

Sabercat Trail Extension Project – Response to Comments on the Initial Study/Mitigated Negative Declaration

The Sabercat Trail Extension Project Initial Study/Mitigated Negative Declaration public comment period opened on January 10, 2022 and extended through February 9, 2022. A total of five commenters submitted letters or emails during this period. Each of the submittals have been divided into unique comments, copied as they were written and responded to in Table 1, Response to Comments.

None of the issues raised result in a finding of a new significant impact not already disclosed in the Initial Study. However, some comments did result in additions to the Initial Study to provide further clarification on the impacts and/or refinements to mitigation measures listed in the Initial Study document. These text changes are recorded in the responses. These changes are reflected in final Initial Study/ Mitigated Negative Declaration document as red and underlined text. Comments are responded to in the order they were received as follows:

1. An email from Taidan Tong received on February 2, 2022
2. An email from Natalia Lebedeva received on February 3, 2022
3. A letter from Mr. Brian Wines, Water Resource Control Engineer at the San Francisco Regional Water Quality Control Board was received via email on January 14, 2022
4. A letter received Girum Awoke, Director of Engineering and Technology at the Alameda County Water District via email on February 8, 2022
5. A letter from Tim Chan from the BART Planning & Development received via email on February 10, 2021

Table 1. Response to comments Responding to the Sabercat Trail Extension Project

Comment #	Comment	Response
Email from Taidan Tong received on February 2, 2022		
TT-1	Why would city spend so much tax payer's money to build a project has little benefit but most of the negative consequences for the residents?	Trail improvements will be beneficial to all users. The existing trail network lacks a direct, comfortable route connecting the Irvington and Mission San Jose communities. Existing available bikeways are located on arterial roadways that carry significant traffic volumes and create conflicts between bicyclists, pedestrians, and automobiles. The purpose of the proposed Project is to overcome barriers for non-motorized circulation, including the UPRR/BART rail corridor and I-680 and to increase connectivity by providing a direct, convenient, and safe route for

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		<p>bicyclists and pedestrians. Funding for the project is from Alameda CTC (Measure BB), which is for transportation improvements, including to benefit bicycle and pedestrians, and the California Natural Resources Agency. Other funding will be determined but is anticipated to consist of federal, state, and regional sources for transportation projects.</p>
<p>TT-2</p>	<p>Noise and safety. The proposed project is mostly located in residential area, disregard the noise production and safety issues during construction period, it more will come from increased activities (mostly unpleasant activities) on the trails once it finished.</p>	<p>Sections of the trail, including where the trail begins at Blacow Road and the overcrossing of the UPRR/BART corridor, and the North Trail sections are adjacent to residential areas. Other trail sections are located adjacent to industrial, commercial, and open space uses along with the I-680 corridor.</p> <p><u>Construction Noise</u></p> <p>It is anticipated that most of the construction would occur within the hours identified in Fremont Municipal Code (FMC) Section 18.160.010, which limits construction to the weekday hours between 7:00 am to 7:00 pm and between 9:00 am and 6:00 pm on Saturdays. No construction is allowed on Sundays. Construction of the proposed Project will comply with the noise requirements in FMC 18.218.050(g). The requirements include the construction of temporary noise barriers, which will be implemented for the residences that face Blacow Road and the proposed UPRR/BART overcrossing.</p> <p><u>Safety</u></p> <p>The City considers the safety of its residents as its highest priority. The City has many tools and approaches to managing crime. Our police department is reviewing this concern and will make additional proposals to address these issues where this project would be built. One of the considerations is to clearly post hours for park use. In addition, effective measures include how the park and adjacent landscaping are designed. Crime prevention through environmental design (CPTED) include implementing lights that only turn on through movement and plantings that reinforce keeping persons on trails, such as native thorny bushes to</p>

Comment #	Comment	Response
		<p>deter people from deviating from the path. Further review and development of these concerns will be forthcoming.</p> <p>In addition, where the new trail crossing of the UPRR/BART corridor is located, aesthetic treatments will be included as part of the project design, including those listed below:</p> <ul style="list-style-type: none"> • 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, which 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. • Landscaping in the empty lot will maintain visibility and 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).
TT-3	If it's for residents' convenience of getting on trails, there are already plenty of the trails in our city for people to enjoy, why would it be a necessity to	Please see response to Comment TT-1 .

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	create one more trail extension at such a hefty cost?	
TT-4	If it's for residents' convenience of getting to the future Irvington BART station, (by the way, why do we need 2 Bart stations within 2 miles in our city?) There are already accesses from Washington Blv. for people living north & east part, and Fremont Blv, Irvington Ave etc. for people living south & west part.	As noted in the response to Comment TT-1 , the current trail system lacks a direct, comfortable route connecting the communities of Irvington and Mission San Jose. The proposed Project would improve pedestrian and bicycle access to both the future Irvington BART station and Ohlone College east of Sabercat Historical Park. The Irvington BART Station is a separate project. However, for your convenience, the link below addresses a number of frequently asked questions, including “Why does Fremont need another BART Station when there are already two? and “Why is a BART Station being built in Irvington?” https://fremont.gov/2977/Irvington-BART-Station
TT-5	If City has too much money, Can it be spent on our school to benefit our kids? they are future tax payers. To give an example, at Irvington High, it's urgently in need of a proper sized and equipped cafeteria. At current time, most of our kids have to standing in a very long line waiting, then sit on the ground outside for lunch.	Please refer to response in Comment TT-1 . The proposed Project is using transportation-related funding to construct the project. The funding sources for the project are a combination of regional, state, and federal sources all related to transportation projects/programs.
Email from Natalia Lebedeva - Received on February 3, 2022		
NP-1	Are there measures in the project plan to protect the Sabercat area wildlife? Thank you.	The proposed Project is being designed to avoid sensitive habitat areas to the extent possible. This includes wetland, riparian, and native tree cover areas. These areas are most likely to attract wildlife for foraging and habitation. During construction, it is likely that wildlife may be disturbed by construction noise and the presence of heavy equipment and therefore self-relocate. However, because project construction is anticipated to be relatively short in duration (less than a year in any one location), then it’s likely that wildlife would re-establish easily. The bridge is positioned some distance from the more common migration corridors, such as waterways and riparian valleys; it is a hard-surface structure that

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		<p>would be over 600 feet long, thus making it a deterrent for wildlife to cross without knowing what to anticipate on the other side.</p> <p>A noted in Section 1.3, Biological Resources, of the IS/MND, a number of mitigation measures have been developed to avoid and/or minimize potential impacts on wildlife. The identified mitigation measures have been incorporated into the Mitigation and Monitoring Program (MMRP) for the project. The MMRP lists the mitigation measures identified in the IS/MND for all resources, including Biological Resources, and identifies the parties responsible for implementation, parties responsible for monitoring, and the status/timing of when the mitigation measure will be implemented.</p> <p>In addition to the MMRP, construction activities would comply with the requirements in Fremont Municipal Code (FMC) Chapter 18.218, Standard Development Requirements to Address Resource Protection, which includes Special Status Species to ensure the universal application of standard development requirements for resource protection. Information on the FMC Chapter 18.218 is provided in the Project Description of the IS/MND. FMC Chapter 18.218 includes specific measures for identified special-status species identified, including burrowing owl, nesting birds, roosting bats, and the California tiger salamander, to be performed both prior to and during construction to avoid and/or minimize impacts. FMC Chapter 18.218 also includes the development of a Construction Management Plan, which also includes information on the measures to be implemented during construction to protect biological resources. Such measures include limiting the construction footprint to the smallest area possible, using lighting, worker awareness training, and preventing wildlife entrapment by covering excavated areas and the use of barriers.</p>
<p>A letter from Mr. Brian Wines, Water Resource Control Engineer for the San Francisco Regional Water Quality Control Board was received on January 14, 2022</p>		

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RW-1	<p>The extent of the Caltrans Mitigation is illustrated in Figure 2 of the attached Sabercat Creek Mitigation Project, Annual Wetland Monitoring Report, Year 6 Wetlands and Waters Restoration (Year 6 Monitoring Report) Caltrans, District 4, December 2017. The areas identified as wetland basin, oak woodland, and riparian in Figure 2 are required for compliance with the Certification. These areas are to be preserved in perpetuity and should not be disturbed by Project activities.</p>	<p>Thank you for confirming the boundary of the Sabercat Creek Mitigation Project. This boundary has not been available via design drawings, but we tried to estimate the boundary using aerial photographs and included this boundary into our design drawings to assist in determining avoidance and minimization limits.</p> <p>As described in the project description, the Construction Management Plan (CMP) developed for the proposed Project includes a measure to limit the construction footprint to the smallest area possible; this would minimize and avoid impacts to the riparian habitat. Additional refinements may be possible to further minimize impacts in this area when the geotechnical information is available.</p> <p>As noted in the IS/MND, consideration was given to other alternatives, all of which would result in substantially greater adverse impacts on the Sabercat Creek Mitigation Site and/or riparian and wetland areas within the Sabercat Creek corridor.</p> <p>Proposed Resolution: The revised IS/MND will include a figure that delineates the mitigation site as well as the temporary construction limits for both staging and construction access routes.</p>
RW-2	<p>1)It is <u>not clear</u> from the discussion of Potential Impact BIO-8 if the impacted uplands would include the oak woodland and riparian areas identified in Figure 2 in the Year 6 Monitoring Report. Please compare the outlines of the oak woodland and riparian areas in Figure 2 to the areas that are proposed for temporary disturbance for construction access for the Project. <u>If there is an overlap</u> between these two areas of upland vegetation at the Caltrans Mitigation site, please attempt to relocate the construction access area out of these Certification-required mitigation areas.</p>	<p>The area temporarily impacted is estimated to be less than 0.02 acre (estimated to be approximately 835 square feet) and located in the area identified as riparian and oak woodland in Figure 2 in the Year 6 Monitoring Report. The area temporarily impacted is on the edge of the Sabercat Creek Mitigation Site.</p> <p>The tree georeferencing survey in the mitigation site did not find any surviving trees within the temporary impact area. However, because the overgrowth may have shielded sightings, the project team has estimated that up to six oak saplings, as well as coyote brush, California sage, and black sage vegetation may be impacted.</p>

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	<p>2)The MND should be revised to quantify the surface area of unavoidable impacts to the Caltrans Mitigation site and provide sufficient compensatory mitigation for that area of impacts. Since mitigation sites are to be preserved in perpetuity, the required amount of mitigation for impacts to mitigation sites is usually greater than the mitigation quantities required for other impacts.</p>	<p>The Caltrans mitigation site requirements, in accordance with condition 12 of the original 1602 permit (and thus not called out as mitigation), include:</p> <ul style="list-style-type: none"> • Full restoration of any disturbed areas, • A 6:1 replacement ratio of tree plantings that are not oak trees, and • An 8:1 replacement ratio of any oak tree removed <p>Please note that because the mitigation site is supported with these replacement obligations, the mitigation listed in the IS/MND only addresses the coordination with Caltrans on the restoration and location of the tree replacement. Neither activity would become a new impact—because restoration will occur in situ and tree plantings will only require workers with hand shovels/tools planting within the mitigation site boundaries. These efforts would not result in the need for large equipment, nor will there be clearing, grubbing, or access impacts since the Sabercat Creek Mitigation Site has designated access routes.</p> <p>Text located in other parts of the IS/MND, including 1.1 Aesthetics, recognize the following planting obligation:</p> <p>In addition to the permanent changes, up to 25 trees (most under 1 inch diameter trunk) would be removed along the east side of I-680. Trees that are part of a previous mitigation site are <u>required</u> to be replaced at a 6:1 ratio <u>and 8:1 ratio of oak trees removed</u> within the same vicinity. For trees outside this mitigation site, tree replacement would be in conformance with the Fremont Municipal Code (FMC) 18.215 and City of Fremont Tree Preservation Ordinance. Existing mature trees to remain would be protected, in conformance with the City’s Standard Details for Landscape Planting and Tree Protection.</p> <p>Proposed Resolution: We concur that this detail will be added in the final IS/MND under biology for clarity. The IS/MND will include the</p>

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		<p>following text in the final version presented to the City Council on Feb 15, 2022:</p> <p><u>The area of temporary impact within the Sabercat Creek Mitigation Site is estimated to be less than 0.02 acre in size (refer to Figure 6 for the area of the temporary impact).</u></p> <p><u>Final design will continue to investigate methods for further avoiding this impact. Impacts within the Sabercat Creek Mitigation Site requirements in accordance with condition 12 of the original Section 1602 permit require replacement and/or restoration as described herein:</u></p> <ul style="list-style-type: none"> • <u>Full restoration of any disturbed areas,</u> • <u>A 6:1 replacement ratio of tree plantings that are not oak trees, and</u> • <u>An 8:1 replacement ratio of any oak tree removed</u> <p><u>The replacement trees are proposed to be planted within Caltrans property inside or nearby the mitigation site with hand tools that do not include machinery. Tree placement will not require clearing or altering the landscape.</u></p>
RW-3	<p>After the discussion of Potential Impact BIO-8, Impacts to the Caltrans Sabercat Creek Mitigation Site, in Section 1.4.2.b of the MND, <u>Mitigation Measure MM-BIO-7</u> is proposed to reduce potential Project impacts to the Caltrans Mitigation site to less than significant levels.</p> <p>Under CEQA, proposed mitigation measures should be presented in <u>sufficient detail</u> for readers of the CEQA document to evaluate the likelihood that the proposed remedy will reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect</p>	<p>The mitigation measure MM-BIO-7 was developed to beyond the MOA requirements of the Sabercat Creek Mitigation Site.</p> <p>Under CEQA, requirements are not deemed to be mitigation measures. The City of Fremont adopts all “requirements” as part of the project description. As stated within response to comment RW-1, requirements in accordance with condition 12 of the original 1602 permit require replacement and/ or restoration for impacts within the Sabercat Creek Mitigation Site as described herein:</p> <ul style="list-style-type: none"> • Full restoration of any disturbed areas, • A 6:1 replacement ratio of tree plantings that are not oak trees, and

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	<p>be <u>adequate, timely, and resolved by the lead agency</u>. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4).</p>	<ul style="list-style-type: none"> An 8:1 replacement ratio of any oak tree removed <p>The area needed to replant up to 48 trees based on a 6:1 and 8:1 ratio for oak tree planting ratio is approximately 0.03 acre. This area is available within the existing Sabercat Creek Mitigation Site.</p> <p>In addition, while not required for City-led improvement projects, the City will be applying the City’s Tree ordinance in replacing all other impacted trees. MM-BIO-7 recognizes that required replacement and restoration would involve Caltrans, San Francisco Bay Water Quality Control Board (SFBWQCB), and California Department of Fish and Wildlife (CDFW) in confirming that restoration details are complete and satisfactory.</p> <p>As discussed with Caltrans in multiple coordination and field visit meetings, the tree replanting locations would be identified in consultation with Caltrans and would be completed with hand tools in areas where more reliable water could sustain the saplings more successfully than the hillside where would impacts occur.</p> <p>Proposed Resolution: We concur that this detail should be added in the final IS/MND under biology and augment the mitigation MM-BIO-7 with enough detail to add clarity. The IS/MND will include the following in the final version presented to the City Council on Feb 15, 2022 (new text is red and underlined):</p> <p><u>MM-BIO-7. In addition to the Sabercat Creek Mitigation Site replacement and restoration requirements, the City of Fremont will develop the detailed tree planting plan for riparian tree replacement with a minimum of 5 feet on center between plantings. The replacement trees are proposed to be planted within Caltrans property inside or nearby the mitigation site with hand tools that do not include machinery. Tree placement will not require clearing or altering the landscape.</u> The City will develop compensatory mitigation in coordination with Caltrans, CDFW, and RWQCB. Compensatory mitigation will likely involve post-project</p>

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		restoration... Restoration planting would be monitored for 5 years following replacement for shrubbery plants and for 10 years for trees.
RW-4	Additional discussion item raised during the City-SFBWQCB meeting on February 10, 2022: A request to clarify the plant establishment period to include 5-years establishment for replacement plantings and up to 10 years for tree replacement.	The following has been added to the IS/MND in the project description under Stormwater and Landscaping: For restoration plantings within Caltrans right-of-way, there shall be a 5-year plant establishment monitoring program and 10-years for tree plantings.
RW-5	The MND should be revised and re-circulated. Re-circulation is necessary to allow for full review and comment by the public and government agencies on the Project’s impacts to waters of the State and proposed mitigation measures for those impacts	According to CEQA Portal Topic Paper on mitigation measures (page 6): <i>Revisions to mitigation measures can be prior to certification by the lead agency, with an explanation for the revision, including why recirculation is not needed. Any substantive revisions to mitigation measures made after approval and adoption by a lead agency generally requires public notice and adoption at a public hearing with an explanation as to why the revision(s) was required.</i> Based on the above, we believe that including the noted changes to the IS/MND would make the temporary impact and approach to addressing the temporary impact clearer, but no new or undisclosed significant impact would result from this refinement; therefore, the City does not feel that recirculation is warranted. The Public Hearing will be held on February 15, 2022, at the City Council regularly scheduled meeting. Public and Agency comments and the proposed changes to the IS/MND will be presented at this meeting for consideration.
A letter received Gium Awoke, Director of Engineering and Technology for the Alameda County Water District via email on February 8, 2022		
ACWD - 1	<u>Groundwater Protection</u> ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the draft IS/MND:	The IS/MND will be updated to include ACWD as a public agency whose approval is required for portions of the project. The City is aware and is committed to adhering to necessary permits and has already obtained two Alameda County Water District (ACWD) permits

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	<p>Groundwater Well Destruction and Drilling Permits: As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations including the installation of support piers, piles (sheet piles), or caissons within the City of Fremont (City). Therefore, Page 13 of the draft IS/MND should additionally specify ACWD as a public agency whose approval is required based on its administration of required drilling permits. Application for a permit may be obtained from ACWD’s Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.</p> <p>ACWD has identified a number of monitoring wells located within the Project area. In order to protect the groundwater basin, each well located within the project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter so indicating must be sent to ACWD. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction</p>	<p>for geotechnical drilling, and ACWD has observed the grouting of these borings drilled to date. The IS/ MND has added ACWD’s Groundwater Well Destruction and Drilling Permits to the list of required permits.</p> <p>The City did reach out to ACWD early to obtain information on ACWD facilities, and we appreciate that you have shared new information that the design team will use to further the avoidance design details. Regarding the two identified wells, the Project design team is applying the use of the GeoTracker and DWR OSCAR websites and has determined that the closest well is more than 20 feet away from the edge of our bridge and more than 80 feet away from the nearest drilled shaft foundation. If any wells would be impacted by the City’s planned project, the City will consult with ACWD to determine whether the wells can be protected or properly destroyed before or during construction in compliance with ACWD Ordinance No. 2010-01.</p>

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	<p>process, the well(s) must be destroyed in accordance with ACWD requirements.</p>	
<p>ACWD – 2</p>	<p><u>Project Description</u> ACWD previously met with City staff to discuss the Project and identified concerns with the location of the proposed bridge, abutments, and ramps, specifically on Blacow Road, in close proximity to ACWD’s existing infrastructure. The IS/MND should address the concerns regarding impacts and access to ACWD pipelines and facilities within the Project area.</p>	<p>The alignment of the proposed trail at Blacow Road was modified and moved to the south side to prevent any conflicts with the 16” water line during project construction, and to provide enough space for ACWD to continue accessing and maintaining their pipeline. The aim of using the stacked loop ramps has been to (1) minimize the footprint of the structures and construction work, and (2) minimize the impact on the operation and maintenance of existing infrastructure. In addition, the designer is using outrigger columns to keep the columns and cast-in-drilled-holes (CIDH) concrete piles even farther away from the underground utilities.</p> <p>The minimum distance from the ACWD water line, which is primarily located at the north side of Blacow road, to the CIDHs is more than 35 feet.</p> <p>The design team is preparing a potholing plan to accurately locate the nearby utilities to further this effort of avoiding utility conflicts.</p>
<p>ACWD - 3</p>	<p><u>Blacow Road to Osgood Road Trail and UPRR/BART Overcrossing (Page 3)</u> – A 16-inch ACWD pipeline located between Osgood Road and Roberts Avenue might be impacted by this Project. Overhead crossing of the rail corridor, drilling, heavy equipment, and staging should not be permitted in close proximity to the 16-inch pipeline. The 16-inch pipeline is located within an existing ACWD easement from the eastern side of the Union Pacific Railroad and Bay Area Rapid Transit (UPRR/BART) right-of-way (ROW) to Osgood Road. ACWD requests that the IS/MND identify the bridge, bridge abutments, and ramps to be</p>	<p>See response to Comment ACWD-2.</p> <p>The proposed Project plans do identify the ACWD utilities and the parameters of maintaining access and maintenance to these easements. To address your concerns, edits and additions have been made to the IS/MND as follows.</p> <p>The Blacow Road to Osgood Road Trail and UPRR/BART Overcrossing section of the IS/MND has been modified to include the following sentence:</p> <p><u>The rail corridor overhead crossing structure is located to the south side of Blacow Road specifically to minimize impacts on existing utilities located on the north side of the roadway.</u></p>

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	<p>designed to not impact the existing easement and 16-inch pipeline and to maintain access to the pipeline, appurtenances, and ACWD easement. The location of the bridge, abutments, supports, and ramps on the south side of Blacow Road would most likely not impact ACWD’s easement or infrastructure and would allow continued access by ACWD to its facilities. Any impacts to the 16-inch pipeline should be described, analyzed, and mitigated in a CEQA document.</p>	<p>Additionally, under the second bullet of this section concerning the landscaping, the following sentence has been added: <u>Tree species for landscape planting would be selected and placed to avoid impacting ACWD water pipelines and facilities.</u></p> <p>The Osgood Road to Sabercat Historical Park section of the IS/MND has been modified to include the following: <u>The overcrossing bridge is designed to avoid or minimize impacts to Sabercat/Mammoth Creeks, the Caltrans Sabercat Creek Mitigation Site, and existing drainages, ACWD monitoring wells, stormwater and wastewater facilities located east of I-680.</u></p> <p>The North Trail from the West Landing of the I-680 Overcrossing to BART section of the IS/MND has been modified to include the following: <u>In addition, the North Trail would be designed to avoid impact on utilities, such as the ACWD pipeline and reservoir drain.</u></p>
<p>ACWD – 4</p>	<p><u>North trail from the West Landing of the I-680 Overcrossing to BART (Page 4)</u> – It appears that the section from North Trail from the West Landing of the I-680 Overcrossing to BART will impact ACWD’s existing 24-inch diameter pipeline and a large water storage facility drain pipeline. This 24-inch diameter pipeline is a critical pipe to the large water storage facility and pumping facility; the pipe trends westerly down from the water storage facility, passes below Sabercat Creek near the base of an escarpment, and continues southwest, adjacent to the creek until it connects to a 24-inch pipe on Osgood. Road. The water facility pipeline lies within an existing ACWD easement. Any impacts to the 24-inch pipeline should be</p>	<p>The proposed Project plans do identify the ACWD utilities and the parameters of maintaining access and maintenance to these easements. The North Trail will be designed and constructed in a future phase. City will coordinate with ACWD during final design of the North Trail to resolve any potential conflicts.</p> <p>To address your concerns, edits and additions have been made to the IS/MND as follows.</p> <p>The North Trail from the West Landing of the I-680 Overcrossing to BART section of the IS/MND has been modified to include the following: <u>In addition, the North Trail would be designed to avoid impact on utilities, such as the ACWD pipeline.</u></p> <p>And under the Utilities and Service Systems section (1.19.2), the text now reads:</p>

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	<p>described, analyzed, and mitigated in a CEQA document.</p>	<p><u>The proposed Project may need to relocate water meters, and minor sewer laterals and also shift cable, phone, and/or fiber optic lines. ACWD utilities and easements, and other utilities as applicable, will be delineated on project plans with restrictions on staging or allowing heavy equipment to cross these unpaved easements. ACWD pipelines inside public easements in Osgood Road and Blacow Road have been avoided through trail and rail corridor overhead crossing placement. Construction vibration impacts are not expected due to the drilling method intended for the cast-in-drilled-hole (CIDH) concrete piles for the rail overhead abutments. The current North Trail alignment may conflict with ACWD’s pipelines and facilities; however, in future design development, the trail would be adjusted to avoid this conflict. Avoidance would involve either raising the trail elevation and/or spanning over the pipeline to provide the required minimum clearances, altering the cut-and-fill, and/or shifting the trail alignment. The North Trail would be designed in accordance with ACWD’s standards and specifications for Water Main Installation available at https://www.acwd.org/174/Standard-Specifications-Drawings. Where the proposed Project would encroach upon ACWD easements, the City will work with ACWD to ensure the conflict is avoided and standards are met.</u></p>
<p>ACWD – 5</p>	<p><u>Construction Site Access and Staging Area (Page 6)</u> – The IS/MND identifies construction staging areas for the Project at/near or in close proximity to existing ACWD water mains and infrastructure. The ACWD main within Blacow Road from the east side of the UPRR/BART ROW to Osgood Road and the 24-inch water pipeline east of Osgood Road are both located within ACWD easements. (Reference to ACWD easements is also made in item #2 above.) The IS/MND should identify these easements and that the staging of construction materials or equipment is not allowed within the</p>	<p>Staging loads within any paved City street will not exceed normal vehicle loading allowed on City streets. Please see response to Comment ACWD-2 regarding current planning efforts for potholing to locate the 16-inch and 24-inch ACWD pipelines to determine if any utilities would be within 10’ of proposed excavation during construction.</p> <p>Also, please see response to Comment ACWD-4 to see how the IS/MND has been modified to address construction-related avoidance measures. During construction, the contractor will be required to protect-in-place the 16-inch and 24-inch pipeline and avoid moving heavy equipment on top of them in the unpaved areas and not exceeding allowable highway loads on paved areas.</p>

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	<p>easements. ACWD has concerns about the weight of equipment and materials over the water lines in this area since the surface is not paved; based on available information, the existing 24-inch pipeline lays extremely shallow below the ground. Heavy equipment access around/above the existing 160inch main within Blacow Road and the 24-inch main within Osgood Road should not be allowed. ACWD requests the IS/MND include language that continued and unobstructed access to ACWD facilities must be maintained at all times before, during, and after construction. In addition, ACWD requests that during the design phase, the existing water facilities be potholed to confirm the depth and location.</p>	
<p>ACWD - 6</p>	<p><u>Construction by Element - Rail Corridor Overhead Bridge and Sabercat Creek Bridge (Page 7)</u> – The draft IS/MND identifies the installation of 5-foot diameter cast-in-drilled-hole (CIDH) concrete piles for the abutments and support bents. As previously stated, ACWD has an existing 16-inch water pipeline located in an ACWD easement within Blacow Road that needs to remain in service and be protected from vibrations or damage due to installation of the bridge and appurtenances. CIDH installation in close proximity to the existing main should not be permitted. The IS/MND should address ACWD’s concerns and be described, analyzed, and mitigated in a CEQA document.</p>	<p>See response to Comment ACWD-2 and ACWD-4. The induced vibration effects on the existing main water line due to intended construction activities are expected to be minimal. The proposed shafts are CIDH concrete piles, and no driven piles are planned to be used near ACWD’s facilities.</p>

Comment #	Comment	Response
ACWD-7	<p><u>Figure 5 (Page 12)</u> – It appears that the proposed staging area and elevated structures are within the proximity of an existing 24-inch pipeline. The figure should be updated accordingly to the new findings. Any impacts to the 24-inch pipeline should be described, analyzed, and mitigated in a CEQA document. Reference to ACWD easements is also made in items #2 and #3 above.</p>	<p>Utilities are identified on project plans, not on the generalize Project figures in the IS/MND. Please see response to Comment ACWD-4 regarding the City’s commitment to protecting and avoiding impacts to ACWD facilities as noted in the IS/MND updates.</p>
ACWD – 8	<p><u>Environmental Factors Potentially Affected (Page 14)</u> – Check the “Utilities/Service Systems” box and describe, analyze, and mitigate in a CEQA document based on the additional information provided in this letter.</p>	<p>Design is being done to avoid impacts to the ACWD facilities and easements.</p> <p>According to the IS checklist, checking a box on page 14 would indicate that the project would involve “at least one impact that is a Potentially Significant Impact. Impacts would be reduced to less than significant with implementation of mitigation measures.”</p> <p>The City is continuing to work with ACWD on our commitment to avoid impacts on ACWD facilities and maintaining access and maintenance throughout construction and operation of the project. No significant impacts on ACWD facilities are anticipated; therefore, the Utilities/ Service System remains unchecked.</p>
ACWD – 9	<p><u>Utilities and Services</u> – ACWD requests that the following potentially significant impacts to the existing water infrastructure be addressed by the IS/MND:</p> <ul style="list-style-type: none"> a. The draft IS/MND states, “No existing utility lines or pipelines would require permanent relocation, and these would be avoided or protected in place.” Reference to this topic is also made in items #2 and #3 above. The IS/MND should acknowledge the presence and importance of the existing ACWD 	<p>Please refer to the response for Comment ACWD-4 that includes the City’s proposed edits to ensure that no signification impact would occur in relation to ACWD facilities and the recognition and application of the ACWD’s Standard Specifications for Water Main Installation on the trail design development and construction.</p>

Comment #	Comment	Response
	<p>facilities and confirm that the Project will pose no impacts to the water pipelines and facilities and that the water pipeline and facilities will remain and be protected and unaffected by the proposed Project, including proposed earthwork, bridges, retaining walls, embankment slopes, CIDH, and a new trail. ACWD requests that the trail and bridge alignments and Project design take into account the preservation/protection of the water pipelines and facilities, CWD existing easements, and the required clearance requirements to provide access at all times to inspect, maintain, and repair/replace existing water pipelines and facilities.</p> <p>b. The Project could have potential impacts to existing water facilities which will require very close coordination between the City and ACWD. ACWD expects the Project will include accommodations for protection in place or relocation of ACWD facilities. The Project should maintain required minimum clearances from the proposed improvements to ACWD’s existing infrastructure in accordance with ACWD Standards. These standards are provided in ACWD’s Standard Specifications for Water Main Installation, available at ACWD’s website. In addition, access to ACWD facilities must be maintained at all times. Reference to existing ACWD easements for</p>	

Comment #	Comment	Response
	<p>water pipelines is also made in items #2 and #3 above.</p>	
<p>ACWD - 10</p>	<p>ACWD recommends the City submit the request for available records pertaining to ACWD facilities located within the area of the Sabercat Trail Extension Project. The Project proponent should contact ACWD’s Engineering Department regarding any proposed new water service to the Project.</p>	<p>The City previously contacted ACWD on March 6, 2020 to request for as-built drawings for ACWD facilities within the project area. Marian Hsu and Linda Lai from ACWD sent the drawings on March 27, 2020. It was determined that the ACWD pipeline on Blacow Road would conflict with the Blacow Overhead structure, so the structure was moved to the south side of Blacow Road to avoid the AWCG pipeline and other utilities. The City contacted ACWD again on February 10, 2022 and received additional information on the 16-inch and 24-inch pipelines and monitoring wells.</p> <p>New water service for potential project landscaping will be coordinated with ACWD during final design. Project design will avoid impacting ACWD’s pipelines and adhere to ACWD’s Standard Specifications for Water Main Installation as they pertain to necessary clearances from pipelines and easements.</p>
<p>ACWD - 11</p>	<p><u>ACWD Contacts:</u> The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:</p> <ul style="list-style-type: none"> a. Michelle Myers, Groundwater Resources Manager, at (510) 668-445, or by email at michelle.myers@acwd.com, for coordination regarding ACWD’s groundwater resources, groundwater wells, and drilling permits. b. Juniet Rotter, Development Services Manager, at (510) 668-4472, or by email at juniet.rotter@acwd.com, for coordination regarding public water systems and water service. 	<p>The City acknowledges and appreciates receipt of these contacts.</p>

A letter from Tim Chan from the BART Planning & Development received via email on February 10, 2021

Comment #	Comment	Response
BART-1	<p>We understand that two components of this project may impact BART – the UPRR/BART Overhead Bridge over our tracks at Blacow Road just south of the future Irvington Station, and the North Trail that will connect through BART property to the future BART station and Gallegos Winery. The UPRR/BART Overhead Bridge will need to meet our minimum clearance requirements over the tracks. We support the recommended truss bridge, which will help address the challenges of construction over active tracks. Due to the potential technical and operational challenges to BART, please engage us early in the design and review process.</p>	<p>The City appreciates BART cooperation through the development of this pedestrian and bicycle project, which is intended, among other things, to enhance safe access to the future BART station planned at the southwest corner of the Washington Boulevard and Osgood Road intersection. Our Project team has and will continue to apply BART-prescribed vertical and horizontal clearance design standards to our design of the overhead rail crossing. The Project is being designed to avoid any intrusion into the UPRR/BART corridor. As the design efforts progress, the City has every intention of including BART in the review of the plans. Thank you for your engagement in this project.</p>
BART-2	<p>The North Trail segment of the project assumes an alignment through BART property to connect to Osgood Road near the future BART station.</p> <p>Although a precise alignment has not yet been advanced, BART will support an easternmost alignment along the top of the hillside to preserve as much of the flatter portion of our right-of-way as possible and to not preclude the feasibility of future development.</p> <p>Please note that the proposed alignment would connect to Osgood Road north of the new signalized intersection, so it will require a connector path or other accommodation to safely bring cyclists in particular to the new intersection.</p>	<p>Your interpretation of the North Trail segment is correct. Fremont received BART’s interest early in the project development, and the design is intended to remain high on the slope and yet descend to roadway elevation in compliance with American Disability Act standards. The North Trail is proposed as a future phase of the trail extension. At such time that the City is ready to advance this northern trail, the City will engage BART on the trail as a partner in the design.</p> <p>Due to the location of private properties fronting Osgood Road, a direct alignment with the planned signal crossing is not possible without acquiring a residence. When the City advances this trail, the plans will include modifications to the shoulder and sidewalk along Osgood Road to complete the intended connection with the signaled crossing to the BART station.</p>