

Notice of Preparation

To: Responsible/Trustee Agency From: San Francisco Bay Area Rapid Transit District
(Agency) (Agency)

(Address) 800 Madison Street P.O. Box 12688

(Address) Oakland, CA 94604-2688

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report

The San Francisco Bay Area Rapid Transit District will be the Lead Agency and will prepare a Supplemental Environmental Impact Report (SEIR) pursuant to the California Environmental Quality Act (CEQA) for the project identified below. The SEIR will review, update and supplement, as necessary, the Final Environmental Impact Report (FEIR) for the BART Warm Springs Extension which was adopted by the BART Board of Directors on September 15, 1992. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the SEIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study *is* *is not* attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Mr. Richard Wenzel, Project Director at the address shown above. We will need the name for a contact person in your agency.

Project Title: Supplemental Environmental Impact Report for the BART Warm Springs Extension Project in Fremont, CA

Project Applicant, if any: San Francisco Bay Area Rapid Transit District

Date: _____ Signature: _____
Title: Project Director
Telephone (510) 287-4950

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Notice of Preparation

Supplemental Environmental Impact Report: BART Warm Springs Extension Project in Fremont, CA

Lead Agency: San Francisco Bay Area Rapid Transit District

Project Overview: The San Francisco Bay Area Rapid Transit District (BART) will prepare a Supplemental Environmental Impact Report (SEIR) for the BART Warm Springs Extension Project in accordance with the California Environmental Quality Act (CEQA).

On September 15, 1992, the BART Board of Directors certified a Final Environmental Impact Report (FEIR) for the BART Warm Springs Extension and adopted a project consisting of a 5.4-mile, two-station extension of the existing BART system, with stations at Irvington and Warm Springs. The purpose of the adopted project was to extend BART service south of the Fremont BART Station to southern Alameda County. The adopted project has not been built. In conjunction with the recently passed ballot measure for the reauthorization of the Alameda County Transportation Sales Tax, a revised project consisting of a 5.4-mile, one-station extension, is now being proposed. A map of the proposed project is attached as Exhibit A. The certified FEIR must be reviewed, updated, and supplemented, as necessary, based on (1) changes to the adopted project, (2) changes in the study area, and (3) changes to the State CEQA Guidelines since the original document was published and the project adopted. A comparison of the proposed changes along the alignment of the adopted project and the proposed project that have been identified as of the date of this NOP is attached as Exhibit B. Community changes in the study area will also be analyzed to identify any new adverse impacts and beneficial effects resulting from the proposed changes. Finally, changes to the State CEQA Guidelines will be reviewed.

The alignments of both the adopted project and the proposed project generally parallel portions of the Union Pacific Railroad (UPRR) and Interstates 680 and 880 in southern Alameda County. The initial segment would begin just south of the existing Fremont BART Station, passing over Walnut Avenue on an aerial structure and descending into a cut-and-cover subway north of Stevenson Boulevard. The alignment would continue southward in subway under Fremont Central Park and the eastern arm of Lake Elizabeth, and would surface at grade north of a proposed grade-separated Paseo Padre Parkway. The alignment would continue southward at grade until entering an existing UPRR section south of Paseo Padre Parkway to just north of Washington Boulevard, where it would continue at grade to a terminal station at Warm Springs and Grimmer Boulevards in the Warm Springs District of Fremont. The SEIR will also evaluate an optional station at Washington Boulevard and Osgood Road in the Irvington District of Fremont.

Conceptual engineering in support of the environmental process is being developed for this project.

Probable Environmental Effects

The purpose of the SEIR is to study changes to the adopted project, changes in the study area and changes to State CEQA Guidelines since the original document was published and the project was adopted. Environmental effects to be analyzed include changes in the physical environment, changes in the social environment, changes in traffic and pedestrian circulation, changes in transit service and patronage, and associated changes in highway congestion. Effects will be identified both for the construction period and for the long-term operation of the proposed project. The evaluation criteria include transportation and environmental measures as required by current State CEQA Guidelines.

The proposed project is expected to increase transit ridership, and may therefore improve air quality and reduce automobile traffic congestion in the Interstate 680 and 880 corridors. Potentially significant environmental effects of the proposed project are identified in the Initial Study. A copy of the Initial Study is attached as Exhibit C. Mitigation measures will be developed for identified significant effects.

To ensure that the full range of issues related to the proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the SEIR should be directed to BART at the address provided above.

Dates: *Comment Due Date:* Written comments on the scope and effects of the proposed project to be considered in the SEIR must be postmarked no later than April 4, 2002, and should be sent to BART at the address indicated above. *Scoping Meeting:* A public scoping meeting will be held on March 25, 2002, at 6:30 p.m. at the Fremont Main Library, 2400 Stevenson Boulevard, Fremont, California, 94538. A brief presentation of the proposed project will be provided at the beginning of the meeting. BART and consultant staff members will be present to take agency and public input regarding the scope of the environmental studies and key issues.

ENVIRONMENTAL CHECKLIST FORM

- 1. Project Title:** Warm Springs Extension
- 2. Lead Agency Name and Address:** San Francisco Bay Area Rapid Transit District (BART)
800 Madison Street P.O. Box 12688
Oakland, CA 94604-2688
- 3. Contact Person and Phone Number:** Richard Wenzel, Project Director
(510) 464-4950
- 4. Project Location:** City of Fremont, Alameda County, California
- 5. Project Sponsor's Name and Address:** San Francisco Bay Area Rapid Transit District (BART)
800 Madison Street P.O. Box 12688
Oakland, CA 94604-2688
- 6. General Plan Designation:**
- Fremont BART Station: Public Facility
 - Walnut Avenue to Stevenson Boulevard: Medium to high density residential and historical
 - Stevenson Boulevard to Hetch Hetchy Pumping Station: Open Space
 - Hetch Hetchy Pumping Station: Public Facility
 - Paseo Padre Parkway to Union Street:
 - West side of track : (I-L) Light Industrial
 - East side of track: (I-L) Light Industrial and various residential
 - Union Street to Main Street: Light Industrial and Historic Resource
 - Main Street to Washington Boulevard: Commercial
 - Washington Boulevard to Auto Mall Parkway:
 - West side of track : Low Density Residential with small portion Commercial
 - East side of track: Light Industrial
 - Auto Mall Parkway to Grimmer Boulevard: General Industrial
 - Grimmer Boulevard to North of Mission Boulevard: Restricted Industrial, General Industrial and Public Facility
- *The entire corridor also has a General Plan Designation of "BART".
- 7. Zoning:**
- Fremont BART Station: (P-F) Public Facility
 - Walnut Avenue to Stevenson Boulevard: (R-G-9, R-G-12) Garden Apartment Residential
 - Stevenson Boulevard to Hetch Hetchy Pumping Station: (O-S) Open Space and Institutional Open Space

- Hetch Hetchy Pumping Station: (P-F) Public Facility
- Paseo Padre Parkway to Union Street:
 - West side of track : (I-L) Light Industrial
 - East side of track: (I-L) Light Industrial and (P-84-12, P-79-1) various residential
- Union Street to Main Street: (I-L) Light Industrial
- Main Street to Washington Boulevard: (C-G) General Commercial
- Washington Boulevard to Auto Mall Parkway:
 - West side of track : (R-G-29,R-1-6) with small portion (C-C) Community Commercial
 - East side of track: (I-L) Light Industrial
- Auto Mall Parkway to Grimmer Boulevard: (G-I) General Industrial
- Grimmer Boulevard to North of Mission Boulevard: (I-R) Restricted Industrial, (G-I) General Industrial and (P-F) Public Facility

8. Description of Project: On September 15, 1992, the BART Board of Directors certified a Final Environmental Impact Report (FEIR), adopted a Mitigation Monitoring Plan (MMP) and adopted a project for the BART Warm Springs Extension (WSX) consisting of a 5.4-mile, two-station extension of the existing BART system, with stations at Irvington and Warm Springs. The purpose of the adopted project was to extend BART service south of the Fremont BART Station to southern Alameda County. The adopted project has not been built. In conjunction with the recently passed ballot measure for the reauthorization of the Alameda County Transportation Sales Tax, a revised project consisting of a 5.4-mile, one-station extension is now being proposed. The certified FEIR must be reviewed, updated and supplemented, as necessary, based on changes to the adopted project, changes to the study area, and changes to the State CEQA Guidelines since the original document was published and the project was adopted. An optional station at Washington Boulevard and Osgood Road in the Irvington District will also be evaluated. (The FEIR and MMP are available for review through Richard Wenzel, Project Director.)

9. Surrounding Land Uses and Setting: The alignment would be located within the City of Fremont. Immediately adjacent land uses include residential, commercial, industrial, office, public/quasi-public and recreation/open space.

10. Other Public Agencies whose Approval May Be Required: (e.g. permits, financing approval, or participation agreement)

California Department of Fish and Game (Streambed Alteration Agreement)
California Department of Transportation
California Transportation Commission
Metropolitan Transportation Commission
Bay Area Air Quality Management District (Clean Air Act)
Regional Water Quality Control Board (Section 401 of the Clean Water Act)
Alameda County Transportation Authority
Alameda County Transportation Improvement Authority
Alameda County Congestion Management Agency
Alameda County Flood Control District

City of Fremont
City and County of San Francisco
United States Fish and Wildlife Service (Endangered Species Act)
United States Army Corps of Engineers (Section 404 of the Clean Water Act)

Environmental Factors Potentially Affected:

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”), as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

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 to 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 an impact on the environment that is “potentially significant” or “potentially significant unless mitigated” 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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

Richard Wenzel, Project Director

Printed Name

Date

San Francisco Bay Area Rapid Transit District

For

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies when the incorporation of mitigation measures has reduced an effect from a “Potentially Significant Impact” to a “Less-than-Significant Impact”. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. (Mitigation measures from Section XVII, “Earlier Analyses”, may be cross-referenced.)
5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where earlier analyses are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - (a) the significance criteria or threshold, if any, used to evaluate each question; and
 - (b) the mitigation measure identified, if any, to reduce the impact to a less-than-significant level.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed BART WSX project would involve a series of components, some of which would be visible from adjacent land uses. The impact of these components, including station structures, parking areas, at-grade segments, aerial crossings, tunnel crossings, and ventilation structures, were analyzed in the previous EIR. (See Sections 3.8, pp. 3.8-1 through 3.8-53 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize visual impacts associated with project implementation would be applicable to the proposed project. (See Section V-7, pp. MM-45 and MM-46 of the MMP.) The project is not located along a scenic vista, nor would it affect a scenic vista. Therefore, impacts associated with such conditions would not be analyzed in the SEIR. The SEIR will analyze visual impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<p>II. AGRICULTURAL RESOURCES. In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Neither the proposed alignment nor adjacent properties are currently used for agricultural purposes. The proposed project would not convert or result in the conversion of any Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact to agricultural resources would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
III. AIR QUALITY. When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Potentially significant project-related impacts could occur as a result of changes in traffic volumes or patterns and construction generated emissions. The project would increase BART ridership and contribute to reduced vehicle trips on the regional freeway and highway systems. At the same time, vehicles using parking lots and key intersections adjacent to stations are likely to generate an increase in traffic, and a concomitant increase in vehicle emissions. Also, construction related activities would likely be the source of increased pollution associated with construction vehicle traffic and dust generated during project construction. These issues were analyzed in the previous EIR. (See Section 3.4, pp. 3.14-1 through 3.14-31 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize air quality impacts associated with project implementation would be applicable to the proposed project. (See Section V-13, p. MM-54 of the MMP.) The SEIR will analyze air quality impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	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 Game or U.S. Fish and Wildlife Service?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Game or U.S. Fish and Wildlife Service?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Impacts to ecosystems and biological resources along the project alignment were analyzed in the previous EIR. (See Section 3.5, pp. 3.5-1 through 3.5-34 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize ecosystems and biological resources impacts associated with project implementation would be applicable to the proposed project. (See Section V-4, pp. MM-39 through MM-43 of the MMP.) The SEIR will analyze biological resources impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	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 as defined in Section 15064.5?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Known cultural resources located within the proposed alignment were analyzed in the previous EIR. (See Section 3.9, pp. 3.9-1 through 3.9-15 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize project related impacts to cultural resources would be applicable to the proposed project. (See Section V-8, pp. MM-47 and MM-48 of the MMP.) The SEIR will analyze cultural resources impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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 Division of Mines and Geology Special Publication 42.	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic groundshaking?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

The proposed project is located near the center of the southern East Bay segment of the Hayward fault zone. Impacts associated with soils, geology, and seismicity were analyzed in the previous EIR. (See Section 3.2, pp. 3.2-1 through 3.2-44 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize geology and soils impacts associated with project implementation would be applied to the proposed project. (See Section V-1, pp. MM-30 through MM-33 of the MMP.) The project does not involve any septic tanks or alternative wastewater disposal systems. The SEIR will analyze soils, geology, and seismicity impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS.				
Would the project:				
a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
b.	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
g.	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Project implementation may result in the need for the removal of hazardous materials that may be located along the alignment of the proposed project. Impacts associated with the release of known hazardous materials were analyzed in the previous EIR. (See Section 3.3, pp. 3.3-1 through 3.3-53 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize hazardous materials

impacts associated with project implementation would be applicable to the proposed project. (See Section V-2, pp. MM-33 through MM-35 of the MMP.) Project implementation will not involve the transport of hazardous materials. The project will not be located within the immediate vicinity of an airport or private air strip, interfere with the implementation of an emergency plan, or expose people to hazards related to wildfires. Therefore, impacts associated with such conditions will not be analyzed in the SEIR. The SEIR will analyze hazards and hazardous materials impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	
VIII. HYDROLOGY AND WATER QUALITY.					
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Otherwise substantially degrade water quality?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

The project will likely result in some degree of construction related and long-term water quality impacts. Impacts to hydrology and water quality were analyzed in the previous EIR. (See Section 3.4, pp. 3.4-1 through 3.4-25 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize water resource impacts associated with project implementation would be applied to the proposed project. (See Section V-3, pp. MM-35 through MM-39 of the MMP.) No housing would be located within a floodplain; nor is the project likely to result in impacts associated with flood safety risk or inundation by seiche, tsunami, or mudflow. Therefore, impacts associated with such conditions will not be analyzed in the SEIR. The SEIR will analyze hydrology related impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

While no changes in land use would occur as a direct result of project implementation, project construction and implementation could result in potential impacts to adjacent land uses. Impacts to land use and planning were analyzed in the previous EIR. (See Section 3.6, pp. 3.6-1 through 3.6-47 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize land use impacts associated with project implementation would be applied to the proposed project. (See Section V-5, pp. MM-43 and MM-44 of the MMP.) The SEIR will analyze land use impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
X. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

The proposed project would not result in the loss of availability of any known mineral resource of local or statewide importance.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XI. NOISE. Would the project:				
a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Construction and implementation of the proposed project could result in both short-term and long-term increases in noise levels within the project area. Additionally, vibration associated with train operation could impact adjacent land uses. These potential noise and vibration related impacts were analyzed in the previous EIR. (See Section 3.13, pp. 3.13-1 through 3.13-51 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize land use impacts associated with project implementation would be applied to the proposed project. (See Section V-12, pp. MM-53 and MM-54 of the MMP.) No impacts related to airport or airstrip related noise would occur with implementation of the proposed project. Therefore, impacts associated with airport related noise will not be analyzed in the SEIR. The SEIR will analyze noise and vibration impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

The potential for growth inducement in the project area, including impacts related to employment, housing and population growth, were analyzed in the previous EIR. (See Section 4, pp. 4-1 through 4-3 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize population and housing impacts associated with project implementation would be applied to the proposed project. (See Section V-5, pp. MM-43 and MM-44 of the MMP.) None of the changes to the adopted project, changes in the project area, or changes to CEQA that have occurred since the previous EIR was published necessitate re-evaluation of population and housing impacts in the SEIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
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XIII. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

Short-term disruption of recreation and civic activities in Fremont Central Park could occur during project construction. Impacts to public services associated with project construction were analyzed in the previous EIR. (See Section 3.10, pp. 3.10-1 through 3.10-14 of the FEIR.) No new fire, police, school, or park facilities would be necessitated by implementation of the proposed project. Therefore, impacts associated with provision of these facilities will not be analyzed in the SEIR. None of the changes to the adopted project, changes in the project area, or changes to CEQA that have occurred since the previous EIR was published necessitate re-evaluation of public services impacts in the SEIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XIV. 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?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>

The project could result in impacts to Fremont Central Park, both during construction and operation. Impacts related to noise, vibration and visual effects of the project were analyzed in the previous EIR. (See Section 3.7, pp. 3.7-1 through 3.7-25 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize recreation impacts associated with project implementation would be applied to the proposed project. (See Section V-6, pp. MM-44 through MM-45 of the MMP.) None of the changes to the adopted project, changes in the project area, or changes to CEQA that have occurred since the previous EIR was published necessitate re-evaluation of recreation impacts in the SEIR.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other (utility relocation)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transportation/traffic impacts associated with construction and implementation of the proposed project were analyzed in the previous EIR. (See Section 3.12, pp. 3.12-1 through 3.12-105 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize transportation/traffic impacts associated with project implementation would be applied to the proposed project. (See Section V-11, pp. MM-50 through MM-52 of the MMP.) The SEIR will analyze transportation and traffic impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
h. Other (utility relocation)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A number of utility lines, including water, power, gas and electric, petroleum, sewer, and communication lines are located along the alignment of the proposed project. Project related public utilities impacts were analyzed in the previous EIR. (See Section 3.10, pp. 3.10-1 through 3.10-14 of the FEIR.) As appropriate, mitigation measures adopted as part of the previous EIR to minimize utilities and service system impacts would be applied to the proposed project. (See Section V-9, pp. MM-48 and MM-49 of the MMP.) The SEIR will analyze utilities and service systems impacts associated with changes to the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>

XVIII. EARLIER ANALYSIS. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, earlier analyses occurred as follows:

a. Earlier analyses used.

BART Warm Springs Extension Draft Environmental Impact Report, July 1991
 BART Warm Springs Extension Final Environmental Impact Report, November 1991

b. Impact adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Aesthetics	See Section 3.8, Visual and Aesthetic Quality, of the FEIR.
Agricultural Resources	Not applicable.
Air Quality	See Section 3.14, Air Quality, of the FEIR.
Biological Resources	See Section 3.5, Ecosystems, of the FEIR
Cultural Resources	See Section 3.9, Cultural Resources, of the FEIR
Geology, Soils, and Seismicity	See Section 3.2, Soils, Geology, and Seismicity, of the FEIR.
Hazards and	
Hazardous Materials	See Section 3.3, Hazardous Materials, of the FEIR.
Hydrology/Water Quality	See Section 3.4, Hydrology, of the FEIR
Land Use and Planning	See Section 3.6, Land Use and Economic Activity, of the FEIR.
Mineral Resources	Not applicable.
Noise and Vibration	See Section 3.13, Noise and Vibration, of the FEIR.
Population and Housing	See Section 3.6, Land Use and Economic Activity, of the FEIR.
Public Services	See Section 3.10, Utilities and Public Services, of the FEIR
Recreation	See Section 3.7, Fremont Central Park: Land Use and Recreation, of the FEIR.
Transportation/Traffic	See Section 3.12, Transportation, of the FEIR.
Utilities and Service Systems	See Section 3.10, Utilities and Public Services, of the FEIR.

Mandatory Findings of Significance See Section 4, Growth Inducing Impacts; Section 5, Significant Unavoidable Adverse Effects; Section 6, Cumulative Impacts; Section 7, Relationships Between Local Short Term Uses of the Human Environment and the Maintenance and Enhancement of Local Long Term Productivity; and Section 8, Significant Irreversible Environmental Effects of the FEIR.

c. Mitigation measures. For effects that are “potentially significant unless mitigated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

On September 15, 1992, the BART Board of Directors certified the Mitigation Monitoring Plan (MMP) for the BART Warm Springs Extension (WSX) project. The MMP identifies the mitigation measures adopted by the Board of Directors to be implemented for the BART WSX project. The SEIR will analyze mitigation measures identified in the MMP in light of changes to

the adopted project, changes in the project area, and changes to CEQA that have occurred since the previous EIR was published.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Board of Supervisors*, 222 Cal. App. 3d 1337(1990).