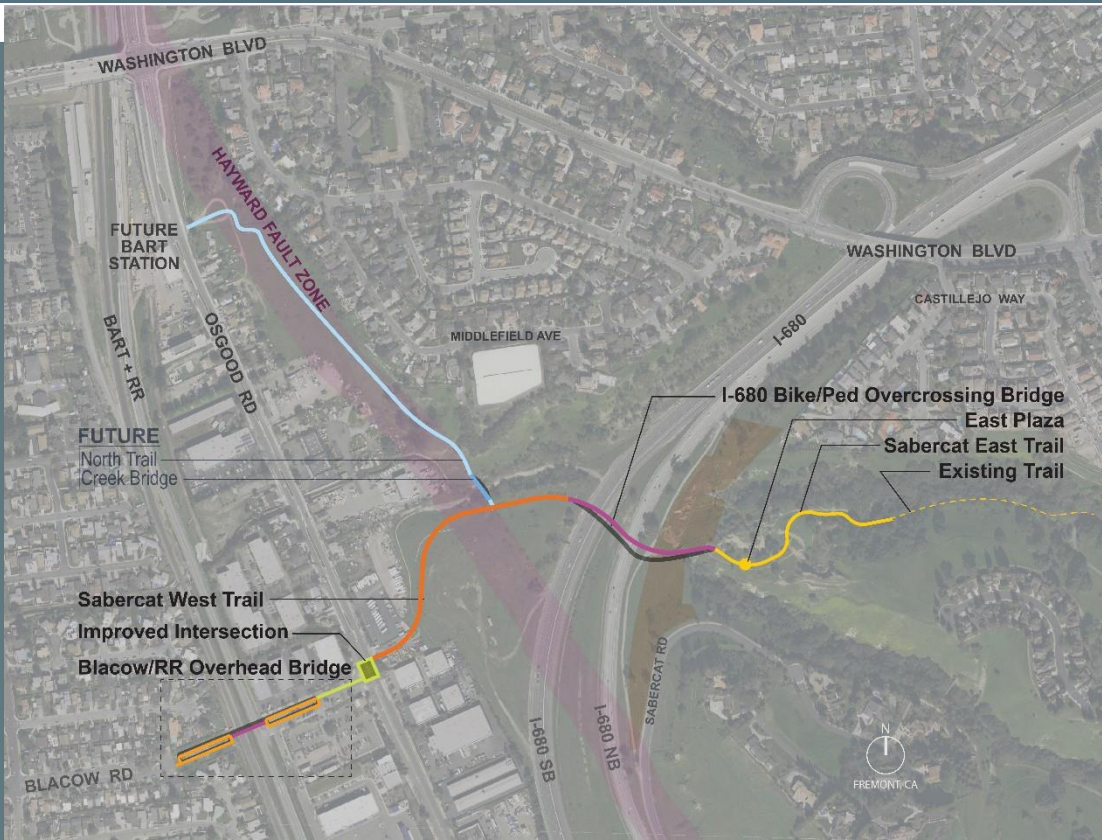


Final: Section 4(f) *De Minimis* Determination

Sabercat Creek Trail Extension Project

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

Fremont, California
August 2021



Prepared For:



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Final Section 4(f) *De Minimis* Determination

Sabercat Trail Extension Project

August 2021

CALIFORNIA DEPARTMENT OF TRANSPORTATION

04-ALA-680-PM 4.8/5.0

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PROJECT ID 04-19000056

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Date 8/20/21

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Date 09/12/2023

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1. Introduction

Per 23 CFR 774.11, Section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl refuge purposes as determined by the official(s) with jurisdiction over the Section 4(f) resource. The Section 4(f) requirements apply to historic sites (both structures as well as archaeology sites) on or eligible for the National Register and those portions of the U.S. Interstate System formally identified by Federal Highway Administration (FHWA) for Section 4(f) protection based on national or exceptional historic significance. Impacts on Section 4(f) resources, or properties, occur when there is a “use” of the properties. Such impacts can consist of either a direct or a constructive use of the properties, as defined in the following subsections. The 4(f) resource must be publicly owned at the point at which “use” occurs. As defined in 23 CFR 774.17, the “use” of a protected Section 4(f) resource occurs when one or more of the following occur:

- Land is permanently incorporated into a transportation facility (e.g., “direct use”)
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes (e.g., “temporary use”)
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (e.g., “constructive use”)

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only de minimis impacts on lands protected by Section 4(f). This amendment provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a de minimis impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. The Federal Highway Administration’s (FHWA’s) final rule on Section 4(f) de minimis findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to the California Department of Transportation (Caltrans) pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

The City of Fremont, California (City), in cooperation with the Caltrans and the Alameda County Transportation Authority (ACTA), is proposing to provide a Class I bicycle and pedestrian trail that crosses the Union Pacific Railroad and Bay Area Rapid Transit rail corridor (UPRR/BART rail corridor), Interstate-680 (I-680), as well as Sabercat Creek, to enhance accessibility between neighborhoods within the City of Fremont and connection with the future Irvington BART station at the corner of Washington Boulevard and Osgood Road. This Project is referred to as the Sabercat Creek Trail Extension.

Additionally, the City of Fremont is planning for the placement and development of a future Paleontological Museum in conjunction with the bicycle and pedestrian trail as key destination and purpose to join the existing Sabercat Creek Trail from within Sabercat Historical Park with the west side of I-680. Figure 2-1 shows the Project Vicinity.

2. Project Description

The Sabercat Creek Trail Extension Project, with I-680 overcrossing bridge (Project) would construct an approximate 1.3-mile Class I bicycle and pedestrian trail as an extension of the Sabercat Creek Trail currently located uniquely 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 trail would extend north from proposed I-680 Overcrossing, cross Sabercat Creek in a pre-fabricated bridge and terminate in the vicinity of a planned signalized crossing on Osgood Road as part of the planned mid-road access to the Irvington BART station. Figure 2-2 illustrates the Project, the trail is described from west to east and north to south as:

- Blacow Road to Osgood Road with UPRR/BART crossing
- Osgood Road to Sabercat Historical Park
- North section from BART to the west landing of the I-680 Overcrossing

The 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 for 2 feet on either side and drainage swale as needed along either side. Some areas would require retaining walls or cut and fill slopes which would expand the area needed. The trail would be paved with either asphalt or reinforced concrete slab 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.

Only the I-680 Overcrossing to Sabercat Historical Park would involve a Section 4(f) resource and therefore the description is limited to this Park.

2.1 I-680 Overcrossing to Sabercat Historical Park

Beginning from the west landing of the I-680 overcrossing, the trail would proceed east across I-680 to join with an east plaza near the bridge abutment and then extend the trail to connect to the existing Sabercat Creek Trail within Sabercat Historical Park. The trail proceeds east to an interpretative plaza and then continues east to connect to the existing Sabercat Creek Trail within Sabercat Historical Park at the eastern Project terminus. The overcrossing structure is anticipated to be a multi-span bridge crossing with a height of approximately 40 to 50 feet above the south- and northbound traffic lanes. The overcrossing structure would have a minimum clear 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. Additionally, the overcrossing structure is designed to avoid or minimize impacts to Sabercat/Mammoth Creeks, delineated sensitive biological sites, and existing drainage areas, stormwater and wastewater facilities on the east side of I- 680.

Figure 2-1 Project Vicinity

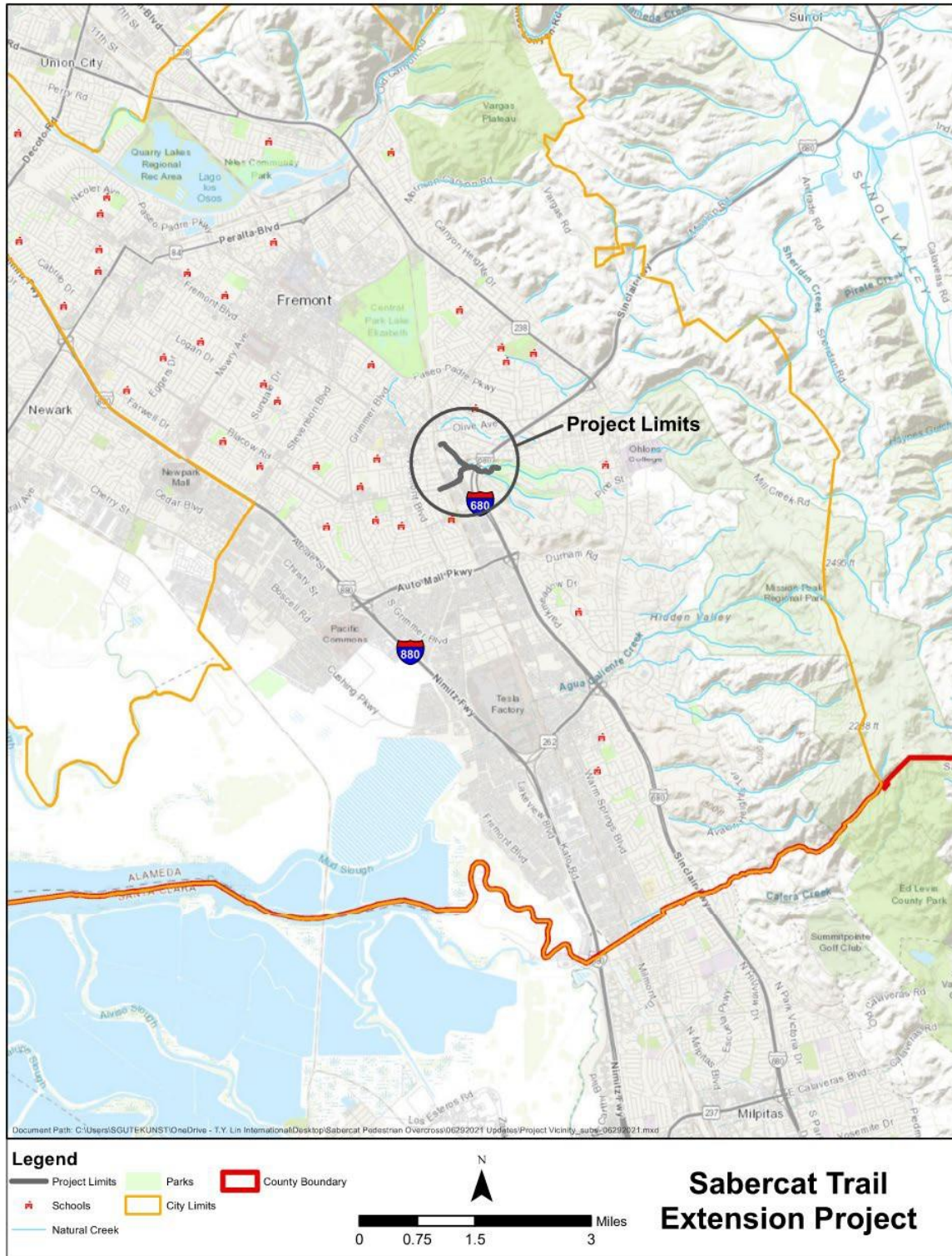


Figure 2-2 Project Plan and Project Sections



The I-680 Overcrossing east landing, abutment and plaza area would be located on the west-most side of City-owned, undeveloped future park land. The Project would entail improving and slightly re-aligning an existing dirt trail to be a paved, Class I trail from the bridge landing to the westerly limit of the existing paved Sabercat Creek Trail.

2.2 Construction

The City of Fremont has established standard development requirements to address resource protection (FMC Chapter 18.218). These requirements apply to air quality (construction-related emissions), biological resources (special-status species), and cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources).

Construction of the trail may be concrete or asphalt surface. 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. Staging areas are shown in Figure 2-3. Once grading is completed, permanent drainage and pavement base materials would be constructed.

To construct the I-680 Overcrossing, a construction crane would be used to install the structural steel frame. It is anticipated that access directly from I-680 Freeway would only be utilized for the delivery and unloading of steel structural components.

Contractor mobilization and site work would involve the set-up of a construction trailer and the equipment storage yard. The site work would involve excavation, forming and placing piers and concrete. The bridge bent foundations for this bridge would likely consist of large diameter cast-in-drilled-hole (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 with rock anchors or tiedowns. Forms for abutments and piers would be constructed, and the fabrication and setting of imbed plates and other attachments to the concrete would be completed.

The superstructure may consist of a cast-in-place, prestressed concrete box girder system. A shoring system called “falsework” will be installed to support formwork and the concrete superstructure until the stay cables are erected and tensioned. 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 finishings phase includes the details of finishing the deck material, handrails, finishes, lighting and other architectural details.

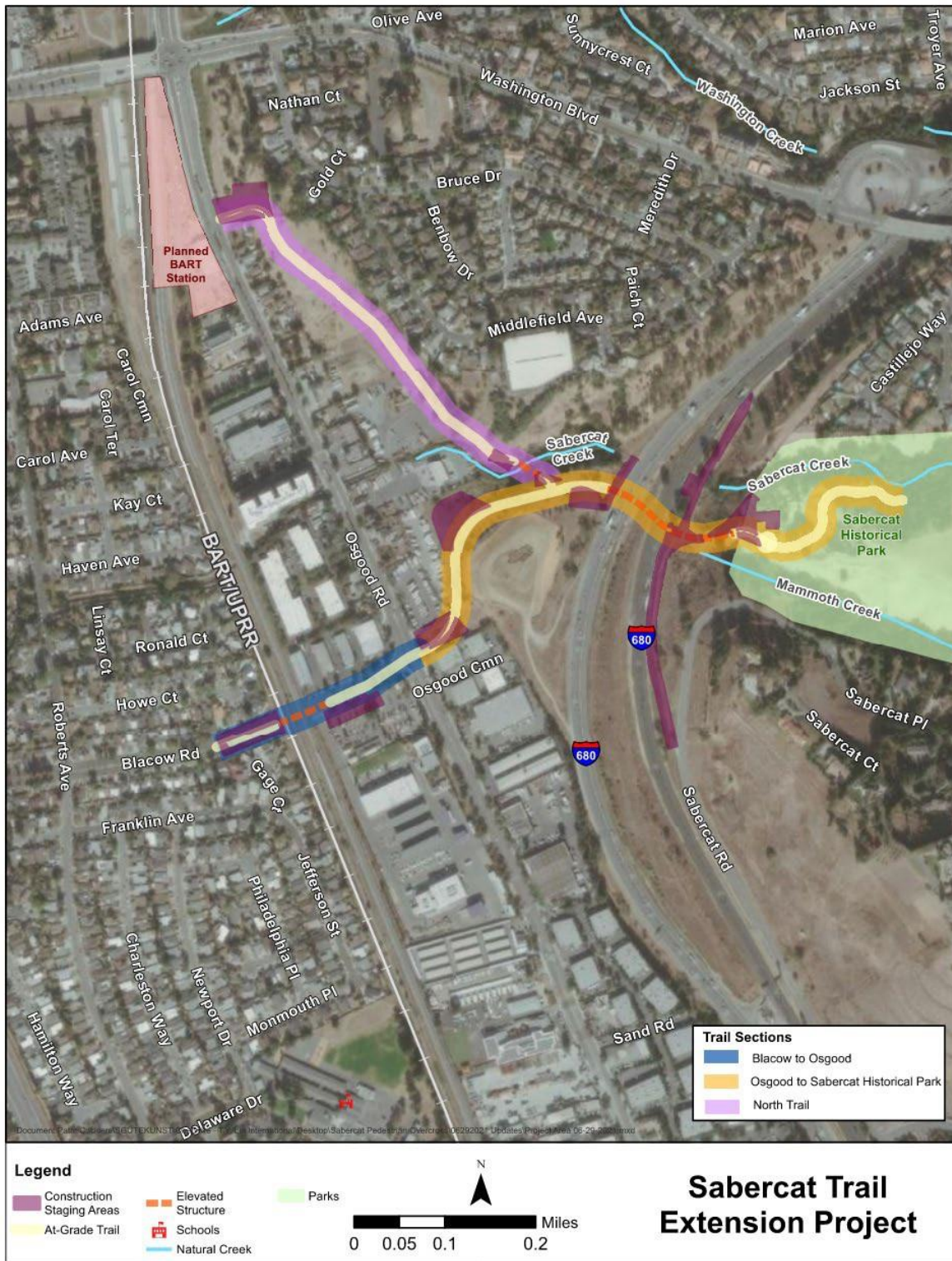
2.2.1 Construction Schedule

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 requirements. There would likely be multiple destinations for off-haul materials. 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. Project construction would commence with site work, including tree removal, demolition, excavation of hazardous materials found in soils; grading; and installation of access roads and utility infrastructure.

Project construction is expected to last 12 months for the I-680 Overcrossing and trail construction in Sabercat Historical Park phase, with the start date yet to be determined. The Project schedule is dependent on availability of funding, regulatory approvals, and other factors and, therefore, is subject to change.

Figure 2-3 Staging Areas



3. Section 4(f) Resources

All public and private parks, recreational facilities, and wildlife refuges within approximately 0.5 mile of the project area were identified to determine whether they are protected Section 4(f) resources and whether the Project would “use” these properties. Section 4(f) resources in the project vicinity include Sabercat Historical Park within which the Sabercat Creek Trail is located, and the planned East Bay Greenway (EBGW). No other park, recreation or wildlife refuge would be impacted with the Sabercat Trail Extension Project. Figure 3-1 shows the Section 4(f) resources within 0.5 mile of the project vicinity. Attachment A provides an overview of the Additional Resources Evaluated Relative to the Requirements of Section 4(f).

No historic properties eligible for the National Register of Historic Places would be affected by the Project. Caltrans District 4 has determined that a Finding of No Historic Properties Affected, pursuant to 36 CFR §800.4(d)(1), is appropriate for this Project.

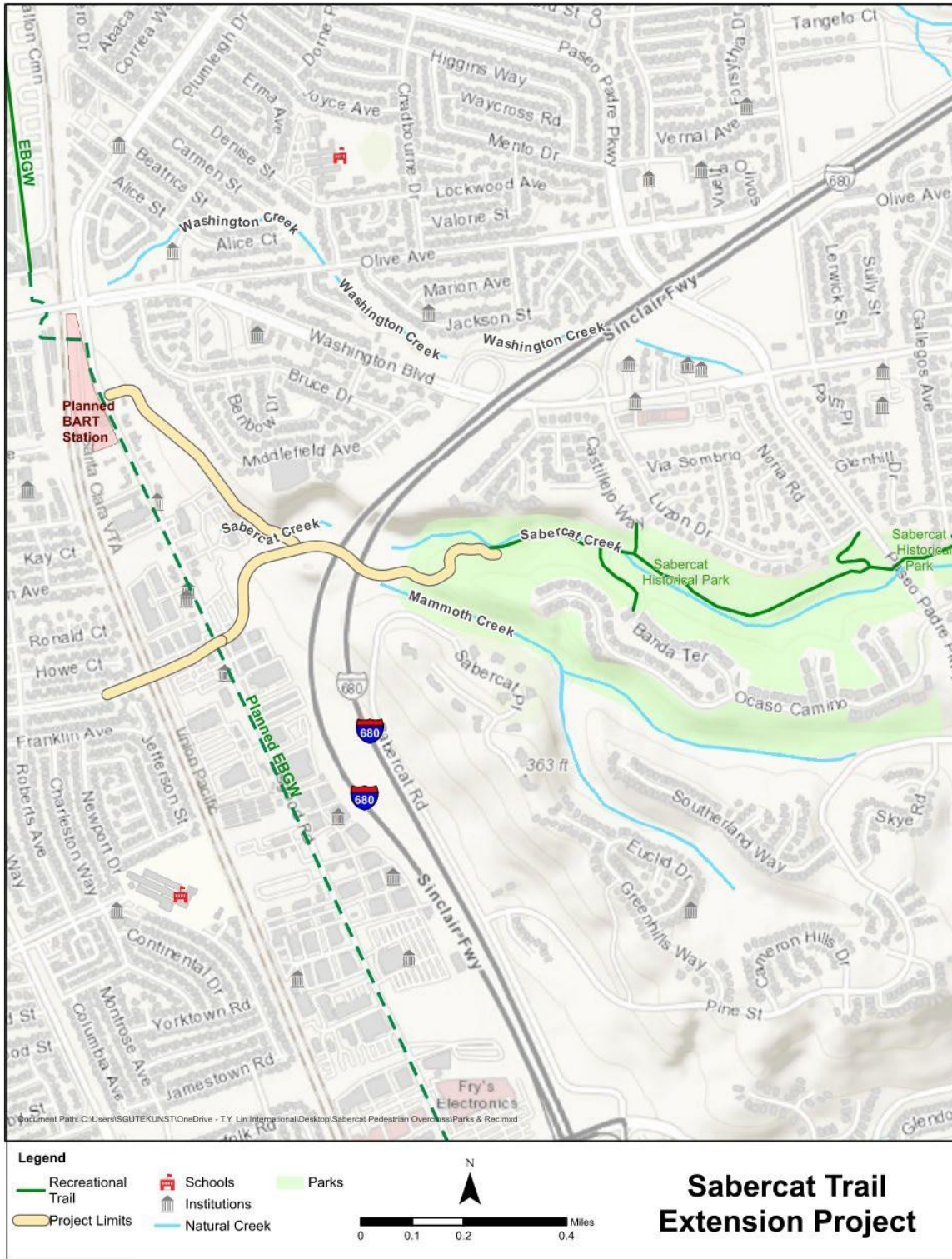
3.1 Description of Section 4(f) Resources

3.1.1 Sabercat Historical Park and Trail

Sabercat Historical Park is a linear greenway park located in Fremont, California. The park primarily serves residents in the Mission San Jose neighborhood, but there are two parking lots that allows visitors from other parts of the City. The park is 98 acres of land that contain many references to both pre-historic and historic elements of the region, including a winery, dairy farms, and paleontological resources. The main Sabercat Creek Trail is a paved Class I bicycle and pedestrian trail which runs east-west generally paralleling Sabercat Creek. From Pine Street, the Sabercat Creek Trail follows a culverted section of Sabercat Creek downstream, which becomes an open natural channel after a quarter mile. Paseo Padre Parkway bisects the park, with a vehicular bridge that spans the creek and the trail. The western most parcel of the park is undeveloped and used to be part of a former open sand and gravel mine known as the Bell Quarry. Despite being undeveloped, this area of the park is open to the public. An unofficial dirt trail makes a loop in this area. This end of the park is just above the I-680 freeway and overlooks San Francisco Bay. There are five public entrances, including one entrance that includes a restroom and parking area. Three additional entrances are from private developments. Park users are primarily pedestrians and bicyclists from local neighborhoods, but there are science and wildlife viewing field trips to the park as well.

City of Fremont’s Park and Recreation Master Plan is currently being updated by the City of Fremont. However, the City completed the Sabercat Historical Park signage program (Fremont, 2018) which highlights unique resources and features of the park grounds. A series of educational panels and markers have been installed along the Sabercat Creek Trail to guide enhance users experience and knowledge of the prehistoric and recent history of the park lands. The interpretative signs explain the role of this geography during the end of the Pleistocene era. Many paleontological artifacts were found at the west end of this park (undeveloped portion). Some panels illustrate what the geography would have looked like over 2.5 million to 11,700 years ago, and what animals and plants would have been present.

Figure 3-1 Section 4(f) Park and Recreational Resources



The current day setting is a quiet and natural setting until one reaches the areas close to the I-680 freeway, where traffic noise does affect the natural experience of the park. Sabercat Historical Park contains one of the few undisturbed riparian areas in Fremont, with a perennial stream, intact riparian plant communities and wildlife habitat.

The City confirmed the significance of this resource (Fremont, 2020a), the need to preserve the natural resources and provide enhanced accessibility from other portions of town during a survey of park grounds on July 30th, 2020.

Public input collected through public outreach efforts emphasized the importance of the park, uses of the park, and desired improvements (Fremont, 2020b). They appreciate the documented prehistoric resources, opportunity for exercise, time with family, and educational value. Some use the park as a transportation route, including children who attend Mission San Jose Elementary and students at Ohlone College. Others use the park for recreation, or dog walking. Infrequently, cyclists and skateboarders use the park (Fremont, 2020b). Equestrians are not allowed. Public comments emphasized that the natural setting should be preserved and that the current trail was not adequate for both bicyclist and pedestrians to share. The City is currently reviewing the potential for improvements to the existing trail as part of another effort, separate from this Project.

Sabercat Historical Park has benefitted from volunteer restoration efforts through the Alameda County Conservation Partnership, including the removal of flagged dead and diseased elm trees, flagged English Ivy and Himalayan blackberry, and the enhancement of native plant establishment (Alameda County 2017). This is only one example of ongoing volunteer efforts to enhance bank stabilization and improve Sabercat Creek Trail access (Blueford 2020). While the developed portion of the park has thick riparian vegetation consisting of coastal oaks, willows and California buckeye trees, the undeveloped portion of the park has open areas of ruderal grasses, olive tree cultivars as well as sparsely spaced coastal live oak trees.

Sabercat Historical Park and the trail are Section 4(f) resources, because they are considered a significant resource by the City of Fremont, publicly owned, used for recreation, and open to the public.

3.1.2 East Bay Greenway

The East Bay Greenway (EBGW) is a planned 37-mile regional pedestrian and bicycle trail through Alameda County that will connect Albany and Berkeley in the north with Fremont in the south. The planned Irvington BART Station design (Transit, 2019) includes extending the existing EBGW from its terminus at the intersection of High and Main Streets through the Planned station. It is planned to become a two-way on-street Class IV separated bikeway (also known as a cycle track), utilizing the south side of the existing Washington Boulevard overpass to cross above the UPRR and BART tracks to Osgood Road. The bikeway will continue along the west side of Osgood Road to the new signalized intersection at the southern end of the station site (Transit, 2019). The separated bikeway is planned to continue south of the BART station site along Osgood Road until AutoMall Parkway or possibly farther. However, the EBGW is not funded beyond the limits of Irvington BART station. The City of Fremont has adopted the EBGW into their Bicycle Master Plan and therefore, as opportunities arise, they intend to facilitate the development of the EBGW

along Osgood Road.

The EBGW is a considered Section 4(f) resource, as it serves both a transportation and recreational function, it is publicly owned and maintained. However, within the Project area, it is not built nor funded to be built in the foreseeable future and therefore no use would occur from the Project.

4. Impacts on Section 4(f) Properties

4.1 Park and Recreation Resources

This section discusses the project impacts for use of a Section 4(f) resource in terms of permanently or temporarily using a portion of the park property or causing a “constructive use,” whereby noise or lowering of visual quality during construction or operation would substantially impair the protected activities, features, or attributes that qualify the property for protection under Section 4(f).

4.1.1 Sabercat Historical Park and Trail

Operational Impacts

The Project includes building a trail inside the undeveloped portion of the Sabercat Historical Park including the west landing for the I-680 overcrossing, a plaza and a connecting trail from the existing Sabercat Creek Trail to the I-680 overcrossing. The Project is consistent with the intention of the City of Fremont to expand the trail and access to other portions of the city. The City of Fremont, as the official with jurisdiction and sponsors of the Project, supports the development of the trail and bridge to expand the park and trails’ recreational reach to western portions of the community.

The Project would increase the use and accessibility for pedestrians and bicyclists. A review of the existing Sabercat Creek Trail inside the developed portion of the park finds that there are sections that have been affected by erosion which has reduced overall trail width in some areas and areas that have been undermined by tree roots. The City of Fremont has begun a study to identify what would be required to upgrade the existing trail, such that the existing trail would maintain the City’s commitment to Class I trail standards. The use of the current trail may result in conflicts between users with the increased accessibility but does not result in additional impacts to the existing trail system.

The I-680 overcrossing would introduce a man-made structure visible for park users and may reduce the sense of the natural setting. However, with the avoidance measures outlined by the Visual Quality Impact Assessment, (Earthview Science, 2020) **AMM VIS-3: Preserve Mature Trees, AMM VIS-4: Incorporate Aesthetic Treatments and AMM VIS-5: Minimize Lighting and Glare**, the visual effects on the parkland to the landscape would be minimized.

The Project would alter approximately 0.9 acres of the undeveloped portion of the Sabercat Historical Park. Approximately 0.3 acres of the impact area would be an asphalt or concrete trail connecting the proposed I-680 overcrossing with the terminus of existing trail at the western-most boundary of the developed portion of the Park. The remaining 0.6 acres would be the cut and fill areas needed to create a five percent slope gradient trail consistent with Americans with Disability Act requirements. The trail would permanently remove approximately 12 trees with diameter at breast height (DBH) of over 6 inches (one buckeye, six coast live oaks, three olive trees and two eucalyptus). According to the Fremont Tree Policy Guidelines, a tree that needs to be removed which has a tree trunk of 6-inch diameter (or larger) at breast height (DBH) is required to be replaced with a 24-inch box tree. All disturbed areas would be reseeded with native plants to be approved by Fremont Parks Planning and Design Management.

The landing, plaza and trail would be considered a permanent use under Section 4(f) if they result in the removal of park lands and facilities for a transportation use. However, the purpose of this Project is to extend the Sabercat Creek Trail and access for both recreational and transportation use. The Project is consistent with the planned recreational objectives of the Sabercat Historical Park for extending the trail and maintaining a natural setting.

The Project would provide users enhanced accessibility to vistas of the San Francisco Bay and provide opportunities for the City's Sabercat Historic Signage program to be expanded. This use would not reduce the recreational activities or the users' experience of the park. None of the permanent impacts would adversely affect the activities, features or attributes of Sabercat Historical Park or Sabercat Creek Trail. The Project would facilitate planned improvements and therefore the use of the park lands is not adverse, and it would enhance protected activities and attributes of the property. Therefore, no permanent use would result.

Temporary Occupancy

The second type of actual use is the temporary occupancy of Section 4(f) property that is adverse in terms of the statute's preservationist purposes of preserving the integrity of the Section 4(f) property. FHWA regulations (23 CFR § 774.13(d)) specifically state that if all the following conditions are met, that such a temporary occupancy is an exception to the requirements of Section 4(f):

- The duration of the use is temporary (i.e., less than the construction period) and there is no change in the ownership of the land;
- The scope of the work is minor, i.e. both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- There are no permanent, adverse physical impacts anticipated and no interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis;
- The land being used is fully restored to a condition equal to or better than that which existed prior to the project;
- There is a written agreement with the appropriate Federal, state, or local official(s) with jurisdiction over the property regarding the conditions listed above.

If one or more of the conditions above is not met, the temporary occupancy is not an exception and there is an actual use of the Section 4(f) property.

The Sabercat Creek Trail Extension Project construction within the Sabercat Historical Park would endure approximately one year and there would be no change in ownership of the park land.

Construction has been designed to minimally affect park users. The City of Fremont has established standard development requirements to address resource protection (FMC Chapter 18.218). These requirements apply to air quality (construction-related emissions), and noise (construction hours and noise levels) among other avoidance measures to protect environmental and built resources and residents of Fremont from harsh construction-related impacts. Therefore, while noise and dust are part of all construction phases of the Project, these adverse effects are substantially avoided. The construction phase would temporarily close access to the undeveloped parcel; and during the trail construction period, this would also close a short portion of the trail inside the developed

area of the Sabercat Historical Park to connect the Project with the existing trail terminus.

The closure period would be anticipated and accommodated to reduce disruption to park users through the implementation of **AMM PARK-1: Trail Closure Signs**. This measure includes installing signs alerting users of the restricted areas, duration and construction activities a minimum of 30 days in advance of the closure. The areas closed would not inhibit users from accessing other portions of the park. In addition, implementation of **AMM VIS-6: Minimize Visual Impacts from Construction** includes minimizing visibility of construction from park users in situating staging and reducing light and glare.

Access to build the I-680 overcrossing and the trail would originate from the right-of-way east of I-680 and require building an access route into the slope that borders the western-most plateau of the undeveloped park. This would avoid impacting the developed areas of the park. The Project would include clearing and grading and some cut and fill to form the I-680 overcrossing landing, the plaza area and the trail. Approximately one acre of this undeveloped parcel would be needed for construction staging to store equipment and materials for building the I-680 overcrossing, plaza and trail. Construction equipment and staging areas would be substantially hidden from park users since access would be closed and visibility from areas are restricted due dense vegetation and sloping terrain.

Construction related to the developed portion of the park is only needed to connect the Project with the existing Sabercat Creek Trail. Clearing and grubbing, may remove a small portion of the existing trail in order to transition the new trail to it. Due to the terrain and vegetation, construction dust, noise and visual disturbance is expected to be minimal for users in other areas of the park and trail that are not restricted.

Construction noise may temporarily impact wildlife watching and passive recreation enjoyment. The public would continue to have access to recreational features such as the signage program and the existing trail in other parts of the developed park. Construction would not impact use of the developed portions of the park for exercise. Construction would result in temporary effects on the users' experience, but it would not substantially affect park use, diminish the park's value, or impair the park's activities, features, and attributes.

Construction inside the Sabercat Historical Park would not endure the full length of the Project construction period. In conclusion, construction does not result in a temporary occupancy.

4.1.2 East Bay Greenway

The proposed Project would only cross the EBGW in areas where the trail is planned and not yet built. There would be no impacts and therefore no use of the EBGW from the Project. When the EBGW is built, there would be a mutually beneficial connection between the two trails leading to expanded recreational facilities.

4.2 Summary of Section 4(f) De Minimis Findings

The assessment of potential use of Section 4(f) resources includes both permanent and temporary use and the consideration of avoidance and minimization measures. The findings above have determined that the Sabercat Historical Park would benefit from the Sabercat Trail Extension Project in that it would improve the park activities consistent with Fremont's Park Master Plan. There would be short-term impacts during construction, including tree

removal and restrictions of park for users.

The Project includes avoidance and minimization measures listed in Section 5 as conditions of the Project. The removal of protected trees is subject to requirements involving replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with City of Fremont Municipal Code Tree Preservation Ordinance §4-5107. Each removed tree must be replaced with one twenty-four-inch box replacement tree. Areas disturbed during construction will be revegetated using native and compatible plants with the riparian habitat. The longest duration of closure for any portion of the Project would be 12 months.

Due to the nature of the Project, and the avoidance and minimization measure commitments, impacts are expected to be minor. The transportation use of the Section 4(f) resource, together with impact avoidance, minimization, mitigation and enhancement measures incorporated into the Project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). The enhanced recreational value would benefit park users.

The public will be afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource. The short-term construction use and the permanent improvements of Project are *de minimis* in nature. Because Sabercat historical Park qualifies for a determination of *de minimis*, a section 4(f) avoidance analysis is not required.

5. Measures to Minimize Harm

5.1 Park and Recreation Resources: Sabercat Historical Park

The Project does not result in impacts that qualify as a permanent use under Section 4(f) because the intention of the Project is to enhance the park, the accessibility and the user's experience. No recreational aspect of Sabercat Historical Park would be permanently impacted.

Construction-related impacts related to noise and air quality are addressed by the obligations under City Ordinance (see section 4.1.1, *Temporary Occupancy* of this document for more detail). Avoidance and minimization measures for park-section closure, tree preservation and visual impacts during construction are listed here.

AMM PARK-1: Advanced Trail Closure Signs

At least 30 days prior to construction, the City of Fremont or its contractor will place trail closure signs at each of the five public and three private trailheads to the park and at the location where the closure would occur.

AMM VIS-3: Preserve Mature Trees

To the extent feasible, existing mature trees will be preserved. With input from City of Fremont Landscape Architecture staff or a qualified biologist, arborist or landscape architect working with the contractor, the approach to the construction work will be modified to avoid tree removals wherever possible.

The Project Engineer will field mark and approve trees to be removed prior to removal. High visibility temporary fencing will be placed around significant trees or other desirable vegetation before construction begins. Vegetation outside of clearing and grubbing limits will be protected from the contractor's operations, equipment, and materials storage. Tree trimming will be limited to that required to provide a clear work area.

AMM VIS-4: Incorporate Aesthetic Treatments

The Project will incorporate aesthetic treatments on the bridge structure and trails. Bridge safety fencing will maximize visual transparency. Aesthetic treatment to the proposed bridge, supports, and walls will include texture, color and/or patterning to reduce visual impacts, glare, and potential for graffiti.

AMM VIS-5: Minimize Lighting and Glare

Permanent lighting of bicycle/pedestrian trails and bridges will be dark sky friendly and will not allow substantial light trespass to adjacent areas.

AMM VIS-6: Minimize Visual Impacts from Construction

Construction activities will be phased to minimize disturbance to the shortest feasible time. Construction lighting will be limited to the area of work to avoid light trespass through directional lighting, shielding of light fixtures, and other measures as needed. Staging areas will be established to avoid residential areas as much as possible.

6. Coordination

The City of Fremont is the official with jurisdiction over Sabercat Historical Park. Following conclusion of the public consultation and Caltrans review, if *de minimis* determination is still considered appropriate or the affected 4(f) resources, concurrence will be sought from the City of Fremont.

Public Involvement/Coordination

The City of Fremont has held three community meetings via the Zoom platform (June 24 and October 22 in 2020 and June 2, 2021). Community issues are recorded in the Frequently Asked Questions, and these comments and responses have been posted to the Project website for the public to review (<https://www.fremont.gov/3633/Sabercat-Trail-Extension-Project>) after each of the community meetings.

The City has also initiated correspondence with Native American tribes consistent with Section 106 on behalf of Caltrans. Only two tribes have expressed interest in knowing about and reviewing archaeological study reports or participating in cultural resource monitoring. The city is hosting a walk-about around the Project limits with the tribes to help provide additional context and demonstrate why cultural resources are thought to be unlikely due to previous quarries, spoil piles and steep terrain. After reviewing the materials, no further information was offered leading to known cultural resources.

Proposed Conclusions

Based on the Section 4(f) assessment as presented in Sections 4 and 5 of this report, the use of the park lands to build the I-680 overcrossing bridge and trail extension would result in a *de minimis* impact to Sabercat Historical Park and, there would be no temporary occupancy use of the Sabercat Historical Park, the Sabercat Creek Trail or the EBGW.

In conclusion, the effects of the proposed Project on Sabercat Historical Park constitute a *de minimis* impact, and the requirements of 23 USC 138 and 149 USC 303 have been satisfied.

These findings are considered valid unless new information is obtained or the proposed effects change to the extent that a new analysis is needed. Written concurrence from the official with jurisdiction that the project will not adversely affect the activities, features, and attributes of the Section 4(f) property should be attached to this document after the public notice period and comment.

7. References

Alameda County, 2017. Alameda County Resource Conservation District website posting restoration efforts in fall of 2017. Website posting (<https://acrcd.org/>) was accessed by Jodi Ketelsen on June 5, 2020.

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Fremont 2011b. Fremont General Plan, Appendix D, Fremont Register of Historic Resources, Adopted December 2011.

Fremont 2014. Fremont Tree Policy Guidelines, April 4, 2014.

Fremont 2016. <http://www.fremont.gov/2798/Sabercat-Sign-Program>, adopted Oct 4, 2016, accessed September 9, 2020 by Kaila Lemons.

Fremont 2020a. Sabercat Creek Trail Extension Public Meeting Summary, Prepared by TYLIN International for City of Fremont. Posted on Project website on June 24, 2020. <http://www.fremont.gov/DocumentCenter/View/45671/PublicMeetingSurveyResponseSummary-FINAL>

Fremont 2020b. Roger Ravenstad, City Parks Manager Correspondence with Jodi Ketelsen about the significance of the Sabercat Historical Park, Correspondence via telephone call on May 1, 2020.

San Francisco Bay Area Rapid Transit 2019. *BART Warm Springs Extension Final Supplemental EIR – Addendum 2*.

Shoup 2021a. *Sabercat Trail Extension Project, Archaeological Survey Report, EA 2Q830*. Archaeological/Historical Consultants, Daniel D Shoup. Oakland. April 2021.

Shoup 2021b. *Sabercat Trail Extension Project, Historic Properties Survey Report, EA 2Q830*. Archaeological/Historical Consultants, Daniel D Shoup. Oakland. April, 2021.

TYLI 2021. Community Impacts Assessment, Parks and Recreation Section. April, 2021.

Attachment A: Additional Resources Evaluated Relative to the Requirements of Section 4(f)

This technical memorandum discusses resources evaluated relative to the requirements of Section 4(f). Section 4(f) of the Department of Transportation Act of 1966, which is codified in federal law in Title 49 of the United States Code in Section 303, declares that:

“[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that:

“[t]he Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if -

(1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the California State Department of Parks and Recreation, which own and manage lands protected by Section 4(f).

Specifically, this technical memorandum addresses parks, and recreational facilities found within or next to the Sabercat Historical Park area that do not trigger Section 4(f) protection because of the following:

- They are not publicly owned.
- They are not open to the public.
- They are not eligible historic properties or designated recreational resources.
- The project does not permanently use the property and does not hinder the preservation of the property.
- The proximity impacts do not result in constructive use.

Recreational Properties

Surrounding the project area are several national and state park and open space resources that are not immediately adjacent to the project area. However, they provide the context of the largely preserved recreational resource in the vicinity and are described below.

Philip Bauer Park is not a 4(f) resource. The tot lot was developed fronting Villa Savona Court as part of the planned residential development located west of I-680, east of Osgood Road and south of Washington Boulevard. The park is not registered with the City and it is not open to persons not living in the neighborhood and therefore it is not considered as a Section 4(f) resource.

Grimmer Park is not a 4(f) resource. The park is part of Grimmer Elementary School and is not open to the public when school is in session. Recreational use of this park is only permitted under contractual agreement.

The **Gallegos Winery Park** is proposed on lands owned by BART and the conceptual plan was proposed as part of the Irvington BART Station Plan, but it is not funded, nor adopted by the City of Fremont as a planned park. It is uncertain if this concept is a foreseeable park and while it is on public lands, it is not be open to public use and does not qualify as a 4(f) resource.

The **Union Pacific Railroad Corridor Trail** was originally planned to be within the rail corridor. Since then, the UPRR Corridor Trail has been replaced with the planning of the **East Bay Greenway (EBGW)**, which has been adapted to transportation facilities with the objective of paralleling the BART route. The EBGW is considered as a Section 4(f) resource but the UPRR Corridor Trail route was not considered in this assessment.

Conclusion

A Section 4(f) resource Evaluation is not required for these resources because either these recreational resources do not qualify as Section 4(f) resource or no use would occur as a result of the Project.

Historic Resources

A Caltrans Historian and Archaeologist confirmed that no historic, cultural, or archaeological resources qualify for the National Register of Historic Places within the Project area. Caltrans District 4 has determined that a Finding of No Historic Properties Affected, pursuant to 36 CFR §800.4(d)(1), is appropriate for this Project. Therefore, no Section 4(f) qualifying historic sites are present in the Project area, and no Section 4f resource evaluation is warranted.