

LINK21

CONNECT NORTHERN CALIFORNIA

STRATEGIC PROGRAM PLAN

CHAPTER 12: ENVIRONMENTAL

April 2022

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ISSUE AND REVISION RECORD

REVISION	DATE	PREPARER(S)	APPROVER	DESCRIPTION/NOTES
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0	04/16/2021	Thomas Warrner, HNTB	Steve Lavelle, Intueor	WPA.03 Working DRAFT submittal
	05/13/2021	Sadie Graham, BART	Sadie Graham, BART	WPA.03 Working DRAFT submittal review
1.A	06/04/2021	Thomas Warrner, HNTB	Steve Lavelle, Intueor	WPA.03 V2 DRAFT submittal
	08/13/2021	Sadie Graham, BART	Sadie Graham, BART	WPA.03 V2 DRAFT submittal review
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				<i>No review requirement</i>
2	04/07/2022	Thomas Warrner, HNTB	Steve Lavelle, Intueor	WPA.04 DRAFT submittal

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SHAREPOINT PATH

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TABLE OF CONTENTS

12.	Environmental.....	12-1
12.1.	Purpose.....	12-1
12.1.1.	<i>Regulatory Background</i>	12-1
12.2.	Strategy.....	12-2
12.2.1.	<i>Environmental Constraints and Opportunities (Phases 0 and 1)</i> ...	12-3
12.2.2.	<i>Environmental Strategy (Phases 0 and 1)</i>	12-3
12.2.3.	<i>Environmental Documentation (Phase 2)</i>	12-4
12.2.4.	<i>Project Delivery (Phase 3)</i>	12-4

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ACRONYMS AND ABBREVIATIONS

ACRONYM/ABBREVIATION	DEFINITION
BART	San Francisco Bay Area Rapid Transit
CCJPA	Capitol Corridor Joint Powers Authority
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
NEPA	National Environmental Policy Act
PMC	Program Management Consultants
PMT	Program Management Team

LINK21 PROGRAM TEAM NAMES

TEAM NAME	TEAM MEMBERS
PMC	The HNTB Team
PMT	BART/CCJPA + PMC
Consultants	Consultants supporting program identification/project selection
Link21 Team	PMT + Consultants

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12. ENVIRONMENTAL

12.1. Purpose

This chapter includes a high-level discussion on the development and implementation of the Link21 Program's (Link21) environmental strategy. It also provides an overview of the key deliverables that will be used to develop and implement this strategy.

The Program Management Team (PMT)¹ will lead the development of the Link21 environmental strategy in close collaboration with the PMC and the Environmental Consultant. The purpose of Link21's environmental strategy is to:

- Meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), including adapting to evolving regulatory requirements.
- Identify the most efficient path to a buildable first project.
- Identify environmental requirements to position Link21 to compete for federal funding, including funding from the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA).
- Inform and help guide stakeholder engagement regarding social and natural environmental factors for Link21 and its projects.

The PMC will direct and collaborate with the Environmental Consultant to identify environmental opportunities and constraints that will inform the evaluation of program concepts and alternatives and to implement Link21's environmental strategy.

12.1.1. Regulatory Background

CEQA requires California public agencies to identify and disclose any significant environmental impacts of a proposed project prior to making a final decision on its implementation. The project's potential environmental effects are disclosed to decision-makers and the public prior to project construction. During the CEQA analysis, feasible project alternatives and measures (avoidance, minimization, and/or mitigation) are evaluated to limit the extent of environmental impacts.

Project alternatives in CEQA are limited to those that meet all (or most) of the project's defined objectives. CEQA applies the "rule of reason" to project alternatives and impact assessments allowing the public agency to make an objective, good-faith effort to fully disclose project impacts. Therefore, CEQA does not require the public agency to review every conceivable alternative for a proposed project.

¹ San Francisco Bay Area Rapid Transit (BART)/Capitol Corridor Joint Powers Authority (CCJPA) and the Program Management Consultants (PMC)



For Link21, the lead agency for CEQA will be the public agency primarily responsible for approving the project. It is anticipated that BART and/or CCJPA will be the lead agency(ies).

NEPA requires federal agencies to assess the environmental effects of their actions prior to making decisions, including funding and permitting decisions. For actions that will significantly affect the environment, projects are required to evaluate potential alternatives and prepare a detailed statement regarding any adverse effects that cannot be avoided. Federal actions triggering NEPA include funding and permitting. Link21 will likely pursue federal funding for the program's projects, and federal permits are anticipated. Therefore, Link21 projects will be required to comply with NEPA.

Under NEPA, a project's purpose and need statement defines the issue or existing deficiencies addressed by the action and justifies why a federal action is required. This statement is similar to the project objectives required under CEQA. Defining the purpose and need statement is a fundamental element of the NEPA process because it is used to identify the range of reasonable alternatives. Each alternative is rigorously evaluated and objectively considered.

Both CEQA and NEPA involve public engagement and stakeholder outreach prior to and during the formal environmental process. Chapter 10 outlines public engagement efforts for Link21. This engagement, coupled with the objective analysis of project alternatives, is used by the state and federal agency to identify a preferred alternative for a project. Both NEPA and CEQA require a formalized process to scope environmental documents and formal public meetings and opportunities for the public to comment on the environmental document(s).

Potential lead federal agencies for NEPA under Link21 include FTA and FRA. The federal lead will be determined by the funding mechanism(s) targeted for the program's projects, and the federal lead agency will be responsible for ensuring compliance with NEPA with significant participation by BART/CCJPA.

12.2. Strategy

Environmental deliverables will be consistent with Link21's overall development strategy. The overall Link21 environmental strategy is structured around the four development and delivery phases as follows:

- Phase 0: Program Definition
- Phase 1: Program Identification
- Phase 2: Project(s) Selection
- Phase 3: Project(s) Delivery



12.2.1. Environmental Constraints and Opportunities (Phases 0 and 1)

The Link21 study area is divided into numerous corridors, which will serve as the building blocks to assemble the program concepts in Phase 1. For each corridor, the opportunities and constraints related to markets, service, train technology, and infrastructure improvements are identified in Phase 0.

The Environmental Consultant will be responsible for identifying social and environmental constraints and opportunities associated with each corridor concept. This information will be used in Phase 1 during the screening process of program concepts as well as to demonstrate Link21's cognizance of social and environmental constraints. Constraint and opportunities mapping will include, but not be limited to, the social environment (priority populations, Section 4(f) resources, transit-oriented development opportunities, etc.), biological resources (waterways, special-status species, etc.), cultural and historic resources, hazardous waste and material concerns, and hydrologic resources (floodplains, sea level rise, etc.).

In addition to its use in the program concept development process, the identified environmental constraints and opportunities will be used by the Engagement and Outreach Team in their public outreach efforts to confirm social and natural environmental issues relevant to the identification of program concepts. Note that the confidentiality of some identified resources, such as archaeological sites, must be protected from direct public consumption. Per the *Environmental Onboarding Confidentiality Memorandum*, the Environmental Consultant will be charged with evaluating and protecting the identity and locality of confidential resources prior to distribution within Link21 and/or to the public.

To support the program concept development process, the Link21 Team may provide additional technical support for identified environmental needs during Phases 0 and 1. Tasks may include, but are not limited to, a comparative analysis between program concepts. The team may also research specific topics to support the Planning and Engineering Team.

12.2.2. Environmental Strategy (Phases 0 and 1)

The nature of Link21, spanning the 21-county Northern California Megaregion, is unlike even the largest projects previously undertaken by BART or CCJPA, and it will likely require an environmental strategy that addresses the program's complexity, diverse geography, and ongoing planning. The PMT has identified potential environmental strategies for Link21's compliance under CEQA and NEPA in the Draft Environmental Strategy Paper.

The Consultant will have a prominent role in the development of the advanced environmental strategy, which will be used to deliver Link21. The Consultant will consider previously identified strategies, identify any additional pertinent strategies, and



collaborate with the PMC to arrive at a recommended strategy. The ultimate goal is to achieve PMT concurrence on an environmental strategy.

To meet this goal, the environmental strategy will continue to be developed during Phases 0 and 1 to reflect the development of the Link21 Business Case, review of best practices, ongoing agency/stakeholder coordination, and identification of priority projects for the formal environmental process. The goal of the environmental strategy is to outline an environmental approach to achieve project-level environmental review in the most efficient and defensible manner possible.

12.2.3. Environmental Documentation (Phase 2)

Environmental efforts during Phase 2 will include any necessary environmental documentation for the project alternatives identified for analysis. It is anticipated that an Environmental Impact Report (EIR) under CEQA and an Environmental Impact Statement (EIS) under NEPA will be needed for the first Link21 priority project(s). However, the level of required environmental documentation will be evaluated at a later date and will depend, in part, on the overall environmental strategy. All environmental documents, including subsequent EIR/EIS documents, will be prepared in accordance with the requirements of the CEQA/NEPA lead agencies.

Environmental efforts during this phase will include the necessary regulatory agency outreach and coordination. Efforts during Phase 2 will also include the preparation of materials for any project-related environmental public hearings and participation in any hearings.

This section will be further developed at a later date.

12.2.4. Project Delivery (Phase 3)

Environmental efforts during Phase 3 will support design efforts and construction of the project(s). This could include design and implementation of any avoidance, minimization, and/or mitigation measures identified by the environmental document(s). Efforts will also include securing the necessary regulatory agency permits, including any associated compensatory mitigation. It is intended that federal, state, and other permitting agencies use the Link21 CEQA and NEPA document(s) to support permitting as appropriate.

This section will be further developed at a later date.

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