Sabercat Historical Park are not served by utilities. Existing utilities include water, wastewater, stormwater, solid waste, electricity, natural gas and communications.

Water

The Alameda County Water District (ACWD) provide water supply services to the Project area. ACWD obtains its water from both the Niles Cone Groundwater Basin and the Del Valle Reservoir. ACWD has analyzed the long-term water needs of its service area, which includes Fremont, Newark, and Union City, and has created an Urban Water Management Plan to manage water supply long-term. Through water saving strategies, water demand has decreased in recent years despite continued growth.

Wastewater

The Union Sanitary District (USD) provides wastewater collection, treatment and disposal services to the City of Fremont, including the Project area. USD maintains over 830 miles of sewer lines and seven pump stations. Most of Fremont's wastewater goes to the Irvington Pump Station, from which it is conveyed to the Alvarado Treatment Plan.

Stormwater

The Alameda County Flood Control and Water Conservation District (ACFCWCD) oversees stormwater controls in the Project area, including creeks, channels, levees, pump stations, dams, and reservoirs. The City of Fremont manages the municipal stormwater system. Stormwater drainage in the Project site consists of undeveloped drainage ditches and developed drainage facilities with stormwater inlets and catch basins.

Solid Waste

Solid waste services within the City of Fremont are provided by Republic Services. The City delivers municipal solid waste to the Fremont Recycling and Transfer Station facility, located at 41149 Boyce Road. Waste is transferred to the Altamont Landfill, which is located at 10840 Altamont Pass Road in Livermore. The Altamont Landfill has a disposal capacity through 2045. Altamont has approximately 65 million cubic yards of capacity remaining (Calrecycle 2019).

Other Utilities

Pacific Gas and Electric (PG&E) provide electricity and natural gas services and has below and above grade facilities. Telecommunications infrastructure for the Project site would be provided by Comcast.

1.19.2 Discussion

a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

No existing utility lines or pipelines would require permanent relocation, and these would be avoided or protected in place. There may be the need to shift cable, phone, or fiber optic lines and if required would meet the applicable requirements. The proposed Project does not result in new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities. The proposed Project does result in a small increase in impervious surfaces (approximately 3.4 acres), but the increase does not change existing stormwater drainage patterns or require the construction of new stormwater drainage facilities. As a result, impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Construction activities would require water supplies including dust control. Once construction is complete these needs would end. During operation there would be the need for water supplies for landscaping, but the amount required would be small and does not require or result in changes to water supplies. Landscaping would consist of native vegetation to further reduce water supplies and once vegetation is established; water use would be reduced. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

The proposed Project does not result in changes to the wastewater treatment system existing or future capacity. During construction, if portable toilets are required the waste would be transported to the appropriate facilities for disposal and treatment. Given the short duration of construction, no impacts are anticipated. Operation does not require wastewater treatment at the Project site. No impacts would occur during construction and operation and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction activities would generate solid waste associated with construction of the trail and overcrossings. The amount of solid waste generated would be minimal given the size of the Project site and the type of construction required. Solid waste would be disposed of at Altamont Landfill & Resource Recovery which has the

capacity to accept additional solid waste through 2045, an estimate which accounts for anticipated growth in Fremont over that timeframe. Review of the Project has been coordinated with City Environmental Services to ensure conformance with solid waste reduction requirements. During operation there would be generation of solid waste associated with trail users (e.g., water bottles, snacks); however, the amount of waste generated would not be in excess of the capacity of local infrastructure. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Construction and operation would not result in impact on landfill capacity and would comply with the relevant statutes and regulations relate to solid waste.

The proposed Project would be subject to existing City of Fremont requirements regarding solid waste disposal and diversion during both construction and operation of the proposed Project. Because waste disposal requirements in Fremont needs to comply with federal, state, and local requirements, the proposed Project would not violate any federal, state, or local regulations related to solid waste.

Potential Impact: Less than Significant
Mitigation: None required

1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?		☒ **Yes**		☐ **No**
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

1.20.1 Environmental Setting

The Project site consists of areas with a mix of uses, areas of vacant lands and public open spaces. The Project site is not identified as being in or near a state responsibility area. However, the Project includes areas within the City of Fremont Fire Hazard Severity Zones and within a Local Response Area. Fire Hazard Severity Zones are defined by specific features that make areas more hazardous including fire history, fuels (e.g., vegetation types), terrain, weather and based on these features are either Very High, High, or Moderate. The areas of the proposed Project within the Fire Hazard Severity Zone are located east of I-680 and includes Sabercat Historical Park and these areas are identified as being within a LRA Moderate zone.

The nearest stations to the Project area are Station #3 (40700 Chapel Way) located about 0.5 miles to the west and Station #4 (1000 Pine Street) located about 0.75 miles to the east.

Regulatory Framework

- City of Fremont General Plan Safety Element

1.20.2 Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The construction and operation of the proposed Project does not substantially impair an adopted emergency response plan or emergency evacuation plan. The proposed Project would construct a trail extension largely in undeveloped areas and within existing public rights-of-way. The construction of the overpasses of I-680 and the UPRR/BART corridor would potentially provide new routes that could augment emergency evacuation efforts, at least for those able to travel on foot or bicycle. The construction and operation of the proposed Project would not impair an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant. The construction of the proposed Project would provide paved access

to areas that currently do not have access and may provide an opportunity to minimize wildfire effects by providing new paved access points.

Potential Impact: No Impact
Mitigation: None required

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Portions of the proposed Project are within areas identified as being at risk for wildfires because of the steep slopes, vegetation, and limited access to these areas. There is the potential for wildfires in the Project area; however, the proposed Project constructs a trail extension which does not include occupancy associated with the proposed Project that could be affected by pollutant concentrations. The Project would not exacerbate the risk of wildfires, because the trail and structures are not made of flammable materials and use of trail does not include equipment that can spark flames. Fire threat is present with or without this trail extension project but with higher use, there are benefits, such as more visibility and more potential to identify an issue early enough to respond in time. Also, the trail extension does enhance emergency access to help contain wildfires if they do occur. The construction of the proposed Project would result in increased usage of the area within the Fire Hazard Severity Zone because of the trail extension. As a result, the proposed Project may result in earlier detection of wildfire by availing more public views into areas previously accessible and may provide an opportunity to minimize wildfire effects by providing new access to those areas. In addition, the trail extension would provide new egress from the park in the event of a wildfire in other parts of the park. During operation, vegetation underbrush would be maintained to reduce potential fuels as part of Park maintenance. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The proposed Project does not require the installation of associated infrastructure that may exacerbate fire risk or may result in temporary or ongoing impacts to the environment. No impacts would occur, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None required

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability or drainage changes. There are areas of steeper terrain in the Project area which are currently undeveloped due to the location within Sabercat Historical Park and associated with Sabercat Creek. Where the proposed Project is in proximity to the steeper terrain it is located on the upslope areas. As a result, the proposed Project is not within the downslopes areas that would expose people to risks and there are no structures in these areas. In addition, the proposed Project is not within the ordinary high-water mark of Sabercat or Mammoth Creeks and not a floodplain. As discussed above under b), wildfire risks would remain even if the proposed Project was not constructed but given the location of the Project impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

1.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

The Project site is located within an urbanized area and there are large areas associated with vacant and undeveloped lands within the existing roadway, and the development that surrounds the Project site. As discussed in Section 1.4, *Biological Resources*, the potential for encountering special status plant and wildlife species is low to moderate potential and based on the surveys conducted many of the species identified in Section 1.4 are not anticipated to occur within the Project area. However, there is still the potential construction could affect special status plant and wildlife species. With the implementation of the requirements identified in FMC 18.218.050(b), Special Status Species, and the mitigation measures identified in Section 1.4 impacts would be less than significant with mitigation. Based on information in Section 1.5, *Cultural Resources*, and Section 1.18, *Tribal and Cultural Resources*, there are no historical resources that would be impacted by the Project and no tribal resources identified. In addition, there were no archaeological resources identified; however, there is the potential for unanticipated discoveries during construction. Because resources could be uncovered during construction there is the potential for significant impacts.

With the implementation of the requirements of FMC 18.218.050(d), Cultural Resources, and the implementation mitigation identified in Section 1.18, the impacts would be less than significant with mitigation.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measures MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-TCR-1

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Based up on the analysis conducted for this Initial Study, most of the resources would either result in no impact or the impact would be less than significant for construction and operation with the implementation of the requirements in FMC 18.218.050 and the avoidance and minimizations measures that have been developed. For Paleontological Resources, the impacts during construction would be less than significant with the implementation of mitigation measures and there are no impacts associated with operation. The proposed Project would not induce population growth or result in the development of new housing or employment and would not result in cumulative impacts related to the increase in demand for public services, recreation facilities, and utilities.

The proposed Project would not result in impacts that are individually limited and not cumulatively considerable. Impacts would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed Project does not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. The proposed Project improves non-motorized connections and improves safety for pedestrians and bicyclists. Impacts would be limited with impacts not occurring in one location for the entire duration. Construction of the I-680 Overcrossing would have the longest construction duration with construction estimated to take approximately 12 months. Once construction is complete impacts would cease. Compliance with existing regulations would reduce the risk of potential release of hazardous materials during construction and not result in substantial adverse effects on human beings. The proposed Project would result in benefits including:

- Improved safety for pedestrians and bicyclists through separated trails from vehicular traffic
- Improved access to parks, recreation, and transit facilities
- Potentially enhancing community cohesion by providing outdoor areas for meeting and recreating
- Increased number of accessible vista points toward the San Francisco Bay and the coastal mountain range

As noted above under a), the proposed Project would have mostly no impact or a less than significant impact on most of the resources and for others with the implementation of mitigation the impacts would be less than significant. Impacts on human beings would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

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