

4.0 Comments and Coordination

4.1 AGENCY INVOLVEMENT

The Federal Railroad Administration (FRA) has consulted with the Cooperating Federal Agencies (Bureau of Land Management (BLM), Surface Transportation Board (STB), Federal Highway Administration (FHWA), National Park Service (NPS)) as well as state agencies, resource agencies, and other governmental agencies in the preparation of this Final Environmental Impact Statement (EIS)¹.

4.1.1 INTERAGENCY MEETINGS DURING PREPARATION OF THE EIS

FRA and its third-party contractor held interagency meetings during preparation of the EIS to seek input and obtain information from other governmental agencies with unique expertise or knowledge of the project area. These meetings included:

- August 28, 2006, Interagency teleconference. Agencies: FRA, FHWA, California Department of Transportation (Caltrans), Nevada Department of Transportation (NDOT), Regional Transportation Commission of Southern Nevada (RTC), Southern California Association of Governments (SCAG), and San Bernardino Associated Governments (SANBAG).
- October 12, 2006, Interagency meeting. San Francisco, CA. Agencies: FRA and Environmental Protection Agency (EPA).
- November 1, 2006, Interagency meeting, teleconference. Agencies: FRA, U.S. Army Corps of Engineers (USACE).
- December 19, 2006, Interagency meeting. Barstow, CA. Agencies: FRA, BLM, U.S. Fish and Wildlife Service (USFWS), NPS, and California Department of Fish and Game (CDFG).
- July 31, 2006, Resource Agency meeting, Barstow, CA. Agencies: FRA, USFWS, BLM, and CDFG.

¹ DesertXpress Enterprises, LLC, the project Applicant also participated in meetings when its knowledge of project design and development was needed.

- September 25, 2007, Interagency meeting, Barstow, CA. Agencies: FRA, BLM, USFWS, and CDFG.
- November 30, 2007, Interagency meeting, Los Angeles, CA. Agencies: FRA, USACE.
- December 5, 2008, Interagency teleconference. Agencies: FRA, BLM, STB, FHWA, the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO), and the Nevada SHPO.
- March 3, 2009, Interagency teleconference. Agencies: FRA, BLM, FHWA, Caltrans, NDOT, ACHP, the California SHPO, and the Nevada SHPO.
- April 28, 2009, Informational meeting with Native American Tribes, Las Vegas, NV. Agencies: FRA, STB, and BLM. Tribes: Chemehuevi Tribe
- April 30, 2009, Informational meeting with Native American Tribes, Victorville, CA. Agencies: FRA, STB, and BLM. Tribes: San Manuel Band of Mission Indians, and Soboba Band of Luiseño Indians.
- October 23, 2009, Interagency teleconference. Agencies: FRA and USACE.
- November 13, 2009, Interagency teleconference. Agencies: FRA and USACE.
- November 19, 2009, Teleconference with Native American Tribes. Agencies: FRA, STB, BLM, FHWA, Caltrans, the California SHPO. Tribes: San Manuel Band of Mission Indians.
- January 6, 2010: Informational Meeting and Field Trip with Native American Tribes. Agencies: FRA and BLM. Tribes: Timbisha Shoshone, San Manuel Band of Mission Indians, Soboba Band of Luiseño Indians, Twenty-Nine Palms Band of Mission Indians, and Chemehuevi Indian Tribe
- January 7, 2010: Government-to-Government Consultation Meeting, BLM Barstow Field Office. Agencies: FRA and BLM. Tribe: Timbisha Shoshone
- January 8, 2010, Government-to-Government Consultation Meeting, Highland, CA. Agencies: FRA and BLM. Tribe: Soboba Band of Luiseño Indians
- January 8, 2010, Government-to-Government Consultation Meeting, San Manuel Band of Mission Indians Reservation, CA. Agencies: FRA, BLM, Caltrans. Tribe: San Manuel Band of Mission Indians
- February 8, 2010, Interagency teleconference. Agencies: FRA and USFWS.
- February 24, 2010, Interagency teleconference. Agencies: FRA and USACE (Los Angeles District).
- March 3, 2010, Interagency teleconference. Agencies: FRA, Federal Aviation Administration (FAA), and Clark County Department of Aviation (CCDOA).

- April 6, 2010, Informational Meeting with Native American Tribes, San Manuel Band of Mission Indians Reservation, CA. Agencies: FRA (represented by project archeologist consultants) and BLM. Tribes: San Manuel Band of Mission Indians, Soboba Band of Luiseño Indians, and Twenty-Nine Palms Band of Mission Indians
- April 19 2010, Interagency teleconference. Agencies: FRA and EPA.
- September 14, 2010, Individual Government-to-Government Consultation meetings, Barstow, CA. Agencies: FRA, BLM. Tribes: San Manuel Band of Mission Indians and Twenty Nine Palms Band of Indians; Fort Mojave Indian Tribe and Chemehuevi Tribe; and Soboba Band of Luiseño Indians.
- November 30, 2010. Interagency teleconference. Agencies: FRA and USFWS.
- February 24, 2011. Interagency teleconference. Agencies: FRA and USFWS.

4.1.2 COOPERATING AGENCY AND EIS WORKING GROUP CONSULTATION DURING PREPARATION OF THE EIS

FRA held regular meetings with the Cooperating Agencies and EIS Working Group throughout preparation of the EIS. These meetings have included:

- October 11, 2006, Cooperating Agency teleconference. Agencies: FRA, BLM, and FHWA.
- June 21, 2006, Cooperating Agency teleconference. Agencies: FRA, STB, FHWA, BLM, NDOT, and Caltrans.
- November 8, 2006, Cooperating Agency teleconference. Agencies: FRA, STB, BLM, and FHWA.
- April 20, 2006, Cooperating Agency meeting, Sacramento, CA. Agencies: FRA, STB, BLM, and NDOT.
- January 10, 2007, Cooperating Agency teleconference. Agencies: FRA, STB, BLM, and FHWA.
- May 9, 2007, EIS Working group teleconference. Agencies: FRA, STB, BLM, FHWA, NDOT, and Caltrans.
- June 6, 2007, EIS Working Group teleconference. Agencies: FRA, STB, BLM, FHWA, NDOT, and Caltrans.
- April 8, 2008, EIS Working Group meeting, Sacramento, CA. Agencies: FRA, BLM, FHWA, NDOT, and Caltrans.
- June 26, 2008: EIS Working Group teleconference. Agencies: FRA, STB, BLM, FHWA, NDOT, and Caltrans.
- August 7, 2008: EIS Working Group teleconference. Agencies: FRA, STB, BLM, FHWA, NDOT, and Caltrans.

- December 10, 2008: EIS Working Group meeting. Agencies: FRA, STB, BLM, FHWA, NDOT, Caltrans, and NPS.
- November 12, 2009, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and STB.
- November 17, 2009, Cooperating Agency teleconference. Agencies: FRA, STB, and BLM.
- November 18, 2009, EIS Working Group teleconference. Agencies: FRA, STB, BLM, NPS, FHWA, NDOT, and Caltrans.
- November 25, 2009, Cooperating Agency teleconference. Agencies: FRA and NPS.
- December 8, 2009, Cooperating Agency teleconference. Agencies: FRA and FHWA.
- December 9, 2009, EIS Working Group teleconference. Agencies: FRA, STB, BLM, NPS, FHWA, NDOT, and Caltrans.
- December 10, 2009, Cooperating Agency teleconference. Agencies: FRA and STB.
- January 20, 2010, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and NDOT.
- February 18, 2010, Cooperating Agency teleconference. Agencies: FRA, BLM, FHWA, and NDOT.
- March 5, 2010, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and FHWA.
- April 15, 2010, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and FHWA.
- July 1, 2010, Cooperating Agency teleconference. Agencies: FRA and FHWA.
- July 21, 2010, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and NDOT.
- August 25, 2010, Cooperating Agency teleconference. Agencies: FRA and FHWA.
- September 17, 2010, Cooperating Agency teleconference. Agencies: FRA, FHWA, BLM, Caltrans, and NDOT.
- October 7, 2010, Cooperating Agency teleconference. Agencies: FRA, FHWA, BLM, Caltrans, and NDOT.
- October 14, 2010, Cooperating Agency meeting, Las Vegas, NV. Agencies: FRA and NDOT.
- October 14, 2010, Cooperating Agency meeting, Barstow, CA. Agencies: FRA and NPS.
- October 29, 2010, Cooperating Agency teleconference/webinar. Agencies: FRA, FHWA, BLM, Caltrans, and NDOT.

- October 27, 2010, Cooperating Agency meeting, Washington, D.C. Agencies: FRA and FHWA.
- November 3, 2010, Cooperating Agency teleconference/webinar, Washington, D.C. Agencies: FRA, FHWA, BLM, Caltrans, and NDOT.
- November 22, 2010, Cooperating Agency teleconference. Agencies: FRA, FHWA, BLM, and STB.
- November 30, 2010, Cooperating Agency teleconference/webinar. Agencies: FRA, FHWA, BLM, Caltrans, and NDOT.
- December 15, 2010, Cooperating Agency teleconference/webinar. Agencies: FRA, FHWA, Caltrans, and NDOT.
- February 11, 2011, Cooperating Agency teleconference/webinar. Agencies: FRA, FHWA, and Caltrans.

4.2 PUBLIC INVOLVEMENT

4.2.1 SCOPING

The FRA initiated the formal scoping process by publishing a Notice of Intent (NOI) to prepare an EIS in the Federal Register on July 14, 2006.

Three public scoping meetings were held as part of the public scoping process:

Las Vegas Area	Barstow Area	Victorville Area
The White House	Ramada Inn	San Bernardino County Fair Grounds
3260 Joe Brown Drive	1571 E Main Street	14800 Seventh Street, Building 3
July 25, 2006	July 26, 2006	July 26, 2006
5:00 p.m. – 8:00 p.m.	12:00 p.m. – 2:00 p.m.	5:00 p.m. – 8:00 p.m.

These meetings provided an opportunity for the public and agencies to comment on the scope of environmental topics that will be analyzed in the EIS.

4.2.2 CIRCULATION/NOTIFICATION OF THE DRAFT EIS

FRA initiated the public review and comment period of the Draft EIS by publishing a Notice of Availability (NOA) of a Draft EIS in the Federal Register on March 27, 2009.

FRA mailed notice of the Draft EIS availability to approximately 2,500 individuals on the project mailing list (including property owners within 500 feet of the proposed rail alignments). The notice included information on how to obtain a copy of the Draft EIS, the deadline for comments to be submitted, a brief description of the Action Alternatives and proposed elements of the project, and the date, location and time of three public hearings to be held in the project area as follows:

Las Vegas Area: Tuesday, April 28, 2009, 5:30 – 8:00 p. m.

Hampton Inn Tropicana
4975 Dean Martin Drive
Las Vegas, NV 89118

Barstow Area: Wednesday, April 29, 2009, 5:30 – 8:00 p.m.

Ramada Inn
1511 East Main Street
Barstow, CA 92311

Victorville Area: Thursday, April 30, 2009 5:30 – 8:00 p.m.

Green Tree Golf Course
14144 Green Tree Boulevard
Victorville, CA 92395

Notice was also published in the Victorville *Daily Press*, the Barstow *Desert Dispatch*, the Las Vegas *Sun*, and the Las Vegas *Review-Journal*. These notices describe the project, indicate where and how to obtain copies of the Draft EIS, inform of the deadline for comments to be submitted, provide the dates and locations of the public hearings.

FRA placed copies of the Draft EIS and appendices at following libraries:

- Victorville City Library
15011 Circle Drive, Victorville, CA 92395
- Barstow Library
304 East Buena Vista, Barstow, CA 92311
- Las Vegas Library
833 Las Vegas Boulevard North, Las Vegas, NV 89101

FRA also made electronic versions of the Draft EIS and appendices accessible through FRA's website: www.fra.dot.gov

4.2.3 CIRCULATION/NOTICING OF THE SUPPLEMENTAL DRAFT EIS

FRA initiated the public review and comment period of the Supplemental Draft EIS by publishing a NOA of a Supplemental Draft EIS in the Federal Register on September 3, 2010.

FRA mailed notice of the Supplemental Draft EIS availability to approximately 2,500 individuals on the project mailing list (including property owners within 500 feet of the proposed rail alignments). This list was updated in June 2010 to help ensure greater accuracy. The notice included information on how to obtain a copy of the Supplemental Draft EIS, the deadline for comments to be submitted, a brief description of the project modifications and additions since publication of the Draft EIS, and the date, location and time of two public hearings to be held in the project area as follows:

Las Vegas: Wednesday, October 13, 2010, 5:30 – 8:00 p. m.

Hampton Inn Tropicana
SW Event Center B
4975 Dean Martin Drive
Las Vegas, NV 89118

Victorville/Barstow Area: Thursday, October 14, 2010, 5:30 – 8:00 p.m.

Lenwood Hampton Inn
Jackrabbit Room 1
2710 Lenwood Road
Barstow, CA 92311

Notice was also published in the Victorville *Daily Press*, the Barstow *Desert Dispatch*, the Las Vegas *Sun*, and the Las Vegas *Review-Journal*. These notices described the project, indicated where and how to obtain copies of the Supplemental Draft EIS, informed the public of the deadline to submit comments, and provided the dates and locations of the public hearings.

FRA placed copies of the Supplemental Draft EIS and appendices at following libraries:

- Victorville City Library: 15011 Circle Drive, Victorville, CA 92395
- Barstow Library: 304 East Buena Vista, Barstow, CA 92311
- Las Vegas Library: 833 Las Vegas Boulevard North, Las Vegas, NV 89101
- Clark County Library: 1401 E. Flamingo, Las Vegas, NV, 89119

FRA also made electronic versions of the Supplemental Draft EIS and appendices accessible through FRA's website: www.fra.dot.gov.

4.3 RESPONSE TO PUBLIC AND AGENCY COMMENTS ON THE DRAFT EIS AND SUPPLEMENTAL DRAFT EIS

FRA has prepared responses to all written or oral comments received on the Draft EIS and Supplemental Draft EIS. Comments and FRA's responses have been compiled and organized by topic and are presented below on tabular form.

4.3.1 COMMENTS ON THE DRAFT EIS

FRA received comments from the following parties during the public review period on the Draft EIS.

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|--------------------------|---|
| ▪ American Magline Group | ▪ California Dept. of Water Resources, Floodplain Management Branch |
| ▪ Bigley, Arthur | ▪ California Public Utilities Commission |
| ▪ Bilt International | |
| ▪ BLM Barstow | |
| ▪ Breuer, Mark | |

- California Regional Water Quality Control Board
- Carder, D. Ross
- Carrell, Matt
- Center for Biological Diversity
- CCDOA
- CDFG
- City of Barstow
- Clark, Juanita
- California Nevada Regional Conservation Committee Desert Committee
- Cogan, Karen
- Councilmember Terry Caldwell, Victorville
- Dale, Lawrence E.
- DesertXpress Enterprise
- Donovan, Kelly
- EPA
- Fagg, Darrell
- FHWA – CA
- Fitzsimmons, Laura
- Ford, Ginger
- Friedman, Alexander
- Fordsham, Gene M.
- Gordon, Brett
- Hepker, George
- Hernadez, Carmen
- High Desert Opportunity
- Hinojos, Manny
- Hughes, Brendan
- Kane, Kevin
- Kilpatrick, Jennifer
- Lamfrom, David (National Parks Conservation Association)
- Martinelli-Price, Patricia
- Miranda, Edwardo
- National Parks Conservation Association
- Nevada Department of Wildlife
- Nevada Division of Water Resources
- NDOT
- Nolan, JP
- Nevada SHPO
- Office of Assemblyman Steve Knight
- Office of Congressman Buck McKeon
- Office of Supervisor Brad Mitzelfelt
- Peterson, Margaret
- Piechota, Tom
- Redlinger, Jeffrey
- Rhoads, Jeffrey
- Rocha, Dolores
- Rodriguez, Carolina
- Rothschild, Mike
- Rubino, John R.
- San Bernardino County – Land Use Services
- San Manuel Band of Mission Indians
- SANBAG
- Serrano, Manny
- Shenberger, Richard
- Soboba Band of Luiseño Indians
- SolaTrek
- Southern California Edison
- Southern Nevada Water Authority
- Stewart, Thomas
- Sumner, Larell D.
- Taylor, David
- Trowbridge, Glen
- Union Pacific Railroad
- Washington, Stan
- Waybright, Charles

Comments received on the Draft EIS and FRAs response to these comments are organized by topic and presented in **Table F-4-1**.

4.3.2 COMMENTS ON THE SUPPLEMENTAL DRAFT EIS

FRA received comments from the following parties during the public review period on the Supplemental Draft EIS.

- Abraham, Ed
- Air Transportation Association
- Allegiant Air
- Allen, Mark
- Anderson, Kevin (Ironworkers Local 433)
- Atilano, Lucy (Ironworkers Local 433)
- Barstow Community Hospital
- Borgman, Karin
- Brown, Charles
- Caldwell, Terry (City of Victorville Council Member)
- California Regional Water Quality Control Board – Lahontan Region
- California State Lands Commission
- CALTRANS
- Center for Biological Diversity
- Chavez, Remijio A.
- City of Barstow (Meyers Nave)
- City of Barstow (Richard D. Rowe)
- CCDOA
- Clark County Department of Air Quality & Environmental Management (DAQEM)
- Coco-weld, Amber A.
- Condon, Jill L.
- Conway, Robert A. (Ironworkers Local 433)
- Dale, Lawrence
- Desert Conservation Program
- Dew, Lionel
- Dieleman, Bob
- Dieleman, Crystal
- Doulton, R.
- Elwis, Charles
- EPA
- Fancy, Bryan J.
- Farmer, Steven
- Fierro, Mark
- Gonzalez, Juan
- Guest, Jeff
- Hall, Charles (CCDOA)
- Hall, Rich
- Handelman
- Hansen, David
- Harrison
- Jenkins, Howard
- Jenkins, Howard and Lynda
- Kennedy, Aileen
- Knight, Assemblyman Steve
- Krogh, Didrik
- Kubacki, Joseph
- Lee Tran Troung, Robert
- Lee, Brian
- Lisha, Eric
- Loffelmacher, Maria
- Los Angeles Department of Water and Power
- Luchterhand, Al
- Makar, Steve
- Manas, Joe
- Marks, Philip H.
- Martin, Rod
- Martini, Alfred G.
- McEachron, Ryan
- McIntyre, Julie Hackbrath (Mayor ProTem of Barstow)
- Misiura, Walter and Charlotte
- Mougala, Tarig
- National Air Carrier Association
- National Parks and Conservation Association
- NDOT
- Newberry Springs Harvard Real Property Owners Association

- | | |
|----------------------------------|-----------------------------------|
| ▪ Perez, Alejandro | ▪ Soboba Band of Luiseno Indians |
| ▪ Pleri, Jim | ▪ Southern California Edison |
| ▪ Price, Michael | ▪ Southwest Airlines |
| ▪ Randall, Carol | ▪ Stimpfel, Ted (Newberry Springs |
| ▪ Richter, Doug | Harvard Real Properties |
| ▪ Robertson, James S. | Association) |
| ▪ Ross, Carl | ▪ Stimson, David A. |
| ▪ Rothschild, Mike | ▪ Tarango, McKenzie |
| ▪ Rowe, Richard (City of Barstow | ▪ Torres, Tamara (High Desert |
| City Manager) | Hispanic Chamber of Commerce) |
| ▪ San Bernardino County Dept. of | ▪ Unknown |
| Public Works | ▪ Vasseur, Robert A. |
| ▪ San Manuel Band of Mission | ▪ Velma, Byra |
| Indians | ▪ Von, Larry |
| ▪ Seitz, Greg | ▪ Warren, Elizabeth |
| ▪ Sielski, Mark | ▪ Washington, Stanley |
| ▪ Sierra Club – CNRCC Desert | ▪ Watts, Billy |
| Committee | ▪ Waybright, Charles |
| ▪ Silva, Tim (City of Barstow | ▪ Zannis, Mark |
| Councilmember) | ▪ Ziska, Alinka Woyton |

Comments received on the Supplemental Draft EIS and FRAs response to these comments are organized by topic and presented in **Table F-4-2.**

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
1	Air Quality and Global Climate Change	Cogan, Karen	If the train went in, it would cut down on the number of cars on the road and, particularly, when stopped in traffic, harmful gases being belching into the air.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
2	Air Quality and Global Climate Change	DesertXpress Enterprises	Section 1.2.2 discusses the 3.04 million annual trips diverted from I-15 as a result of the project. The EIS mentions the benefit of reducing auto emissions and saving fuel. The EIS should also discuss the benefit in terms of reducing global warming and meeting the goals of the federal Administration and the States, including recent legislation signed by the Governor of California.	Section 3.11.2 of this Final EIS discusses the effects of the Preferred Alternative on greenhouse gas emissions, which are considered a primary contributor to global warming. The EIS analysis shows that the Preferred Alternative would result in a net reduction in greenhouse gas emissions when compared to the No Project Alternative in both 2013 and 2030.
3	Air Quality and Global Climate Change	DesertXpress Enterprises	The introduction refers to the "No Action condition" and states that it is being used for comparison. It should be explained as to whether this refers to the "No Action Alternative" or to the Baseline?	The No Action Alternative is described in Section 2.1.3 of this Final EIS and is considered the Baseline for analysis purposes under the National Environmental Protection Act (NEPA). The No Action Alternative includes planned and programmed transportation improvement that would occur within the study horizon year 2030.
4	Air Quality and Global Climate Change	DesertXpress Enterprises	Mitigation Measure AQ-2 refers to the "Build Alternative." Please clarify that this does not apply to the Applicant's Proposed EMU technology.	Mitigation Measure AQ-2 in the Draft EIS was unique to the diesel (DEMU) locomotive technology. As the electric (EMU) locomotive technology was selected for the Preferred Alternative, this mitigation measure is no longer applicable or necessary. Clarification has been included in Section 3.11.3 of this Final EIS.
5	Air Quality and Global Climate Change	DesertXpress Enterprises	Section 3.11.5, entitled "Measures to Minimize Harm" should be renamed as "Mitigation Measures" in order to maintain consistency throughout the EIS.	This section in the Draft EIS is superseded by Section 3.11.3 of this Final EIS which is entitled "Mitigation Measures for the Preferred Alternative."
6	Air Quality and Global Climate Change	DesertXpress Enterprises	The discussion of climate change concludes that emissions are predicted to increase under both technologies proposed for the project, when compared to no project. Does this conclusion account for the number of vehicle trips the project will take off of the freeway, as described on page 3.13-12? This must be clarified because the project would actually result in reduced net emissions, just as reported by the consultants at the recent EIS Public Hearings held in April, 2009.	See response to comment 2. Under the Preferred Alternative, GHG emissions would decrease in association with the diversion of passenger vehicles that would otherwise have traversed the entire distance between southern California and Las Vegas.
7	Air Quality and Global Climate Change	EPA	Additionally, EPA is concerned about the selection of the staging areas and the potential impacts that may result to sensitive receptors. In light of the potential proximity of schools and other sensitive receptors, we are particularly concerned about the impacts to these areas resulting from the proposed Project. Recommendation: The Final EIS should describe the specific location for all staging areas to be used, and confirm that these locations would result in the least environmental impacts and disruptions to sensitive receptors.	Section 2.4.3, Table F-2-8, and Figures F-2-3 through F-2-7 of this Final EIS describe, list, and depict temporary construction areas (TCAs) for the Preferred Alternative. TCAs would be used as staging areas referenced in the comment. TCAs are not located in areas near air quality sensitive land uses.
8	Air Quality and Global Climate Change	EPA	Although the Draft EIS reports in Table ES-1 that the Project will have no adverse operational or construction impacts to air quality (except for NOx emissions if DEMU technology option is chosen), the document contains insufficient information to present this conclusion. The Draft EIS does not comprehensively assess the Project's operational and construction direct, indirect, or cumulative impacts to air quality. To address this insufficiency, the Final EIS should include a complete description of potential impacts and commitments to reduce those impacts.	Section 3.11.2.3 of this Final EIS discusses the updated air quality effects of the Preferred Alternative compared to the No Action and other Action Alternatives, including operational and construction period emissions. Mitigation measures for the Preferred Alternative are also listed in Section 3.11.3 of this Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
9	Air Quality and Global Climate Change	EPA	In particular, EPA has concerns regarding: the minimal mitigation measures to curb particulate matter (PM) and nitrogen oxides (NOx) emissions from construction equipment	The Preferred Alternative includes the electric (EMU) locomotive technology option, which would result in substantial reductions in particulate matter and nitrogen oxide emissions during operations. Mitigation Measures AQ-1 and AQ-3, identified in Draft EIS Section 3.11.5, and Mitigation Measure AQ-5, added to Section 3.11.3 of this Final EIS, would be applied during the construction of the Preferred Alternative. These mitigation measures would reduce fugitive dust emissions by requiring a fugitive dust control plan for each of the two air basins.
10	Air Quality and Global Climate Change	EPA	In particular, EPA has concerns regarding: the need for a more comprehensive examination of the mission offsets needed to meet general conformity	As set forth in Section 3.11.2.3 of this Final EIS, the Preferred Alternative would result in a net reduction of most criteria pollutants and would not exceed any criteria pollutant de minimis threshold either during operations or construction. Therefore, no General Conformity determination is required.
11	Air Quality and Global Climate Change	EPA	In particular, EPA has concerns regarding: the lack of air quality impact assessment from fill and excavation transport	Section 3.11.2 of the Final EIS contains additional analysis of construction period emissions associated with the Preferred Alternative including impacts related to fill and excavation transportation. Also see Mitigation Measures AQ-1 and AQ-5 which address construction period air quality effects.
12	Air Quality and Global Climate Change	EPA	In particular, EPA has concerns regarding: the need for a staging area plan which minimizes exposures to sensitive receptors and residents.	See response to comment 7. Temporary construction areas (TCAs) are not located in areas near air quality sensitive land uses.
13	Air Quality and Global Climate Change	EPA	The Final EIS should include an analysis of potential localized hotspot impact on PM10 .	All construction-period emissions, including particulate matter (PM10), have been recalculated as described in Section 3.11.2.3 of this Final EIS. All emissions calculations, and underlying assumptions, have been used in calculating the emissions associated with the Preferred Alternative (see Section 3.11, Air Quality and Global Climate Change, of this Final EIS).
14	Air Quality and Global Climate Change	EPA	The Final EIS should include a discussion of the regional impacts of increased NOx emissions on the area's ability to attain the ozone standards.	The Preferred Alternative would result in a net reduction in nitrogen oxide (NOx) emissions when compared to the No Action Alternative. See Section 3.11.2.3 of this Final EIS.
15	Air Quality and Global Climate Change	EPA	Final EIS should evaluate the general conformity applicability for the other emissions associated with the Federal action (i.e., construction, rail emissions, etc.) and include a discussion to this effect.	As set forth in Section 3.11.2.3 of this Final EIS, the Preferred Alternative would result in a net reduction of most criteria pollutants and would not exceed any criteria pollutant de minimis threshold either during operations or construction. Therefore, no General Conformity determination is required.
16	Air Quality and Global Climate Change	EPA	The Final EIS should include an analysis of the availability and feasibility of purchasing the needed NOx emission offsets.	See response to comment 15 above.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
17	Air Quality and Global Climate Change	EPA	In the Final EIS, identify homes and sensitive receptors located within at least 200 meters from possible alternatives in Victorville, Baker, Barstow, and Las Vegas where would be increase in truck and construction traffic/idling, increased roadway and rail traffic, construction activities, vehicular traffic to and from parking structures and staging area activity, and compare these numbers between alternatives. If the Project would result in high average daily traffic (10,000 average daily traffic (ADT), for example), then the Final EIS should at least identify the total tons per year anticipated for the six most significant MSATs, namely diesel particulate matter (DPM), acrolein, acetaldehyde, formaldehyde, benzene, and 1,3-butadiene, for each alternative.	The locations where traffic levels would be the highest would be at passenger stations. Both the Victorville and Las Vegas passenger stations included in the Preferred Alternative are not located in close proximity to sensitive land uses. Maintenance facilities in Victorville, Baker, and Las Vegas are also not located near sensitive land uses. Construction activities would result in increased truck traffic but would not result in traffic volumes exceeding 10,000 average daily trips (see Section 3.5, Traffic and Transportation, of this Final EIS). Final EIS Section 3.11.2.3 provides a CO2 hotspot analysis at roadways proximate to the Victorville and Las Vegas facilities.
18	Air Quality and Global Climate Change	EPA	Include an assessment of diesel emissions and provide plans for improving air quality through reducing diesel emissions during construction activities. EPA is available to work with FRA to evaluate the appropriate level of air quality analysis for this Project.	All construction-period emissions have been recalculated as described in Section 3.11.2.3 of this Final EIS to include diesel emissions during construction.
19	Air Quality and Global Climate Change	EPA	Identify design alternatives and options to further minimize MSAT and localized air emission impacts including indoor air quality improvements for all sensitive receptors within the project are such as schools and day care facilities.	See response to comment 17.
20	Air Quality and Global Climate Change	EPA	Due to the serious nature of the PM10 and 8-hour ozone conditions in the Mojave Desert Air Basin and in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times and that the Final EIS and ROD incorporate the Construction Emissions Mitigation Plan. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measures be incorporated into a Construction Emissions Mitigation Plan.	Mitigation Measures AQ-1 and AQ-3, identified in Draft EIS Section 3.11.5, and Mitigation Measure AQ-5, added to Section 3.11.3 of this Final EIS, would be applied during the construction of the Preferred Alternative. These mitigation measures would reduce PM emissions by requiring a fugitive dust control plan for each of the two air basins. These measures will be requirements of the project and incorporated in the Record of Decision (ROD) for the project.
21	Air Quality and Global Climate Change	EPA	Recommendation: The Final EIS should identify and commit to specific mitigation measures or specific emission reduction target levels not only for fugitive dust emissions, but also for exhaust emissions.	Section 3.11.3 of this Final EIS includes substantial mitigation measures to reduce particulate matter emissions during construction. Specifically, please see Mitigation Measure AQ-1 and AQ-2 designed to minimize fugitive dust from construction activities. These measures will be requirements of the project and incorporated in the Record of Decision (ROD) for the project.
22	Air Quality and Global Climate Change	EPA	Commit to additional minimization measures for these emissions	Section 3.11.3 of this Final EIS includes substantial mitigation measures to reduce particulate matter emissions during construction. FRA intends for these measures to be requirements of the project and incorporated in the record of decision (ROD) for the project.
23	Air Quality and Global Climate Change	EPA	Provide a quantification of (1) the additional air quality impacts associated specifically with the trucking of the fill and (2) the air quality benefits expected to be achieved by specific mitigation measures. If prior analysis of emissions and mitigation strategies has been conducted, update the Final EIS to reflect this.	Section 3.11.2.3 of this Final EIS contains additional analysis of construction-period emissions associated with the Preferred Alternative. The revised analysis includes all emissions from the truck trips needed for the anticipated earthwork (see the response to comment 27 below), as well as additional fugitive dust associated with the earthwork activities. For more detail on specific assumptions in the air quality analysis, please see the worksheets contained in Appendix F-L.
24	Air Quality and Global Climate Change	EPA	Describe the timeline and threshold for railway improvements to be feasible as well as the resulting air quality impacts that the region will experience without transit	Section 3.11.2 of this Final EIS analyses air quality effects in both 2013 and 2030. Air quality benefits of the Preferred Alternative would be realized as soon as the project is completed and open for passenger service. The project is anticipated to proceed under a Design-Build approach.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
25	Air Quality and Global Climate Change	EPA	In particular, EPA has concerns regarding: the absence of a thorough discussion of the localized PM ₁₀ air quality impacts.	All construction-period emissions, including particulate matter, have been recalculated as described in Section 3.11.2.3 of this Final EIS. With respect to localized fugitive dust (PM ₁₀) emissions that would occur from soil disturbance activity during construction, the MDAQMD Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area) and Clark County DAQEM Requirements, discussed in detail under Mitigation Measure AQ-1 and Mitigation Measure AQ-3, respectively, require implementation of all practicable fugitive dust control measures. With the implementation of these measures, temporary effects related to localized PM ₁₀ emissions would be less than significant.
26	Air Quality and Global Climate Change	EPA	Identify specific mitigation measures need to: 1) protect the Project from the effects of climate change, 2) reduce the Project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship.	The Preferred Alternative would result in a net reduction of most criteria pollutants as well as greenhouse gas emissions and would not exceed any criteria pollutant threshold. See Section 3.11.2.3 of this Final EIS. In addition, mitigation measures are identified in Section 3.11.3 to reduce all potential impacts identified, including those related to construction.
27	Air Quality and Global Climate Change	EPA	<ul style="list-style-type: none"> -Quantify estimated fill from tunneling activities and the number of truck trips that would result -Describe the methods, equipment to be used and location of the final disposal for this material. -include a revised air quality analysis and updated emission comparison to significance thresholds to account for the emissions from the truckloads required to transport fill, as well as additional fugitive dust associated with the new fill site. 	Depending upon the approved design-build method, the tunnels will be either bored using a tunnel boring machine (TBM) or excavated using a drill and blast method. If a TBM, they most likely will be twin bored tunnels, with roughly a 17-foot radius each; or if using drill and blast excavation, most likely with a single large excavated horseshoe shaped tunnel approximately 31 feet tall. The material removed from a mile of twin bored tunnel will be approximately 123,000 cubic yards. The material will be removed by truck back along the trackway corridor to be crushed and processed in one of the construction staging areas. The geology and geotechnical conditions of the area indicate that due to the relatively high quality of the material, most or all of it will be used for fill material and sub-ballast for the construction of the project, thereby reducing the imbalance between excavated and filled sections of the project alignment. Lead civil engineers for this project estimate that the total amount of material to be removed from the tunnels to be 282,000 cubic yards. The total estimated earthwork quantities for the entire project are: Excavation = 4.6 million cubic yards (not including the tunneling); Embankment = 10.5 million cubic yards. Section 3.11.2 of this Final EIS contains additional analysis of construction period emissions associated with the Preferred Alternative. The revised analysis accounts for the emissions from the truckloads required to transport fill, as well as additional fugitive dust associated with the earthwork activities.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
28	Air Quality and Global Climate Change	SANBAG	The EIS ignores air quality impacts to the South Coast Air Basin (SCAB). Although the net overall effect of the project on air quality is positive, there will be an increase in pollutant emissions for vehicles in the SCAB by virtue of the diversion of air passenger trips to auto. The SCAB is already the most polluted air basin in the U.S. Although the likely increase in emissions in the SCAB is small, it is nevertheless an impact that is omitted in the Draft EIS.	It is unlikely that there would be any material change in criteria pollutant emissions occurring within the South Coast Air Basin (SCAB) as a result of the expected diversion of air passenger trips to passenger vehicle trips. This is because mobile-source emissions have three components – start emissions, travel (VMT) emissions, and evaporative emissions. There would be no change in start emissions for trips that originate from within the SCAB, as these start emissions would occur regardless of the trip destination being the DesertXpress (DXE) facility or an area airport. However, start emissions related to return trips would occur entirely within the Mojave Desert Air Basin (MDAB), as those vehicle starts would occur at the DXE facility in Victorville. VMT emissions would also occur within the SCAB regardless of whether the destination is the DXE facility or a local airport. While VMT within the SCAB would be longer for some trips, it would be shorter for others. The “hot soak” evaporative emissions are those emissions that occur because of the engine remaining hot for a period of time after the car is turned off, causing gasoline evaporation to continue when the car is parked. For diverted trips, these hot soak emissions that would have occurred at a SCAB local airport would now occur within the MDAB at the DXE facility parking lot. In addition, there may be reductions in air craft and/or ground-support equipment criteria pollutant emissions occurring within the SCAB as a result of the anticipated diversion of air passengers. Based on these reasons described above, no material change in criteria pollutant emissions occurring within the SCAB are anticipated. Section 3.11.2.3 of this Final EIS provides a complete analysis of the regional operational effects of the Preferred Alternative.
29	Air Quality and Global Climate Change	Councilmember Terry Caldwell, Victorville	Removing cars from I-15 will help air quality.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
30	Air Quality and Global Climate Change	Kane, Kevin	Project would improve air quality in Victorville area.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
31	Alternatives	BLM Barstow	In the summary of the Applicant's proposed action, 4A, Mountain Pass via southerly alignment (add "through the NE corner of the Mojave Preserve") across Nipton Road	Section 2.3.2.1 of this Final EIS notes that Segment 4A would traverse a 1.55 mile portion of the Mojave National Preserve.
32	Alternatives	BLM Barstow	Changing the route may encroach on the MNP and this should be clearly shown to maintain consistency with the remainder of the document and so there is no doubt from the map that the alternative would encroach on the MNP.	Numerous figures in the Draft EIS depicted Segment 4A traversing a 1.55 mile portion of the Preserve near Nipton Road. For one example, see Draft EIS Figure 3.1-9.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
33	Alternatives	BLM Barstow	In addition, the new route alternative to include a Barstow Station option has not been previously discussed in a manner that addresses the City of Barstow's concerns. Is this a route Barstow would want—it appears to require the condemnation of houses through the middle of town. Other route options to address their issues should be discussed with the City of Barstow and Cooperating Agencies who may be affected to minimize or avoid unnecessary conflicts.	Final EIS Section 3.2, Growth, includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc. The possibility of a Barstow-area station was specifically considered in Section 1.7.1 of the Draft EIS, however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. As noted in Appendix F-D, the Ridership Study developed for the project and independently reviewed by FRA, the Greater Barstow area was projected to generate below 3 percent of estimated total train ridership. Moreover, as noted in the response to comment 363, the Applicant met several times with officials at the City of Barstow. These meetings resulted in no consensus regarding the need for or any specific location of a Barstow station. In addition, the agency Preferred Alternative includes a passenger station at the Victorville Station Site 3 (VV3) located off of the I-15/Dale Evans Parkway interchange. This passenger station is located approximately 20 miles south of Barstow which is close enough to provide convenient access for Barstow area residents. The comment appears directed at Segment 2A/2B from Lenwood to Yermo, which has not been incorporated as part of the Preferred Alternative. Segment 2C, included as part of the Preferred Alternative, was proposed within the Supplemental Draft EIS in specific response to concerns expressed by the City of Barstow regarding potential land use conflicts. The Segment 2C alignment included in the Preferred Alternative requires no condemnation of any type of building.
34	Alternatives	BLM Barstow	Entire Chapter 2.0: FRA's approach to maximize "flexibility" has made it difficult to complete the evaluation adequately. BLM cannot comprehensively evaluate differences in impacts based on alternatives when the alternatives have not been clearly defined and a preferred alternative selected.	The Draft EIS Executive Summary included Tables ES-1 through ES-7 to facilitate comparison among alternatives. Chapter 2, Alternatives, of this Final EIS identifies the components of the Preferred Alternative. Chapter 3, includes discussion of the aggregated impacts and mitigation measures associated with the Preferred Alternative as well as comparisons of the Preferred Alternative with other alternatives considered in the EIS.
35	Alternatives	BLM Barstow	The east end of the Ivanpah Lakebed should be avoided. Segment 4(b) bisects Ivanpah Dry Lake, an area identified in LUPs disallowing motorized vehicles.	In response to this issue, Segment 4B was modified by the Project Applicant to avoid the Ivanpah Dry Lake bed as well as a proposed solar energy project is this same area. This modified alignment is referred to as Segment 4C and was studied in detail in the Supplemental Draft EIS. Segment 4C has been included as the Preferred Alternative (see Section 2.3.2.1 of this Final EIS for more details).
36	Alternatives	BLM Barstow	Likewise, impacts related to boring a tunnel through a mountain should be analyzed and the assumptions for analysis given. It appears that more land may be required for storage of cut and fill of materials.	See response to comment 27.
37	Alternatives	BLM Barstow	With the alternatives identified in the Draft EIS, there is no alternative the BLM can choose as a preferred alternative other than the No Action Alternative. Generally, the BLM chooses a preferred alternative prior to release of a Draft EIS. After revision of the alternatives (based on the following paragraphs and attached comments), the BLM may be able to choose a preferred alternative for the revised Draft EIS or the Final EIS. This is necessary whether the BLM is the lead agency or a cooperating agency.	The National Environmental Protection Act (NEPA) implementing regulations (40 CFR 1504.12) do not require identification of a preferred alternative in the Draft EIS stage. This Final EIS identifies the Preferred Alternative (see Section 2.4) and discusses the impacts and mitigation measures associated with that alternative (see Chapter 3).

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
38	Alternatives	BLM Barstow	In consideration of the BLM's evaluation of a right-of-way application, the EIS must address the land that is to be considered for all aspects of this project. If a width greater than 60 feet is required, the EIS must identify these areas in order for BLM to consider inclusion of that land in the right-of-way.	Chapter 2.0, Alternatives, of this Final EIS identifies all facilities and lands necessary to construct and operate the proposed project. In addition, the study area for most environmental topics includes additional buffer areas to ensure that all potential impacts have been considered. For example, the study area (also referred to as the Area of Potential Effect) for cultural resources includes an additional 200 feet on either side of the proposed rail centerline to account for both direct and indirect effects of the Preferred Alternative, as described in Section 3.7, Cultural and Paleontological Resources. The impact area for each resource is described within Methods of Evaluation of the respective Section of Chapter 3 in the Draft EIS.
39	Alternatives	BLM Barstow	The document should indicate how FRA is handing the analysis of design decisions in areas where DXE has not yet made design decisions.	FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
40	Alternatives	BLM Barstow	There has been no resolution of the route proposed to run through the Mojave National Preserve. The NPS indicated in previous meetings that it cannot authorize this route, and did not indicate otherwise at the December 10, 2008 meeting. According to the administrative draft Biological Assessment (BA) received December 3, 2008, this is the proposed route alternative on which Federal Railroad Administration (FRA) proposes to consult with the FWS. Since the BLM would, as a cooperating agency, hope to adopt this document for its review of the proposal and alternatives, the BLM must have this issue resolved prior to publication of the revised Draft EIS or the Final EIS.	The Preferred Alternative does not include Segment 4A. The Biological Assessment/Opinion for the project is based on Segment 4C which is included in the Preferred Alternative. Please see Section 2.5.1 of this Final EIS, which describes the components of the Preferred Alternative. However, as noted in Section 2.5.2 of this Final EIS, Segment 4A is identified as the environmentally superior alternative insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C. Notwithstanding, Section 2.5.2 of the Final EIS notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a right-of-way through the Mojave National Preserve. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
41	Alternatives	BLM Barstow	In order for the BLM to grant a right-of-way for an alternative route that does not pass through the Preserve, a Biological Assessment must address the route of the preferred alternative. This may require additional biological surveys. Because an alternative that does not go through the Preserve has not been analyzed in the Draft EIS and no consultations or resource surveys have been conducted, there may be biological, cultural or other concerns that would require additional mitigation.	The Draft EIS evaluated two alignment options for Segment 4, Segment 4A (through the Preserve) and Segment 4B. The Supplemental Draft EIS evaluated an additional alternative, Segment 4C. The Biological Assessment/Opinion for the project is based on Segment 4C which is included in the Preferred Alternative. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted On December 16, 2010. Prior to the issuance of a Record of Decision for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project which will also be incorporated into the ROD.
42	Alternatives	Carrell, Matt	I think when it comes to locomotive technology alternatives, it is unquestionable in my mind that the fully electric train (EMU) is the superior alternative. Perhaps not in terms of up-front cost or time to put into service, but it is clear that both the United States, and especially California are working very hard to move away from further use of dirty polluting supply-limited fossil fuels. Even hybrid should be shunned in the face of a fully electric alternative.	This comment indicates a preference for the electric (EMU) locomotive technology option. The EMU technology option has been included in the Preferred Alternative. Please see Section 2.5.1 and 2.5.2 of this Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
43	Alternatives	Carrell, Matt	Frankly, many residents in Victorville would rather not have yet another diesel-fume exhausting device running through our town. The whole point of taking cars of I-15 wasn't just to alleviate traffic was it? Surely, the environmental benefits of electric trains should make themselves self-selecting....	This comment indicates a preference for the electric (EMU) locomotive technology option. The EMU technology option has been included in the Preferred Alternative. Please see Section 2.5.1 and 2.5.2 of this Final EIS.
44	Alternatives	CBD	Alternative 4A is problematic not only for its impacts to desert tortoise, but also for its proposition of establishing a right-of-way through the Mojave National Preserve. Taking land from the Mojave National Preserve as the Applicant proposes sets a dangerous precedent that could erode the magnificent legacy that our National Park system is, not only to citizens of the United States, but to people worldwide. Further analysis of alternate routes for DesertXpress must be carried out before any decision is made. Alternative routes must be considered to substantially lessen the significant impacts of the project on biological resources, especially impacts on the threatened desert tortoise.	The Preferred Alternative does not include Segment 4A. The Biological Assessment/Opinion for the project is based on Segment 4C which is included in the Preferred Alternative. Please see Section 2.5.1 of this Final EIS, which describes the components of the Preferred Alternative. Section 2.5.2 of this Final EIS identifies Segment 4A as the environmentally superior alternative, insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C. Segment 4A is also established as the environmentally superior alternative because of its shorter length and relatively close adherence to the I-15 and/or Nipton Road corridors. Notwithstanding, Section 2.5.2 of this Final EIS notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a right-of-way through the Mojave National Preserve.
45	Alternatives	CCDOA	Draft EIS incorrectly categorizes the SNSA as a "planned but unprogrammed transportation improvement." Instead, it should be a "Planned and programmed transportation improvement project."	The Southern Nevada Supplemental Airport (SNSA) project was included in the cumulative analysis of this Final EIS (see Section 3.16). The Federal Aviation Administration (FAA), in cooperation with the Bureau of Land Management (BLM), as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362), have suspended preparation of an environmental study for a proposed Southern Nevada Supplemental Airport (SNSA) in Clark County, Nevada. The FAA along with the BLM are suspending work on the environmental study because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time. At this time, FAA and BLM do not know when work will resume on the environmental study. This delay does not affect FRA's obligation to include the SNSA as a reasonably foreseeable project, and for that reason, FRA is correct to continue to include the SNSA in its discussions of reasonably foreseeable projects.
46	Alternatives	City of Barstow	Location of a Maintenance Facility in Barstow is mentioned in the EIS, however, this facility is never discussed in the EIS. Maintenance facilities would be located at either end of the alignment and in Barstow. No discussion pertaining to such a maintenance facility was found in the EIS. Critical issues are the facilities (a) alternative site locations, (b) size and operational characteristics, (c) employment generation, and (d) potential environmental impacts pertaining to potential locations. While mention is made of a maintenance facility in Baker discussion of the facility for Barstow was not found.	There is no reference within the Draft, Supplemental, or Final EIS to any DesertXpress maintenance facility in the City of Barstow. The commenter appears to be referring to a proposed maintenance facility associated with the California-Nevada Super Speed Passenger Train (Maglev), a separate project and is discussed in Section 1.6.1 of the Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
47	Alternatives	City of Barstow	Consideration of a station in Barstow, as initially indicated in response to the Scoping process, was not included in this EIS.	The possibility of a Barstow-area station was specifically considered in Section 1.7.1 of the Draft EIS, however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. As noted in Appendix F-D, the Ridership Study developed for the project and independently reviewed by FRA, the Greater Barstow area was projected to generate below 3 percent of estimated total train ridership. Moreover, as noted in the response to comment 363, the Applicant met several times with officials at the City of Barstow. These meetings resulted in no consensus regarding the need for or any specific location of a Barstow station. In addition, the agency Preferred Alternative includes a passenger station at the Victorville Station Site 3 (VV3) located off of the I-15/Dale Evans Parkway interchange. This passenger station is located approximately 20 miles south of Barstow which is close enough to provide convenient access for Barstow area residents.
48	Alternatives	DesertXpress Enterprises	Through discussions with officials from the Union Pacific Railroad, we are aware of their general concerns regarding the sharing of their railroad right of way with this and other proposed high speed rail and urban rail transit projects across the country. In response, we have informed them of our ability and willingness to address such concerns in the highly urbanized portions of the Las Vegas Valley by placing the DXE tracks at the eastern edge of the railroad right of way, and if necessary, to use an aerial guideway structure in those urbanized portions of the corridor.	This comment summarizes the discussions the Applicant has had with Union Pacific Railroad regarding Segment 6C. The Preferred Alternative does not include this segment but rather includes Segment 6B, which initially follows the I-15 freeway corridor into the metropolitan Las Vegas area and then parallels the corridor along Dean Martin Drive. Please see Section 2.5.1 of this Final EIS.
49	Alternatives	DesertXpress Enterprises	The Applicant hereby identifies the EMU as our proposed train technology for many compelling reasons including the following: <ul style="list-style-type: none"> • Reduces travel time which adds significantly more ridership, which in turn further defers or eliminates the need for costly and disruptive widening of I-15 throughout the corridor • Saves more energy • Provides a greater reduction in greenhouse gas emissions and other pollutants • Does not directly consume fossil fuel and makes the project and the entire corridor less vulnerable to major increases in fuel costs • Reduces dependence upon imported petroleum • Is significantly quieter 	This comment indicates a preference for the electric (EMU) locomotive technology option. The EMU technology option has been included in the Preferred Alternative (agency and environmentally preferable). Please see Section 2.5.1 and 2.5.2 of this Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
50	Alternatives	DesertXpress Enterprises	<p>DesertXpress identifies its proposed Las Vegas station location to be Las Vegas Central Station B for the following reasons:</p> <ul style="list-style-type: none"> • The property owner has performed extensive site planning, feasibility studies, engineering and entitlement work which confirm that a DesertXpress terminus at this location will be both physically achievable and economically viable. • Although the EIS states that use of Las Vegas Central Station B would result in the displacement of existing industrial and warehousing facilities (at 3.1-58), the property owner has confirmed that the existing facilities are occupied by tenants who are subject to short term leases or early termination. There are abundant alternative and comparable or superior light industrial and warehousing facilities for the current tenants to select from for lease throughout the city, and they are available at extremely competitive rates. • The Owner has worked with the local governmental entities to obtain approval of a Tentative Map and Commercial Subdivision of H1 zoning which would allow for the station. • The Owner has prepared the Regional Infrastructure Services Evaluation Report and has informed DXE that they will soon submit it to Clark County Comprehensive Planning and participating agencies, as part of the High Impact Project Application process required by the County. The Owner requested detailed station information from DXE and their report has incorporated that information. DXE believes that this central location provides excellent access, and it is the only site that can be served by any of the train alignment alternatives in Las Vegas (Alignment Alternatives 6A, 6B, and 6C). It is accessible from both the north (Downtown) and south (South Strip) ends of the urbanized area, and as such, it is conveniently accessible for train passengers and local residents alike. Because of the work already done by the property owner, DesertXpress believes that the station can be constructed at this site within the expedited implementation schedule that has been adopted. 	<p>This comment indicates the Applicant's preference for the Las Vegas Central Station B. Subsequently, the Applicant requested both the Las Vegas Central Station B and Southern Station passenger station be included in the Preferred Alternative. DesertXpress Enterprises requested the Southern Station to be added as an option for the Las Vegas passenger station based on more detailed financial work that has been completed. The Las Vegas Southern Station would not require construction of 1.8 miles of elevated track way which would be needed to reach the Central Station B site option. This would also avoid potential noise, visual, and land use impacts associated with the elevated track way and Central Station B site option without substantially affecting ridership levels. Please see Section 2.4.2 of this Final EIS.</p>
51	Alternatives	EPA	<p>Additionally, we support the electric multiple unit (EMU) locomotive technology versus the diesel electric multiple unit (DEMU) technology due to clear capacity, speed, air quality and climate change benefits. The Final EIS should clearly summarize these benefits in the Final Environmental Impact Statement.</p>	<p>This comment indicates a preference for the electric (EMU) locomotive technology option. The EMU technology option has been included in the Preferred Alternative. Please see Section 2.5.1 and 2.5.2 of this Final EIS.</p>
52	Alternatives	NV SHPO	<p>Due to our unfamiliarity with a rail related 'autotransformer', please describe this structure/item, and supply a photo of a typical representation. If it is a structure, elevation drawings are needed.</p>	<p>Autotransformer plans were included within Appendix A-5 of the Draft EIS. These are structures of approximately 8 feet in height. These are further described in Final EIS Section 2.2.2.2. Appendix F-C of this Final EIS includes scaled elevation drawings of these autotransformers.</p>
53	Alternatives	Rhoads, Jeffrey	<p>The terminal station location Las Vegas should be Downtown adjacent to the RTC multimodal transit facility to facilitate linkage to the regional public transit network and support adjacent high density transit oriented development.</p>	<p>This comment expresses a preference for the Downtown Las Vegas passenger station location. This station was not included in the Preferred Alternative. Instead, the Preferred Alternative includes either the Southern Station or Central Station B. Please see Section 2.5.1 and 2.5.2 of this Final EIS.</p>
54	Alternatives	Rhoads, Jeffrey	<p>The terminal station should be configured to allow future extension of the system toward Salt Lake City or possibly Phoenix/Tucson.</p>	<p>Comment noted. The future extension of the rail system as proposed in this comment is outside the scope of this EIS.</p>

Table F-4-1 Responses to Comments on the Draft EIS

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55	Alternatives	SANBAG	The Draft EIS reference the fact that an investment grade analysis of project finances will be conducted in the future. Until the investment grade analysis of the project is prepared and investors capitalize the project, the availability of private equity to construct and operate the project is uncertain. SANBAG believes it is important that both the State and San Bernardino County jurisdictions not make commitments that would increase the financial burden to the State or localities should the DesertXpress fail to meet revenue expectations. This is particularly true given that the additional transportation capacity offered by DesertXpress could result in diversion of entertainment and tourism business to Las Vegas as opposed to remaining in Southern California.	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1 DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
56	Alternatives	Southern California Edison	Discuss interconnects required by this project.	The project does not require nor include interconnects to other rail facilities. Connections with electrical facilities would be achieved through the included "utility corridors" in Victorville, Baker, and at the Frias Substation Site. Please see Sections 2.5.1 and 2.5.2 of this Final EIS.
57	Alternatives	California PUC	Commission staff concurs with the Applicants decision to construct a fully grade separated railroad passenger service. Commission staff also recommends that the construction of the passenger station in Victorville be constructed to not include any at-grade pedestrian crossings and to meet all ADA requirements. Modifications or construction of highway rail-crossings, including pedestrian crossings, require Commission approval.	As described in Chapter 2, Alternatives, of this Final EIS, this project will be fully grade-separated. As such, the project design will not include any at-grade pedestrian crossings of track, and the rail alignment rights-of-way will be fenced. Stations would meet accessibility requirements of the Americans with Disabilities Act (ADA) (see Section 2.3.2 of this Final EIS).
58	Alternatives	Sumner, Larell D.	I believe for the future the best transportation train is the electric.	This comment indicates a preference for the electronic (EMU) technology option. The EMU technology option has been included in the Preferred Alternative. Please see Section 2.5.1 and 2.5.2 of this Final EIS.
59	Alternatives	Union Pacific	The draft EIS indicates that the BNSF main line right of way between Victorville and Barstow may be an alternate routing for HSR. Union Pacific is opposed to shared use of the BNSF right of way with the DesertXpress because planned speeds in excess of 110 mph may impair the operation of our freight trains or subject us to greater liability.	Several alternative alignments, including the Burlington Northern Santa Fe (BNSF) corridor, were eliminated for particular sections of the route. The alternatives eliminated as potential alignment segments are detailed in Table F-2-5 of this Final EIS, along with the rationale for their elimination.
60	Alternatives - General - Consultation Process	BLM Barstow	Intro and Table 2-5: FRA's response is not the typical course. The issuance of a Draft EIS is typically the timeframe to begin Section 7 consultation since their expertise provides analytical information used in the decision making process. BLM will need to have a biological opinion prior to making a decision or signing a record of decision. It is important that the consultation process is started early in the NEPA process. Without a preferred alternative included as part of the Draft EIS BLM is unsure what alternative USFWS will include in the consultation.	Section 7 consultation with the US Fish and Wildlife Service (USFWS) began during preparation of the Draft EIS. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
61	Alternatives/Appendix A	NV SHPO	Need substation locations noted on appropriate site plans and elevations, or on their own pages.	Chapter 2, Alternatives, of the Draft EIS notes that substations would be located on the lands identified for maintenance facilities: the Victorville Operations, Maintenance, and Storage Facility (OMSF), the Las Vegas Area Maintenance and Storage Facility (MSF), and the Baker Maintenance of Way facility site. Plans for these maintenance facility sites including site plans were included in the Draft EIS within Appendix A-4. Appendix F-C of this Final EIS includes updated plans that illustrate the placement of the substations.
62	Alternatives/Appendix A	NV SHPO	Need elevations of fuel and water tanks for the Las Vegas Areas MSF site options included on the elevation drawing of the station buildings and structures. Also, need the height of the proposed signal tower, guard house, etc. listed on the drawing.	Please see Appendix A-4 of the Draft EIS which included these drawings. No above ground fuel or water tanks are part of the project design. The signal towers shown in the Draft EIS are no longer elements of this project.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
63	Alternatives/Cumulative	EPA	Address the interrelationship and potential overlap of the proposed alternatives and the technology to these, and other high speed rail proposals, in the Project area. The Final EIS should identify alternatives that minimize impacts of the proposed train networks by coordinated the location of stations, parking lots, bicycle storage facilities, and additional infrastructure, where feasible.	Other planned and potential high speed rail projects are described in Section 1.6, Relationship to other Transportation projects and plans in the Study Area, of this Final EIS and potential cumulative impacts from the California High Speed Rail System is discussed further in Section 3.16. At present, none of the other projects are within 50 miles of the Preferred Alternative, and thus do not overlap with the DesertXpress project.
64	Alternatives; Hydrology and Water Quality	California Regional Water Quality Control Board	The Mojave River locations (OMSF Site 1 and TCA 1A) should be avoided and relocated to uplands away from the critical Mojave River habitat area. The Bell Mountain Wash locations (OMSF Site 2 and TCA 1B) should be preferred, although runoff from these facilities should be treated or managed to avoid impacts to Bell Mountain Wash and underlying groundwater.	This comment indicates a preference for the Victorville Operations, Maintenance, and Storage Facility site 2 (OMSF 2) alternative. The OMSF 2 option has been included in the Preferred Alternative. Please see Section 2.5.1 and 2.5.2 of this Final EIS.
65	Avoidance Alternatives	Bilt International	The Victorville station should be built on the Fancy Family Trust land.	The comment indicates a preference for a specific Victorville station site, that appears to be coterminous with VV3A and VV3B. The Preferred Alternative includes Victorville Station Site 3 (VV3B) which is located in the vicinity of the I-15/Dale Evans Parkway interchange.
66	Avoidance Alternatives	CCDOA	At the intersection of Segments 5 and 6, just south of the I-15 Interchange at Sloan Road, the preferred alternative (Alignment 5B/6B) may conflict with the planned Super Arterial Connector ramps just north of the point where the alignment has crossed over to the western side of I-15. The Draft EIS does not provide sufficient design detail for CCDOA to determine whether a conflict exists. The CCDOA will need to work with the project Applicant to arrive at an acceptable engineering solution for this potential conflict. Alignment 5A/6A, with an alignment in the median of I-15, would require the southbound Super Arterial off-ramp be constructed so as to pass over the DesertXpress tracks but would not otherwise conflict with the connector ramps for the Super Arterial. Alignment 5a/6a would, however, limit the ability to connect the Super Arterial center transit way to the I-15 HOV/Managed Lands that are proposed for the median of I-15 from Sloan Road to the I-15/I215 Interchange.	The project design in Segment 5 has been coordinated with plans for the Southern Nevada Supplemental Airport (SNSA) project and super arterial. The Sloan Maintenance facility was relocated at the request of the Clark County Department of Aviation (CCDOA) and studied in the Supplemental Draft EIS. Additional design issues associated with connector ramps with the I-15 freeway would be resolved during detailed design once detailed plans are developed by CCDOA. It is important to note that the Federal Aviation Administration (FAA) in cooperation with the Bureau of Land Management (BLM) as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362) have suspended preparation of an Environmental Impact Statement (EIS) for the proposed SNSA in Clark County, Nevada. The FAA along with the BLM are suspending work on the EIS because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time. At this time, FAA and BLM do not know when we will resume work on the EIS.
67	Avoidance Alternatives	CCDOA	Segment 5B near Primm: The preferred alignment of the DesertXpress at this Segment is 5B would conflict with the northbound on-and off-ramps for the new highway interchange. Moreover, to accommodate the DesertXpress tracks and trains, the interchange would have to extend over the tracks, and may penetrate into protected airspace. By contrast, alignment 5A, in the median of I-15, would not raise this problem.	Please see Supplemental Draft EIS comment S-296, which reflects further dialogue/consultation between the commenter and the project Applicant on this matter. As noted in the response to comment S-296, FRA reviewed the proposal from DXE to shift the transition point between Segment 4C and 5B, as requested by CCDOA. This shift was achievable within the Area of Potential Effect for the project and did not alter any conclusions about the environmental effects of either segment. Accordingly, Appendix F-C (Plan and Profile Drawings of the Preferred Alternative) reflects this change.
68	Avoidance Alternatives	CCDOA	The proposed MSF site approximately five miles south of Sloan Road is preferred in the Draft EIS, yet would directly conflict with the planned alignment of the Super Arterial. (Exhibit 3) CCDOA cannot support any facility that would conflict with the Super Arterial and the use of the Transportation and Utility Corridor for airport-related utilities and infrastructure.	See response to comment 66 above

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
69	Avoidance Alternatives	CCDOA	Alternative site for the MSF would not conflict with the Super Arterial. CCDOA is willing to work with the project Applicant to develop a mutually acceptable avoidance alternative for the Sloan MSF if necessary.	See response to comment 66 above.
70	Avoidance Alternatives	CCDOA	At the intersection of Segments 5 and 6, just south of the I-15 interchange at Sloan Road, the preferred alternative (alignment 5B/6B) may conflict with the planned Super Arterial Connector ramps just north of the point where the alignment has crossed over to the western side of I-15. The Draft EIS does not provide sufficient design detail for the CCDOA to determine whether a conflict exists. To that end, FRA should provide additional detail regarding this alignment.	See response to comment 66 above.
71	Avoidance Alternatives	DesertXpress Enterprises	For the record, DXE did meet with the Mayor, City Manager of Barstow, and San Bernardino County representatives shortly after the scoping meetings and stated our commitment to work with the City in an effort to address their concerns. We provided detailed alignment drawings and discussed candidate locations for a potential Barstow station including a potential station at the proposed Industrial Park. We requested the City to provide feedback with their preferred alignment and station location, and we placed several calls to the City Manager thereafter to again request feedback on these questions. We did not receive feedback from the City until October of 2008, at which time we met with the new City Manager, and other City staff. We subsequently have met with newly elected Mayor Gomez and again committed to work with the City in an effort to address any remaining concerns the City has. We are striving to expedite those discussions and should any potential revisions to the proposed alignment appear feasible, we will immediately inform the FRA and request that they be incorporated into the EIS.	Comment noted.
72	Avoidance Alternatives	DesertXpress Enterprises	DXE principals have coordinated with staff, consultants, and outside legal counsel from the Clark County Department of Aviation (CCDOA) who are involved in the planning of the proposed Ivanpah Valley Airport at a site near Jean, south of Las Vegas. Through those discussions, DXE recently learned that the alignment being developed by CCDOA for a dedicated access roadway to the proposed new airport, informally called the "Super Arterial", that would parallel I-15 along the east side of the existing freeway, would conflict with the Sloan overnight maintenance and storage facility site for DXE. Consequently, CCDOA has identified a potential site alternative for the Sloan facility that would be located approximately two to three miles south of the site shown in the EIS, and their staff and consultant team have indicated that it may be possible for them to re-align the proposed Super Arterial to enable this site to be proposed as an Avoidance Alternative for the current Sloan site. It appears that this alternative site may be feasible, because it is located on BLM land immediately adjacent to I-15 that CCDOA apparently already had included in its environmental analysis for the Super Arterial. DXE will continue to work in cooperation with CCDOA to determine if this site would be a feasible Avoidance Alternative and if it would be, we will immediately request FRA to include it in the EIS.	See response to comment 66 above.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
73	Avoidance Alternatives	DesertXpress Enterprises	The Applicant requests that a third alternative location for the Victorville Station Site be considered as an Avoidance Alternative adjacent to the Northern OMSF site 2 at the Dale Evans Parkway interchange. A preliminary layout of the alternative station site is attached hereto as Exhibit 1.	Subsequent to publication of the Draft EIS, the Applicant formally proposed a new Victorville Station Site (VV3). VV3 was fully evaluated in the Supplemental Draft EIS. The Preferred Alternative includes Victorville Station Site 3 (VV3). Please see Section 2.5.1 and 2.5.2 of this Final EIS.
74	Avoidance Alternatives	DesertXpress Enterprises	Therefore, the Applicant hereby proposes that FRA consider Segment 4C as an Avoidance Alternative and analyze the potential environmental impacts of Segment 4C in the EIS.	Subsequent to publication of the Draft EIS, the Applicant formally proposed Segment 4C as an alternative alignment that would avoid conflicts identified for Segments 4A and 4B. Segment 4C was fully evaluated in the Supplemental Draft EIS. The Preferred Alternative includes Segment 4C. Please see Section 2.5.1 and 2.5.2 of this Final EIS.
75	Biological Resources	BLM Barstow	Botanical surveys for almost any desert botanical species conducted in December is not considered reliable because most perennial species are in dormancy and may be difficult to identify, while most annual species are not present. This is especially true with native and non-native herbaceous species. Specific survey protocols exist for sensitive species, including the appropriate windows for survey, and can be obtained from USFWS and/or CDFG.	<p>The botanical surveys for Segment 4C were conducted during the spring of 2010 to determine the presence of any sensitive species within or adjacent to the proposed alignment. The proposed alignment in Nevada was previously surveyed for sensitive botanicals. The remainder of the alignment is within or immediately adjacent to the I-15 roadway or within an urbanized area and not supporting sensitive species habitat.</p> <p>Natural heritage data was utilized to determine potential habitat for sensitive botanical species within the project alignments. Prior to initiating construction, surveys will be conducted for sensitive botanicals utilizing appropriate Bureau of Land Management (BLM) and California Department of Fish and Game (CDFG) protocols including window of survey. Section 3.14.3 of this Final EIS includes mitigation measures for the Preferred Alternative which include preconstruction surveys for special-status species (Mitigation Measure BIO-2).</p>
76	Biological Resources	BLM Barstow	This is evident with the admission that no baseline surveys were conducted for invasive plant species (3.14-27).	The possible presence of invasive plant species will be surveyed prior to construction, as set forth in Mitigation Measure BIO-4, in Section 3.14.3 of this Final EIS. This measure includes several other provisions to ensure that no invasive species are introduced or spread during project construction. The measure requires coordination with BLM field offices and the National Park Service to ensure that appropriate practices are implemented to avoid the spread and introduction of invasive plant species.
77	Biological Resources	BLM Barstow	Change "noxious weed species" to "invasive weed species." The term noxious is a legal term used by federal, state and county agricultural departments. The only noxious weed currently listed on page 3.14-27 and on CDFA's noxious weed list (A-Rated) is halogeton (Halogeton glomeratus). Replace noxious with invasive where it occurs in the EIS except when referring specifically to halogeton.	This Final EIS amends the Draft EIS text so that the term "noxious weed species" has been replaced with "invasive, non-native weed species." See Section 3.14.1.3 of this Final EIS for specific locations of this revision.
78	Biological Resources	BLM Barstow	Under special-status plants, 48 species have been identified that could occur in the project study area. All California BLM FO's require that ground-based surveys be conducted for special-status plants and conform to minimum survey standards contained in BLM Manual 6840-1 for this project type, consistent with policy. Since surveys were not conducted during Spring 2009 will surveys be conducted during Spring 2010? Appropriate mitigation would apply to conserve these species and their habitats.	Final EIS Section 3.14.2.1 outlines the methodology utilized in the evaluation of biological resources. Appendix F-N contains a protocol-level biological survey for Segment 4C, the only segment of the Preferred Alternative that substantially departs from the I-15 freeway corridor and other previously developed areas. Implementation of Mitigation Measure BIO-2 of this Final EIS would require preconstruction surveys for special-status plants (see Section 3.14.3). Qualified botanists will conduct preconstruction surveys for sensitive botanical species and invasive, non-native weeds prior to initiating construction of the project. If sensitive botanical species are observed within the temporary construction area of effect, avoidance and minimization measures will be applied by the project sponsor.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
79	Biological Resources	BLM Barstow	Change "permanent loss of natural vegetation" to "permanent loss of native vegetation."	This Final EIS amends the Draft EIS text so that the term "permanent loss of natural vegetation" has been replaced with "permanent loss of native vegetation." See Section 3.14.1.3 of this Final EIS for specific locations of this revision.
80	Biological Resources	BLM Barstow	Change "natural vegetative communities" to "native vegetative communities." Change "Noxious weeds typically" to "Invasive, non-native species typically."	This Final EIS amends the Draft EIS text so that the term "natural vegetative communities" has been replaced with "native vegetative communities". See Section 3.14.1.3 of this Final EIS for specific locations of this revision.
81	Biological Resources	BLM Barstow	When referring to the Loss of or Damage to Native Vegetation Communities this project must conform to the California Desert Native Desert Plant Act specifically concerning the loss of Yucca, Prosopis and other native desert succulent and cacti species, consistent with BLM policy.	This Final EIS amends the Draft EIS text to include a discussion of the California Desert Native Desert Plant Act. See Section 3.14.1.3 of this Final EIS for specific locations of this revision. Implementation of Mitigation Measure BIO-10 would require the project Applicant to comply with the California Desert Native Desert Plant Act.
82	Biological Resources	BLM Barstow	Mitigation Measures BIO-4; The BFO requires all proponents to submit an Invasive Weed Monitoring and Treatment Plan for approval prior to implementation of the project. Would FRA/DXE have this prepared for the Final EIS?	Please see Final EIS Section 3.14.3, which incorporates this mitigation language.
83	Biological Resources	BLM Barstow	Mitigation Measures BIO-9; The BFO requires all proponents to submit an Erosion Control and Restoration Plan for approval prior to implementation of the project. Could FRA/DXE have this prepared for consideration of adequacy in the EIS analysis? When the Erosion Control and Restoration Plan is not submitted and a part of the analysis, it is difficult to consider the mitigation objectives and it is a more difficult process to place these mitigation measures in a ROD.	The Erosion Control and Restoration Plan will be drafted and submitted to the Bureau of Land Management (BLM) prior to initiating construction as part of the BLM right-of-way grant requirements.
84	Biological Resources	BLM Barstow	Mitigation Measures BIO-10; This project must conform to the California Desert Native Desert Plant Act and the SB County Code, subsection 88.01,050, consistent with BLM policy.	This Final EIS amends the Draft EIS text to include a discussion of the California Desert Native Desert Plant Act. See Section 3.14.1.3 of this Final EIS for specific locations of this revision.
85	Biological Resources	BLM Barstow	Mitigation Measures BIO-14; This project must conform to the minimum survey and mitigation standards contained in BLM Manual 6840-1.	This Final EIS amends Mitigation Measure BIO-13 to reference that survey and mitigation standards must conform to Bureau of Land Management (BLM) Manual 6840-1 (See Final EIS Section 3.14.1)
86	Biological Resources	BLM Barstow	Mitigation Bio-6: The paragraph that starts "All succulents within the limits of disturbance will relocate" should include California as well as Nevada.	Mitigation Measure BIO-6 of this Final EIS includes language clearly indicating that the limits of disturbance would be within California and Nevada (See Final EIS Section 3.14.3).
87	Biological Resources	BLM Barstow	Mitigation Bio-4: When will invasive weed surveys be conducted and what protocol will be used?	Please see Final EIS Section 3.14.3, Mitigation Measure BIO-4, which requires incorporation of weed control measures into project plans. These measures include the requirement to conduct an invasive weed survey of the project ROW prior to initiating project construction. The measure also sets forth criteria by which such surveys shall be conducted.
88	Biological Resources	BLM Barstow	Vegetative community typing done by remote sensing indicates that comprehensive ground based botanical surveys were not conducted.	Section 3.14.2.3 of the Draft EIS describes the methodology used for vegetative mapping, including comprehensive reconnaissance-level pedestrian and windshield surveys.
89	Biological Resources	CBD	The desert tortoise translocation plan needs to be included for public review and comment as part of this document.	As described in the Draft EIS (Mitigation Measure BIO-2), desert tortoise encountered during preconstruction surveys will be relocated off the project right-of-way based on a US Fish and Wildlife Services (USFWS), Bureau of Land Management (BLM), and California Department of Fish and Game (CDFG) approved project-specific Desert Tortoise Relocation Plan. Public disclosure of the agency-approved Desert Tortoise Relocation Plan is under the discretion of the aforementioned reviewing agencies.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
90	Biological Resources	CBD	The impacts to desert tortoise are significant and adverse. Permanent impact to desert tortoise habitat at a minimum is identified 333.9 acres and at a maximum 1,383 acres. The EIS also identifies 60.7 is federally designated Critical Habitat in the Superior-Cronese unit is the minimum acreage permanently disturbed and a maximum of 589.3 acres in the Superior-Cronese, Ivanpah Valley and the Mojave National Preserve units. The Superior-Cronese unit has already sustained huge losses from previous large-scale projects including the Fort Irwin expansion.	Section 3.14.2.3 of this Final EIS identifies the adverse effects of the Preferred Alternative on desert tortoise habitat. While mitigation would reduce impacts to biological resources, when taken collectively, the DesertXpress project in combination with past, present, and future projects would result in a cumulative impact to special status plants and animals and their associated habitats. See Mitigation Measures BIO-1 and BIO-2 for mitigation related to this species. Also see the Biological Assessment (Appendix F-M) submitted to the USFWS on December 16, 2010. Section 3.16, Cumulative Impacts, of this Final EIS describes in detail the cumulative biological impacts of the Preferred Alternative in combination with other projects in the area of the Mojave National Preserve.
91	Biological Resources	CBD	Mitigation measures are inadequate. No clear avoidance and minimization measures are identified. Additional surveys for a variety of sensitive species are proposed (at pg 3.14-68-69). These surveys should have done and the results used as the basis for the EIS.	Measures for the Preferred Alternative to reduce and avoid adverse impacts to biological resources have been developed in coordination with the Bureau of Land Management (BLM), California Department of Fish and Game (CDFG), and US Fish and Wildlife Services (USFWS) Ecological Services Offices in Ventura, California and Las Vegas, Nevada. In addition to these measures, additional avoidance, minimization, and mitigation measures will be implemented as a result of consultation with the USFWS pursuant to Section 7 of the Endangered Species Act. A Biological Assessment was submitted to the USFWS on August 17, 2010. Prior to the issuance of a Record of Decision for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project. The Bureau of Land Management will also identify site and resource specific measures that will be implemented as part of the right-of-way grant. The mitigation measures for biological resources are included in Section 3.14.3 of this Final EIS and identifies 21 separate measures to mitigate potential impacts to biological resources as a result of project implementation.
92	Biological Resources	CDFG	The proposed project is within the range of the Mohave ground squirrel (MGS). Not all lands within the range are potential habitat for the MGS. The Department reviews the potential for MGS habitat on a site specific basis. The Department evaluates potential MGS habitat on a site-by-site basis and as such, individual habitat analyses with documentation stating why the lands are or are not considered MGS habitat should be submitted to the Department for concurrence, and be available for public review. A Full MG report with trapping results may be adequate for concurrence proposes but was not submitted to the Department. In addition, if the sites do contain occupied habitat, the developer is at risk of taking a Threatened species without an Incidental Take Permit, which is a violation of Fish and Game Code § 2080.	The Mohave ground squirrel (MGS) Habitat Suitability Report was submitted to California Department of Fish and Game (CDFG) and coordination with Tanya Moore and Becky Jones occurred on March 5, 2008. The CDFG concurred with the habitat suitability conclusions and suggested protocol level trapping may be required to determine presence/absence of this state-listed sensitive species as required by CDFG regulation, policy, and species protocol. While impacts to suitable MGS habitat is disclosed in the DEIS, SEIS, and FEIS, the Surface Transportation Board has issued a determination, (see Final EIS Section 1.4.1.2) that the DesertXpress project is exempt from state and location regulations including the California Environmental Quality Act (CEQA) and California Endangered Species Act (CESA). Planning, permitting and implementation of the proposed project will not require the issuance of an incidental take permit from CDFG relative to MGS. Additional coordination between the FRA, the project Applicant and CDFG will occur during final engineering design and development of the construction, operation and maintenance (COM) plan in order to avoid, as feasible, additional incidental take of MGS.
93	Biological Resources	CDFG	As noted in section 3.14.2, (Biological Resources), Methods of Evaluation, "A survey targeting potentially occurring special-status plants was not conducted in the California portion for the alignment in 2007. Subsequent surveys would be appropriate.	See response to comment 75.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
94	Biological Resources	CDFG	Segment 2B, according to the provided calculations and tables, crosses the least amounts of streams (impacting more linear feet), impacts the least amount of desert tortoise habitat, has the least amount of temporary impacts to Mohave ground squirrel habitat (although, nearly double the permanent impacts over the alignments 2A) and avoids Mohave fringed-toed lizard habitat. However, the Department cannot verify this information give the small scale of the provided maps.	The Biological Assessment submitted to the USFWS includes higher resolution resource maps as appendices and is now attached to this Final EIS as Appendix F-M.
95	Biological Resources	CDFG	Since segment 4B is intended to transverse the mountain range avoidance, minimization and/or mitigation measures should be developed to address the following: impacts to big horn sheep and other large ungulates that may be attracted to the tunnels, impacts to their migration patterns	Segment 4B is not part of the Preferred Alternative; however, mitigation measures are included in Section 3.14.3 of this Final EIS in order to avoid and address the potential impacts to desert bighorn sheep (see Mitigation Measure BIO-2).
96	Biological Resources	CDFG	Since segment 4B is intended to transverse the mountain range avoidance, minimization and/or mitigation measures should be developed to address the following: the gila monster, a California Species of Special Concern and,	Section 3.14.3 of this Final EIS includes mitigation measures for potential impacts to gila monster (see Mitigation Measure BIO-2).
97	Biological Resources	CDFG	Since segment 4B is intended to transverse the mountain range avoidance, minimization and/or mitigation measures should be developed to address the following: the potential conflict of proposed mitigation measures and locations of energy projects being developed within the Ivanpah Valley.	The Preferred Alternative does not include Segment 4B. Segment 4C is included in the Preferred Alternative and was developed specifically to avoid the referenced conflicts with energy sites in the Ivanpah Valley.
98	Biological Resources	CDFG	Section 3.14-16 <i>Desert Tortoise Survey Methods</i> indicates that only select areas within a 50 mile stretch of California were surveyed for the presence or absence of desert tortoise. The Department needs appropriate surveys to establish mitigation measures including, but not limited to: translocation plans, burrow excavation, burrow creation and mitigation ratios. The document details the method used as "two biologists walking meandering transects within an 300-foot wide corridor..." the Department recommends for this project surveys be conducted according to the U.S. Fish and Wildlife Service desert tortoise protocol.	As discussed in Draft EIS Section 3.14.2.3, the approach to desert tortoise surveying was collectively determined through coordination with US Fish and Wildlife Services (USFWS) and California Department of Fish and Game (CDFG). The agencies reviewed preliminary maps of the proposed alignment and provided guidance and recommendations on special-status species surveys and habitat assessments during the agency coordination meetings. Mojave Desert tortoise relocation instead of translocation would not be implemented for this project. A determination will be made regarding appropriate tortoise burrow excavation, creation and habitat mitigation ratios through the Endangered Species Act Section 7 consultation process.
99	Biological Resources	CDFG	Currently, as part of another project's desert tortoise translocation plan, permanent desert tortoise fencing has been established in an effort to prevent translocated or displaced individuals from entering Interstate 15 and/or the right of way. Given the submitted maps, the Department was unable to determine the spatial relationships between the proposed alignments and the existing desert tortoise fencing. If either of the proposed alignments were to pass through (north of) the fenced areas, it is foreseeable that the Applicant may encounter artificially high numbers of tortoise and could be undermining the mitigation efforts implemented for the previous project. This could be more detrimental to the species' welfare than may be initially realized. If either of the proposed alignments were to affect the tortoise fencing by necessitating its removal or relocation, then the fencing would need to be replaced and maintained. A Department approved maintenance plan may be required to be implemented by the Applicant. Additionally, if the desert tortoises are to be impacted by fence relocation, a desert tortoise translocation plan should be approved by the Department prior to construction.	If the proposed project adversely impacts established mitigation measures, the measures will be reconstructed or re-established outside the area of impact. This Final EIS includes the best available information regarding potential impacts to these measures and a commitment to reconstruct or re-establish the measures through coordination with the US Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and/or Bureau of Land Management (BLM). All Mojave Desert tortoise fencing that is removed as a result of project implementation would be reconstructed based on USFWS and CDFG protocol. Mojave Desert tortoise that occur within the project area would be relocated away from the proposed right-of-way and onto adjacent lands containing acceptable tortoise habitat. A relocation plan will be developed as required by Mitigation Measure BIO-15 and the Biological Opinion. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
100	Biological Resources	CNRCC Desert Committee	We are concerned, as well, that both Segments 4A and 4B of the proposed route would place at risk the California population of the Northeastern Mojave Desert Tortoise Recovery Unit. Segment 4A would physically reduce critical desert tortoise within the Ivanpah Desert Wildlife Management Area (DWMA), an area deemed necessary to the recovery of the species by the Recovery Plan. DWMAs provide reserve-level protection for the desert tortoise. The Recovery Plan recommends that land management within all DWMAs restrict human activities that negatively impact desert tortoises so as to advance the recovery of the population. Segment 4A would further impair the recovery of the desert tortoise by creating a barrier to wildlife movement and by isolating habitat between the proposed rail alignment and I-15.	Segment 4C has been included in the agency Preferred Alternative. Section 3.14.2.3 of this Final EIS identifies the adverse effects of the Preferred Alternative on desert tortoise habitat. Several mitigation measures in in Section 3.14.3 of this Final EIS specifically address impacts to desert tortoise.
101	Biological Resources	CNRCC Desert Committee	Segment 4B equally threatens the Northeastern Recovery Unit population through the reduction of quality tortoise habitat. Furthermore, the proposal to traverse the area on the flank of the Clark Mountains is of grave concern as this habitat – at an elevation of approximately 3,000 feet, is crucial for the survival of the Northeastern Desert Tortoise population under the impact of climate change. Segment 4B, as well, would cause habitat fragmentation and create a barrier to normal movement by the desert tortoise.	All alignment options through the Mountain Pass area - Segments 4A, 4B and 4C would result in impacts to Desert tortoise habitat. These impacts have been disclosed in the Draft and Supplemental Draft EIS. Final EIS Sections 3.14.2 and 3.14.3 discuss the impacts of the Preferred Alternative on biological resources including Desert tortoise. Final EIS Section 3.14.5 provides mitigation measures to address identified effects. Segment 4C is identified in Final EIS Section 2.5.1 as part of the Preferred Alternative. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
102	Biological Resources	DesertXpress Enterprises	The introductory paragraph states that cumulative effects to biological resources are discussed in this section; however, no such discussion appears in this section.	Section 3.16, Cumulative Impacts, of this Final EIS describes in detail the cumulative biological impacts of the Preferred Alternative in combination with other with other past, present, and future projects in the surrounding areas.
103	Biological Resources	DesertXpress Enterprises	The methodology described for biology identifies the project area of disturbance as within a 400-foot-wide corridor in areas where the alignment is outside of the I-15 ROW. This area of potential disturbance is much wider than the actual area that would be disturbed; therefore, the impacts are greatly over-stated. This should be clarified.	The biological study area was formulated to fully account for all permanent and temporary impacts associated with construction and operation of the proposed facility. The study area was also used to identify and analyze potential indirect impacts associated with the project construction and operation. Because of this, the study area is larger than the eventual footprint of the proposed project.
104	Biological Resources	DesertXpress Enterprises	Table 3.14-8 shows the number of acres of habitat significantly impacted; however, it does not specify whether these impacts are associated with direct takes of habitat or indirect impacts from noise, dust, etc. Please clarify. Also, please qualify these estimates to reflect the fact that this analyzed area of potential disturbance is much wider than the actual area that would be disturbed as per the above comment; therefore, the impacts may be greatly over-stated.	Section 3.14.2 of this Final EIS identifies the adverse effects of the Preferred Alternative on biological resources.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
105	Biological Resources	EPA	Expand upon Mitigation Measure BIO-20 to identify which wildlife species will experience barriers to movement across I-15 once a fully fenced rail corridor is in place. The Final EIS should include a commitment to incorporate into the design of the rail network specific wildlife crossing features that are developed with specific movement patterns for each species. Information such as road kill data can inform placement of larger wildlife movement structures. Monitoring of wildlife usage of existing highway under-and over-crossings (remote camera, scat and tracking analysis, etc.) is important for designing how the new rail corridor can be designed to maintain existing movement.	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the alignment is in the freeway ROW, the project sponsor would install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the project sponsor would install culverts at natural drainage features and at appropriate intervals to allow for wildlife passage, including desert tortoise to pass under the proposed rail grade. In order to reduce potential impacts to desert bighorn sheep, no natural drainages would be obstructed or blocked by the construction or operation of the proposed project. The culverts would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, and NDOW, to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct tortoises to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.
106	Biological Resources	EPA	Incorporate goals and objectives developed for the California Missing Linkages Report and the California Essential Habitat Connectivity Project and identify how Project alternatives have been designed to allow for continued wildlife movement: http://www.dot.ca.gov/hq/env/bio/program_efforts.htm http://scwildlands.org/missinglinks/reports/download_missinglinkages.htm	This Final EIS amends the Draft EIS text to include a discussion of the goals and objectives of the California Missing Linkages Report and California Essential Habitat Connectivity Project in regards to wildlife movement. See Section 3.14.1.2 of this Final EIS for specific locations of this revision.
107	Biological Resources	EPA	Use data developed for the statewide California Wildlife Action Plan and the Nevada Wildlife Action Plan to inform proposed to avoid resources. Both wildlife action plans address at-risk species and provides range maps. http://www.dfg.ca.gov/wildlife/WAP http://www.wildlifeactionplans.org/nevada.html	This Final EIS amends the Draft EIS text to include a discussion of the California Wildlife Action Plan and the Nevada Wildlife Action Plan. See Section 3.14.1.2 of this Final EIS for specific locations of this revision.
108	Biological Resources	EPA	In addition to reviewing the available data indicated where species ranges may be bisected by the Desert Xpress corridor, EPA recommends that FRA facilitate a meeting of scientists and local experts to explore specific locations and design features for wildlife crossings that are needed. Specifically, FRA should coordinate directly with Nevada Department of Wildlife and California Department of Fish and Game to ensure that wildlife crossing structures are 1) designed appropriately for use by affected wildlife and 2) sited correctly to allow for most effective use by the full range of animals that currently cross the I-15 Corridor. We are available to assist in establishing an interagency meeting of wildlife experts.	See response to comment 105 above.
109	Biological Resources	EPA	Identify the connections that would likely remain after construction of the Project and highlight these areas as "connectivity zones" for protection and preservation. In the Final EIS, identify specific commitments for preservation of these corridors through mitigation measures and cooperative agreements.	See response to comment 105 above.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
110	Biological Resources	EPA	The Final EIS should also clearly articulate under which alternatives Big Horn Sheep, Desert Tortoise and Mohave Ground Squirrel would be less impacted and to what extent.	Section 3.14.2.4 of this Final EIS provides a comparative analysis between the Preferred Alternative and the other action alternatives and the relative adverse effects on biological resources. See Tables F-3.14-1 through F-3.14-3.
111	Biological Resources	EPA	As applicable, disclose how fencing the train route will affect wildlife movement and discuss how fencing for safety purposes will be integrated with proposed wildlife passages, such as culverts, bridges, viaducts, underpasses, and overpasses.	See response to comment 105.
112	Biological Resources	National Parks Conservation Association	This proposed route (Segment 4A), which overlays a 1.55-mile section of Mojave National Preserve, would have significant habitat reduction impacts to multiple species, including the desert tortoise (<i>Gopherus agassizi</i>), a species federally listed as threatened by the United States Fish and Wildlife Service and provided legal protection under the Endangered Species Act. Segment 4A as proposed in the Draft EIS not only encroaches on the Mojave National Preserve, it also presents significant negative impacts to desert tortoises living in the Ivanpah Desert Wildlife Management Unit (DWMA). From the Desert Xpress Draft EIS, Section 3.14.1.1, the section entitled "Federal Regulations": On June 28, 1994, the [United States Fish and Wildlife] Service approved the final Desert Tortoise (Mojave Population) Recovery Plan (Recovery Plan). The Recovery Plan divides the range of the desert tortoise into six recovery units and recommends establishment of 14 desert wildlife management areas (DWMAs) throughout the recovery units. Within each DWMA, the Recovery Plan recommends implementation of reserve-level protection of desert tortoise populations and habitat, while maintaining and protecting other sensitive species and ecosystem functions. The design of DWMAs should follow accepted concepts of reserve design. As part of the actions needed to accomplish recovery, the Recovery Plan recommends that land management within all DWMAs should restrict human activities that negatively impact desert tortoises.	The Preferred Alternative does not include Segment 4A. The Biological Assessment/Opinion for the project is based on Segment 4C which is included in the Preferred Alternative. Please see Section 2.5.1 of this Final EIS, which describes the components of the Preferred Alternative. Notwithstanding, Final EIS Section 2.5.2 identifies Segment 4A as the environmentally preferable alternative, insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C, is the shortest of all segment 4 alignments, and stays closest to the I-15 corridor.
113	Biological Resources	Nevada Department of Wildlife	Due to the fact that wildlife habitat within the project area for segments 5, 6, and 7 is quickly becoming marginal at best and therefore not likely to be inhabited by a large number of individuals, the Department views the threats to wildlife listed in Appendix L of the Draft EIS to be non-significant provided a reasonable set of minimization and mitigation measures is followed.	Comment noted.
114	Biological Resources	Nevada Department of Wildlife	Both paragraphs cast somewhat inaccurate information. The following should be considered, Conservation management and special protections for flora and fauna are provided mainly by State and federal laws, regulations and policies, with management carried out by authorized agencies. Under the Nevada Department of Conservation and Natural resources, the Nevada Natural Heritage Program maintains a list of unique and rare species, those experiencing population declines in all or portions of their range within the state, and species having been provided some level of State and/or federal management protection through laws and policies. By nature, authorities to manage plant and animals overlap between the State and federal natural resource management agencies.	This Final EIS amends the Draft EIS text to include additional information related to Nevada Regulations that provide context for the associated regulations of biological resources. See Section 3.14.1.2 of this Final EIS for specific locations of this revision.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
115	Biological Resources	Nevada Department of Wildlife	The remainder of the paragraph pretty much reflects NRS 503.585 which provides a definition and action to be taken by the Board of Wildlife Commissioners when a species of wildlife is determined threatened with endangerment, but does not provide the complete picture relative to classification of all State protected wildlife. Based on guidance found in NRS's 501.105, 501.110, and 501.181, wildlife classifications for protected, sensitive, and threatened wildlife are defined in NAC's 503.0035, NAC 503.004, and 503.0045, respectively, and where criteria for determining when wildlife may be classified as protected and sensitive is in NAC's 503.103 and 503.104, respectively.	Section 3.14.1.2 of this Final EIS includes appropriate updates to the Regulatory Environment discussion.
116	Biological Resources	Nevada Department of Wildlife	The above points have relevance to section 3.14 and Appendix L where discussion and tabular presentation of wildlife is provided, especially where a species "Status" is so indicated.	Section 3.14.1.2 of this Final EIS includes appropriate updates to the Regulatory Environment discussion.
117	Biological Resources	Nevada Department of Wildlife	Again, the degree to which construction and operation of the DesertXpress in Nevada along segments 5, 6, and 7 would impact wildlife species varies somewhat depending on the location along each segment. However at no point does the Nevada Department of Wildlife (Department) believe impacts would result in a significant population decrease caused by the high-speed rail project alone.	Comment noted.
118	Biological Resources	Nevada Department of Wildlife	After the first sentence, the paragraph weighs heavy on the administrative / regulatory aspects for wildlife. A balance with the same supportive description concerning plants can be found in the applicable NRS and NAC chapters for NDF.	This Final EIS amends the Draft EIS text to include additional information related to Nevada Regulations that provide context for the associated regulations of biological resources. See Section 3.14.1.2 of this Final EIS for specific locations of this revision.
119	Biological Resources	Nevada Department of Wildlife	State authorization required to move any wildlife from one location to another has its base in NRS 503.597, NAC 503.093 is more specific to authorization required before State protected (including those further classified as endangered, threatened, or sensitive) may be hunted, taken, or possessed.	The construction of the proposed project may impact sensitive plants regulated by the State of Nevada through the Nevada Division of Forestry. Section 3.14.1.2 of this Final EIS includes appropriate updates to the Regulatory Environment discussion. However, also see Final EIS Section 1.4.1.2, which describes that the Surface Transportation Board issued a declaratory order stating that the DesertXpress project would not be subject to state and local environmental review, land use, or to other permitting requirements.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
120	Biological Resources	San Bernardino County - Land Use Services	In some areas of the right-of-way of I-15, protected native desert plants have re-established their presence over the years. The project should provide mitigation prior to the removal of such protected local native plants so that such plants can be relocated whenever possible.	Please see Draft EIS Section 3.14.4.5, which explains that multiple year drought conditions led to a determination to conduct limited botanical surveys, given anticipated scarcity of resources. The botanical surveys for Segment 4C were conducted during the spring of 2010 to determine the presence of any sensitive species within or adjacent to the proposed alignment. The proposed alignment in Nevada was previously surveyed for sensitive botanicals. The remainder of the alignment is within or immediately adjacent to the I-15 roadway or within an urbanized area and thus generally does not support sensitive species habitat. The California and Nevada Natural Heritage Program databases were reviewed for existing information regarding the location of previously observed sensitive botanical resources. In addition, the BLM resource specialist in the Barstow, Needles and Las Vegas field offices reviewed the project alignment for potential sensitive botanical resource habitat. Please refer to Final EIS Section 3.14.2.1 for a discussion regarding the methodology used to evaluate biological impact to the affected environment. Final EIS Section 3.14.3 includes mitigation measures for the Preferred Alternative which includes preconstruction surveys for special-status species (refer to Mitigation Measure BIO-2).
121	Biological Resources	Lamfrom, David	Segments 4A and 4B would traverse prime tortoise habitat. Mitigation ratio should be five to one.	Segment 4C was selected as a Preferred Alternative. As described in Final EIS Section 3.14.3, Mitigation Measure BIO-18 requires compensation for the permanent loss of desert tortoise habitat up to a ratio of 5:1. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
122	Cultural and Paleontological Resources	BLM Barstow	It would be preferable to split Cultural resources and Paleontological resources into two sections. Please fix typo: "Historic archaeological sites may include" to "Historic archaeological sites may include....."	Comment noted. FRA acknowledges that cultural and paleontological resources are different. However, they are covered under Section 3.7, Cultural and Paleontological Resources, of this Final EIS. FRA has separated the discussion of cultural and paleontological resources within this chapter.
123	Cultural and Paleontological Resources	BLM Barstow	The BLM is requesting that the proponent use the BLM's Potential Fossil Yield Classification [PFYC] system for rating paleontological resources sensitivity.	Paleontological sensitivity was evaluated using the criteria of the Society of Vertebrate Paleontology (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995) (see Section 3.7.2.1 of this Final EIS).
124	Cultural and Paleontological Resources	DesertXpress Enterprises	It might be appropriate to lay out the current schedule for the Programmatic Agreement with the SHPO described on this page. Also, it would be appropriate to point out that the Draft EIS impact evaluation area is wider than necessary for the utility corridor and for the alignment (115 ft. from centerline for direct impacts and 200 ft. from centerline for indirect impacts). Thus, if a certified archaeologist is out in the field during construction, impacts will be avoided or minimized within the actual area needed for construction equipment, which will be much smaller than 400-feet wide.	Comment noted. A Programmatic Agreement (PA) was executed for the project and is included in Appendix F-H.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
125	Cultural and Paleontological Resources	DesertXpress Enterprises	With respect to Mitigation Measure CR-6, what is the extent of further literature review necessary to resolve the sensitivity of the geologic units? Please advise.	In addition to the studies already completed, as discussed in Draft EIS Section 3.7.5, Mitigation Measure CR-6 requires that, before ground-disturbing activities begin, the project sponsor retain a qualified paleontologist as defined by the SVP (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee 1995) or other appropriate personnel (e.g., California licensed professional geologist with appropriate experience and expertise) to conduct further literature review and discussion with subject area experts in order to resolve the paleontological sensitivity of the geologic units identified as "undetermined." The extent and level of analysis necessary would be determined by the qualified paleontologist.
126	Cultural and Paleontological Resources	DesertXpress Enterprises	As the Mojave River crossing may need further information about habitation sites and a village site, DesertXpress will be supporting additional field investigation and impact analysis and mitigation measures as part of the Section 4(f) work necessary for preparation of the Final EIS. This information should provide opportunities to further reduce and avoid potential impacts to archaeological and paleontology sources. DesertXpress would like to attend a meeting with the SHPO and FRA or the consultant to discuss proper wording for our Contract Documents and to implement effective mitigation measures.	FRA conducted further analysis of this potential habitation site, which would have been potentially impacted by Segment 2A/B. However, the Preferred Alternative includes Segment 2C, which avoids this site by more than 2 miles and thus would have no direct or indirect effect.
127	Cultural and Paleontological Resources	FHWA - CA	Assurance that the Section 106 compliance is completed and sites within the I-15 ROW in Nevada are verified with the Nevada Department of Transportation (NDOT).	Please see Appendix F-H, the executed Programmatic Agreement developed for the project.
128	Cultural and Paleontological Resources	NV SHPO	The Federal Railroad Administration needs to continue their Section 106 (National Historic Preservation Act of 1966, as amended) consultation with the SHPO to refine the APE.	FRA revised the area of potential effect (APE) in response to the Nevada State Historic Preservation Office (SHPO) comment and other project changes. Section 3.7.2.1 of this Final EIS provides an updated description of the APE, as approved during the Section 106 consultation process for the project.
129	Cultural and Paleontological Resources	NV SHPO	The document contains a description of an Area of Potential Effect (page 3.7-8) that does not reflect our comments submitted to the Federal Railroad Administration on 1/18/2008 and 3/23/2009.	Please see the response to Comment 128.
130	Cultural and Paleontological Resources	NV SHPO	Need confirmation that the heights of the proposed signal tower, water tanks, fuel tanks, substations, guard houses, fences, buildings, and any other proposed structure is being considered in the creation of an appropriate project area of potential affect (APE).	FRA considered the height of these facilities in establishing the APE. The signal towers reference in the comment were subsequently removed from the project description as the Project Applicant was able to implement an alternative communications approach. These changes were reflected in the latest APE transmitted to the SHPOs in November 2010.
131	Cultural and Paleontological Resources	NV SHPO	The height of the proposed signal tower may necessitate approaching the APE as a radius around the tower, similar to an FCC cell tower.	See response to comment 130.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
132	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	The Tribe's interest in the site extends back to prehistoric periods. The Draft EIS states "habitation sites (to include village sites) were encountered within the APE along Segments 2, 3, and 4 in California." Upon review of Tables 3.7-6 through 3.7-11, Segments 1, 2, 3, 5 are identified as habitation sites and are listed on the National Register of Historic Places (NRHP). Notably, rock art sites and a trail exist along the Mojave River in Segments 2, 3, and 6. These sites are merely an example of the Project area's historical and cultural significance to the Tribe, and the basis for the Tribe's opposition.	Subsequent to publication of the Draft EIS, FRA engaged in government to government consultation with several Tribes interested in the project, as detailed in Final EIS Chapter 4.0, Comments and Coordination. Project modifications and additions identified in the Supplemental Draft EIS and this Final EIS were developed in part to avoid sensitive cultural resources. This consultation also included discussion of the Programmatic Agreement for the project. FRA received substantial comments on the Programmatic Agreement from several interested Tribes. The executed PA (Appendix F-H) reflects many such comments.
133	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	In addition, this number accounts only for sites surveyed, and does not take into account sites that will be inadvertently discovered during the Project's activities. The Tribe notes that the lack of surface discoveries of archaeological resources does not preclude subsurface existence, ground disturbance activities may yield inadvertent discoveries.	The possibility of inadvertent discoveries is an important consideration included in the Programmatic Agreement for the project (Appendix F-H) developed in consultation with Native American Tribes. See also the response to comment 132.
134	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	The Draft EIS is silent on appropriate measures to address inadvertent discoveries, which, given the Project's scope and impact on Serrano cultural resources, is short-sighted and will likely delay the Project when such discoveries are made.	See response to comment 133.
135	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	The Draft EIS lists only three (3) mitigation measures for the entire Project: test excavation of known areas, avoidance if feasible (which the Draft EIS states is NOT feasible, so this mitigation measure is moot), and compliance with federal or state law regarding the treatment of human remains. These measures are sorely lacking in detail, and completely fail in addressing the devastating impact this Project will have on Serrano ancestral lands.	Appendix F-H, the Programmatic Agreement for the project, sets forth detailed requirements for the evaluation of cultural resources. The Programmatic Agreement includes outlines for the Historic Properties Treatment Plan and NAGPRA Plan of Action that will be developed for the project. As per the response to comment 132, the Programmatic Agreement reflects substantial comments submitted by several interested Tribes.
136	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	In short, the Tribe finds that Treatment Plans are the most effective and cost-efficient mechanism to address negative impacts on sites of cultural and historical significance. The absence of such a plan on a project of this scope and size is ill-advised, and is another reason for the Tribe's opposition to the Project.	See response to comment 135.
137	Cultural and Paleontological Resources	San Manuel Band of Mission Indians	The Draft EIS fails to identify or address traditional Serrano gathering and use areas. There may be areas within the APE that are used for traditional Serrano activities. The Draft EIS fails to address the presence of these areas, and does not indicate efforts to identify those areas through government to government consultation.	During 2009 and 2010, FRA conducted extensive formal consultation with several interested Tribes. On multiple occasions, in formal consultation meetings and other informational meetings, FRA and/or its third party consultants asked tribes for input on any resources of importance, including traditional use areas. These consultations contributed to the consideration of additional avoidance alternatives as well as the terms of the Programmatic Agreement, including the outlines for the Historic Properties Treatment Plan and the NAGPRA Plan of Action.
138	Cultural and Paleontological Resources	Soboba Band of Luiseno Indians	The Soboba Band of Luiseno Indians recognizes that the San Manuel Band of Serrano Mission Indians is the tribe that has the most direct link to the project route on the California side. Therefore we support the recommendations made by San Manuel. Soboba Band of Luiseno Indians is requesting that the requests made by the San Manuel Band of Serrano Mission Indians be honored.	Comment noted.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
139	Cultural and Paleontological Resources	Soboba Band of Luiseno Indians	Ongoing consultation. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.	FRA engaged in government to government consultation with several Tribes interested in the project, as detailed in Final EIS Chapter 4.0, Comments and Coordination. Project modifications and additions identified in the Supplemental Draft EIS and this Final EIS were developed in part to avoid sensitive cultural resources. This consultation also included discussion of the Programmatic Agreement for the project. FRA received substantial comments on the Programmatic Agreement from several interested Tribes. The executed PA (Appendix F-H) reflects many such comments.
140	Cultural and Paleontological Resources	Soboba Band of Luiseno Indians	Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseno Indians requests that Native American Monitor be present during any ground disturbing proceedings. Including surveys and archaeological testing.	See response to comment 139. The Programmatic Agreement in Appendix F-H includes stipulations regarding the presence of Native American monitors during ground-disturbing activities. See Programmatic Agreement page 7, item B7.
141	Cultural and Paleontological Resources	Nevada DOT	The Archeological Section of the Nevada DOT requires the submission of site forms for every property surveyed and recorded during a Section 106 survey for the National Historic Preservation Act. The NDOT requires these site forms along with a report or reports by Secretary of Interior Standards and properties surveyed. Site forms, reports and context are required topics to be covered, the context of properties surveyed. Site forms, reports and context are required to evaluate the eligibility of each site and determine the eligibility of the sites and determine the effects of the project on those sites. Until these items are submitted, the environmental process can not proceed.	As described in Section 3.7.2 of this Final EIS, the project is utilizing a Programmatic Agreement (PA) approach in fulfillment of requirements under Section 106 of the National Historic Preservation Act. As a condition of cultural survey permits from the Bureau of Land Management (BLM), the Project Applicant is obligated to prepare site records of all cultural resources identified within the Area of Potential Effect (APE). For further discussion, please see Appendix F-H, containing the executed PA for the project; the PA also depicts the APE.
142	Cumulative Impacts	American Magline Group	The DesertXpress project will consume significant portions of the Interstate 15 right of way without providing congestion relief for the highly congested I-15 corridor from the Los Angeles Basin to Las Vegas. This could potentially preclude the maglev project which would extend into the Los Angeles basin with stations in Anaheim and Ontario.	See responses to comments 405 and 407 with regard to the potential for the project to reduce congestion on I-15. Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
143	Cumulative Impacts	BLM Barstow	Clarify or identify figure locations. Are the figures the maps? BLM is unable to locate the figures.	This comment appears to be referring to Draft EIS Figures 3-16.1 through 3-16.7. These figures were provided on Draft EIS pages 3.16-4 through 3.16-10.
144	Cumulative Impacts	BLM Barstow	There do not appear to be modifications in the Draft EIS to indicate that the Applicant for the solar project, Brightsource (the ISEGS project), and DXE are working together or acknowledge each other's projects and the potential conflicts.	The potential conflict with the proposed Solar Power project was identified during the Draft EIS review period. In response the Applicant prepared plans for a new alignment through the Mountain Pass area to avoid the proposed Solar Power project. The alignment is referred to as Segment 4C and was studied in detail in the Supplemental Draft EIS. The analysis of Segment 4C did not identify any new or more severe impacts than those associated with Segment 4B, while avoiding potential conflicts with the proposed Solar Power project and reducing/avoiding potential impacts to the Ivanpah Dry lake bed. As such Segment 4C has been included in the Preferred Alternative See Final EIS Section 2.3.2.1.
145	Cumulative Impacts	CCDOA	The discussion of the Heliport on page 3.16-12 of the Draft EIS should be updated to reflect the current status of the project. I.E. the FAA issued a FONSI/ROD on Feb 20, 2009, and the DOI is projected to convey the land to Clark County this year.	The Southern Nevada regional Heliport was considered by FRA as a reasonably foreseeable present and future action. See Final EIS Section 3.16.1.2.
146	Cumulative Impacts	CCDOA	CCDOA's new supplement commercial service airport is the "Southern Nevada Supplemental Airport," not "Ivanpah Valley Airport."	Reference to the Southern Nevada Supplemental Airport was corrected in the Supplemental EIS and carried forward in all references within this Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
147	Cumulative Impacts	CCDOA	The precise opening date for the SNSA has not been set, but is not expected to open by 2018, as stated several times in the Draft EIS.	The Federal Aviation Administration (FAA) in cooperation with the Bureau of Land Management (BLM) as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362) have suspended preparation of an Environmental Impact Statement (EIS) for a proposed Southern Nevada Supplemental Airport in Clark County, Nevada. The FAA along with the BLM are suspending work on the EIS because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time.
148	Cumulative Impacts	CCDOA	Land use restrictions near the SNSA would preclude any significant development in southern Clark County. Assumptions of indirect growth associated with SNSA are not appropriate.	Final EIS Section 3.16.2.2 discusses that the proposed airport in conjunction with other reasonably foreseeable project would result in some indirect growth in and around these facilities but that this growth would be small in nature. Given the size, construction, and permanent employment potentially associated with the Southern Nevada Supplemental Airport facilities, FRA's assumption that some level of growth would occur is reasonable even considering current land use restrictions.
149	Cumulative Impacts	CCDOA	MGM Mirage Project should not be characterized as being related to SNSA.	This comment is acknowledged and the appropriate edits have been made. See Final EIS Section 3.16.2.1.
150	Cumulative Impacts	CCDOA	The Draft EIS states: "Development of the Ivanpah Airport and Southern Nevada Regional Heliport would require the implementation of utility lines, placing demands on the public service providers in the communities of Primm, Jean, and Sloan." CCDOA will develop and provide utility infrastructure to support the construction and operation of the Airport independent of the existing and future needs of surrounding communities.	The Federal Aviation Administration (FAA) in cooperation with the Bureau of Land Management (BLM) as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362) have suspended preparation of an Environmental Impact Statement (EIS) for a proposed Southern Nevada Supplemental Airport in Clark County, Nevada. The FAA along with the BLM are suspending work on the EIS because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time. At this time, FAA and BLM do not know when work will resume on the EIS.
151	Cumulative Impacts	CNRCC Desert Committee	Our concern for the survival of the California population of the Northeastern Mojave Desert Tortoise Recovery Unit is heightened by the cumulative impacts to the habitat of the Ivanpah Valley as a consequence of the possible siting of the Ivanpah Solar Electric Generating System advanced by BrightSource Energy, the siting of the proposed Optisolar power plant, the construction of the Joint Point of Entry project along I-15, and the proposed DesertXpress rail line. Each will significantly and negatively affect the biodiversity of the Ivanpah Valley. Collectively, they threaten the very survival of the Northeastern Recovery Unit's desert tortoise.	Section 3.14.2.3 of this Final EIS identifies the adverse effects of the Preferred Alternative on desert tortoise habitat. While mitigation would reduce impacts to biological resources, when taken collectively, the DesertXpress project in combination with past, present, and future projects would result in a cumulative impact to special status plants and animals and their associated habitats. Section 3.16, Cumulative Impacts, of this Final EIS describes in detail the cumulative biological impacts of the Preferred Alternative in combination with other projects in the area of the Mojave National Preserve.
152	Cumulative Impacts	EPA	include a comprehensive summary of the proposed projects in their entirety to provide a better understanding of how this project fits into the greater regional setting of all future, related projects.	See Final EIS Section 3.16.1.2 and 3.16.2 for a comprehensively updated and revised cumulative impact discussion.
153	Cumulative Impacts	EPA	clarify in what forum the environmental impacts of the proposed Project and the Maglev project will be compared.	See Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project environmental review process. Please also see Final EIS Section 2.2.2.3, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
154	Cumulative Impacts	EPA	Integrate all 'reasonable foreseeable actions' as they relate to the proposed Project and fully describe the potential impacts of these options on future traffic volumes and emissions.	See response to comment 152.
155	Cumulative Impacts	EPA	Conduct a thorough cumulative impact assessment for the Final EIS. EPA recommends the use of the June 2005 Guidance for Preparers of Indirect and Cumulative Impacts Analysis developed jointly by Caltrans, FHWA, and EPA [http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm]. The guidance will assist in identifying cumulative impacts and preparing an analysis that is sound and well documented.	See Final EIS Section 3.16.1.2 and 3.16.2 for a comprehensively updated and revised cumulative impact discussion.
156	Cumulative Impacts	EPA	Identify parties responsible for mitigating the environmental impacts associated with the indirect and cumulative impacts of the projected land use changes.	The mitigation measures contained in this Final EIS relative to the Preferred Alternative would be the responsibility of the project Applicant to implement unless otherwise noted.
157	Cumulative Impacts	EPA	Discuss whether the recent ARRA may affect the ability of California and Nevada to accommodate the larger railway projects mentioned in the Draft EIS including the California High Speed Train project and the California-Nevada Interstate Maglev Train.	Please refer to Section 1.6.1 of this Final EIS, which discusses the California-Nevada Interstate Maglev Train Proposal and its relationship to the DesertXpress project and please also see Section 1.6.2 which describes the California High Speed Rail Project and FRA's funding through the High-Speed Intercity Passenger Rail Program.
158	Cumulative Impacts	EPA	The analysis is insufficient, however, in that it did not discuss the cumulative localized contributions to air emissions from concurrent construction or operations of the multiple projects described in the cumulative impacts analysis. The 'Growth' subsection of the cumulative analysis reads: "construction period jobs may have a more substantial effect on local growth especially if the construction period for the action alternatives overlaps with construction of several other large transportation and land development projects in the area" (at p.3.16-20). The localized cumulative air quality impacts of such a scenario should be considered reasonably foreseeable and the Final EIS should discuss the impacts of multiple construction projects overlapping.	Section 3.11.2.3 of this Final EIS discusses the air quality effects of the Preferred Alternative, including operational and construction period emissions. Section 3.16.4 of this Final EIS provides a qualitative assessment of potential cumulative air quality impacts.
159	Cumulative Impacts	Southern California Edison	What impact will this project have on the High Desert Corridor (Palmdale to Apple Valley)?	The project would not result in a direct or indirect effect on the High Desert Corridor. These are separate projects with independent utility. Section 1.6.6 of the Draft EIS discussed the High Desert Corridor project and its potential relationship to the DesertXpress Project. Section 1.6.6 of this Final EIS clarifies that the location of the proposed corridor is several miles to the south of the Preferred Alternative's southern terminus for the DesertXpress project.
160	Cumulative Impacts	Nevada DOT	Cumulative Impacts of DesertXpress must explain impacts to current federal actions, existing environmental documents under review and their investments through the I-15 corridor.	The cumulative analysis contained in Chapter 3.16 of both the Draft EIS and the Supplemental EIS provides a thorough assessment of cumulative impacts. Section 3.16.3 of this Final EIS includes updated analysis, where warranted, to assess the cumulative impacts of the Preferred Alternative.
161	Cumulative Impacts / Transportation	FHWA - CA	The document should address known potential conflicts between DesertXpress and the other projects in the regional transportation plan, as well as how the issues will be coordinated and mitigated for if necessary.	See Final EIS Section 2.3.1.1 and 2.3.1.2, which identify projects in the RTPs of California and Nevada. Also see specific project discussions under Section 1.6 of Chapter 1, Purpose and Need, which address in greater detail planned and programmed transportation projects in the project vicinity.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
162	Cumulative Impacts/Biological Resources	CBD	Cumulative impacts are particularly problematic. For instance, "As the solar and wind energy projects within close proximity to Segments 2A/2B, Segments 3A/3B and Segments 4A/4B are primarily located within open, undeveloped land, it is not anticipated that these projects would cumulatively effect or interfere with the normal functioning of existing land uses" EIS at pg. 3.16-18. The proposed solar projects alone will be eliminating tens of thousands of acres of desert tortoise habitat. Along with the animals on the proposed DesertXpress project, all of threatened animals will need to be moved through translocation which is not currently being recommended as mitigation by the Scientific Advisory Committee of the Desert Tortoise Recovery Plan. A much more thorough analysis is required to accurately identify the cumulative impacts, not a cursory dismissal of the impacts, which in this case is clearly inaccurate.	Section 3.14.2.3 of this Final EIS identifies the adverse effects of the Preferred Alternative on desert tortoise habitat. While mitigation would reduce impacts to biological resources, when taken collectively, the DesertXpress project in combination with past, present, and future projects would nonetheless result in a cumulative impact to special status plants and animals and their associated habitats. See Final EIS Section 3.16.16.
163	Cumulative Impacts; General - Consultation Process	BLM Barstow	There has not been any documented coordination between First Solar (OptiSolar) and the proponent. A letter was sent to both companies to facilitate the companies working together to determine the level of conflict between the two projects and possible solutions. These discussions need to continue.	FRA believes this comment is referring to the Solar project in the Ivanpah Lake area that has recently been approved. Segment 4 B was modified by the Applicant to avoid the Ivanpah Dry Lake bed as well as a proposed Solar Energy project in this same area. This modified alignment is referred to as Segment 4C and was studied in detail in the Supplemental Draft EIS. Segment 4C has been included as the Preferred Alternative through the Mountain Pass area (see Chapter 2, Alternatives, of this Final EIS). Coordination with this project has occurred and resulted in the development of Segment 4C to avoid direct impacts with this project. Also, above there is some discussion re: coordination between DXE and solar.
164	Energy	EPA	Discuss the cumulative impact of other reasonably foreseeable projects that will also increase demand on the existing energy supply.	Section 3.16.3 of this Final EIS includes updated analysis, where warranted, to assess the cumulative impacts of the Preferred Alternative, including a discussion of cumulative energy impacts.
165	Energy	EPA	Identify the number and capacity of energy facilities that were either operational or under construction as of 2008 and discuss whether the future supply is expected to be adequate to meet growth in demand, given the number of power plants planned.	See Final EIS Sections 3.13.2.1, 3.16.2.4, and 3.16.2.13 which describes the number and capacity of relevant energy facilities described by the commenter.
166	Executive Summary	BLM Barstow	Executive Summary Map—this map (ES-1) should show that Alternative 4A would cross the Mojave National Preserve.	Figure ES-1 in the Draft EIS is a project overview map and shows the proximity of Segment 4A and the Mojave preserve. Subsequent Figures in the Draft EIS depict the alignments in more detail including Segment 4A showing clearly that this alignment would cross into the Preserve (See Draft EIS Figure 2-1.5).
167	Executive Summary	BLM Barstow	change "convenient alternative to automobile travel" to "convenient alternative to automobile and bus travel." Bus traffic between Victorville and Las Vegas may account for approx. 10% of the traveler volume between these two destinations.	The Executive Summary was extensively revised in the Final EIS. The comment is acknowledged. The Ridership Study utilized (see Appendix F-D) provides a more detailed assessment of existing travel modes between southern California and Las Vegas.
168	Executive Summary	DesertXpress Enterprises	In the discussion of traffic and transportation impacts, "worsen" should be defined and quantified to show the extent of potential impacts.	In the context of traffic analyses, "worsen" refers to longer delays at intersections or increased volumes along roadways. See Final EIS Section 3.5.2.1. The sections within Chapter 3, Introduction, of this Final EIS provides expanded discussions of the comparative impacts of the Preferred Alternative against other alternatives considered in the Draft and Supplemental Draft EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
169	Executive Summary	DesertXpress Enterprises	The Executive Summary often is the only section of an environmental document that the public reads, and therefore we believe it is important that this section of the document clearly summarize the content of the full Draft EIS. Therefore, we would suggest that the Executive Summary focus on the key information for understanding potentially significant impacts and feasible mitigation measures and making the choice among the alternatives and facility options. To this end, we believe that the summary would be improved by adding a textual summary of the alternatives comparison.	The environmental resource sections within Chapter 3, Introduction, of this Final EIS provides expanded discussions of the comparative impacts of the Preferred Alternative against other alternatives considered in the Draft and Supplemental Draft EIS. Chapter 2 also contains an extensive discussion of the alternatives as well as describes the Preferred Alternative.
170	Executive Summary	DesertXpress Enterprises	The Executive Summary includes a comprehensive table that provides a summary of the analysis and conclusions of the EIS, and NEPA provides that an agency may prepare the summary in the form of a matrix or table. In some instances, the terminology is a bit unclear as to what the actual impact would be. For example, on page ES-6, the impact is -removal of obstacles to growth", and another is -number of housing units displaced". In such a case, it is unclear what impact is being addressed. The terminology used to describe the significance of each impact is not consistent throughout the chart; at times the significance is deemed -high, medium, or low", at other times -yes or no" and -none," or a number. We would suggest that the consultant strive to come up with a consistent descriptor throughout the table if at all possible.	The Executive Summary tables within the Draft and Supplemental Draft EIS documents were based on the thresholds of significance used throughout the Draft EIS. These thresholds are a mix of quantitative and qualitative factors; some factors are "absolute" and thus have a measurable impact or do not have a measurable impact. Consistent descriptors for all environmental topics is thus not necessarily appropriate. Please see Executive Summary Table 1.
171	Executive Summary	DesertXpress Enterprises	The Executive Summary and the EIS should clearly specify that this is a project-specific EIS, not a programmatic EIS. On Figure ES-1, the bottom of the map refers to the -DesertXpress Project EIS." Other than this reference, we did not find a clear discussion regarding the type of EIS prepared. The EIS should state that it is a Project EIS, and should include a discussion to explain that a project-specific EIS is an EIS prepared for an individual undertaking, and focuses on the direct, indirect and cumulative environmental impacts of a proposed action and is limited to the proposed action's geographic scope.	This Final EIS has been prepared as a project-level EIS and includes the construction and operation of a specific undertaking, including direct, indirect, and cumulative impacts. Chapter 2, Alternatives, of this Final EIS is clear in this regard.
172	Executive Summary	DesertXpress Enterprises	The text should include reference to the project location within San Bernardino and Clark Counties.	The Executive Summary of this Final EIS adequately describes the DesertXpress project, including the project's location within San Bernardino and Clark Counties.
173	Executive Summary	DesertXpress Enterprises	Figure ES-1 refers to -Option C;" however, Option C is not described in the text of the Executive Summary. Figure ES-1 should show the locations of stations and ancillary facilities.	These comments were addressed in revisions to Draft EIS figures contained in the Supplemental Draft EIS.
174	Executive Summary	DesertXpress Enterprises	The comparison table should spell out all acronyms (TOD, FRA, etc.)	This comment was addressed in the Executive Summary tables of the Supplemental Draft EIS. Also see Final EIS Executive Summary Table 1.
175	Executive Summary	DesertXpress Enterprises	In the discussion of geology and soils impacts, the alternatives would not impact faults and landslides; these are baseline conditions and represent engineering considerations to minimize risks. Such criteria should be removed from the table	The analysis is intended to identify potential geologic hazards to which the project might be exposed. These include such hazards as faults and landslides. The analysis does not state or imply that the project would have an impact on such features, but rather that such features pose a potential risk to the project.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
176	Executive Summary	DesertXpress Enterprises	With respect to the discussion of cultural resources and species habitats criteria, please add the following footnote: Many of these potential impacts (number of resources in the study corridor) will be avoided or substantially reduced during final design when the actual area of disturbance during construction is more precisely defined."	The impacts identified in this Final EIS are based on maps provided by the project Applicant along with reasonable buffer areas to provide a conservative assessment of potential adverse effects. While the commenter may be correct that impacts identified in this Final EIS may be avoided or substantially reduced, it would not be appropriate to include this potential reduction in the EIS analysis at this time, since such designs have not been developed. Mitigation measures included in this Final EIS will ensure that, through the detailed design phase of the project, impacts would be avoided or substantially reduced.
177	Executive Summary	DesertXpress Enterprises	Table ES8 refers to incremental impacts. This should either be explained or removed. Please include only the environmental topics that are related to the train technology. Please consider quantifying significant electrical power for EMU as per subsequent information contained within the document, and describe that this is within the existing capacity of electric power providers.	The Executive Summary was extensively revised in the Final EIS. The comment is acknowledged.
178	Executive Summary	DesertXpress Enterprises	With respect to noise and vibration, are the numbers presented referring to expected numbers of receptors impacted? Please consider inserting a footnote regarding mitigation (i.e., noise walls, double pane windows). With respect to air quality and energy, it would be clearer to use reduction of rather than a minus sign. These are important benefits of the project compared with the No Action Alternative and should be quantified to show differences.	The Executive Summary was extensively revised in the Final EIS. The referenced comparison table is not included in the Final Executive Summary. The comment is acknowledged.
179	Executive Summary	DesertXpress Enterprises	With respect to the first bullet point, it would seem to be appropriate to revise to state minimize impact footprint of facilities to reduce direct impacts. "	The comment is noted.
180	Executive Summary	DesertXpress Enterprises	With respect to the discussion of noise and vibration impacts, is severe the same as significant ? Please explain.	The discussion of FRA's view of noise and vibration impacts is contained in the regulatory requirements of Section 3.12.2 of this Final EIS. The distinction between "severe" and "impact" is made clear in this section. FRA strongly recommends mitigation for severe impacts.
181	Farmlands and Grazing Lands	BLM Barstow	General: Impacts to Grazing Allotment not addressed	Section 3.3, Farmlands and Grazing Lands, of the Draft EIS and Supplemental Draft EIS includes maps showing known grazing allotments and discusses the project's potential impacts to these allotments. Section 3.3.2 of this Final EIS evaluates the Preferred Alternative's direct and indirect effects on grazing lands compared to the No Build and Other Action Alternatives. Mitigation Measures FAR-5 and FAR-6 would minimize effects to grazing lands, specifically National Park Service and Bureau of Land Management grazing allotments.
182	Farmlands and Grazing Lands	DesertXpress Enterprises	Please reiterate that in many areas, the actual right of way will be less than 75-feet	The rationale for the width utilized is described in Section 3.3.2.1 of the Draft EIS.
183	Farmlands and Grazing Lands	DesertXpress Enterprises	Table 3.3-1 states: 2A/2B would pass through prime farmland near Barstow" Please confirm accuracy	The assertion is accurate and is shown in Figure 3-3.2 of the Draft EIS

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
184	Farmlands and Grazing Lands	DesertXpress Enterprises	Mitigation Measure FAR 2 states that the -project sponsor shall provide severance payments to property owners in the vicinity who would otherwise choose to continue agricultural operations." Please clarify.	Mitigation Measure FAR-2 discusses the potential for the project to have "severance" impacts -- in other words, dividing an existing parcel in current agricultural use such that one or both sides of the divided parcel is too small a size to be viably farmed. The mitigation measure stipulates that as a first course of action where such severance might occur, the project Applicant identify ways for the project to avoid dividing property in this manner, such as through an underpass. Where such solutions are not viable, the mitigation recommends compensation to farmers for the economic loss associated with the severance.
185	General	American Magline Group	The items in our letter of August 14, 2006 to David Valenstein in response to the Notice of Intent for the DesertXpress project have not been fully addressed in this draft EIS.	The commenter's letter was included in a Scoping Summary report published in December 2006. The Scoping Summary report addressed comments raised pertaining to potential physical adverse environmental effects (see Appendix P of the Draft EIS).
186	General	Bigley, Arthur	Minerals needed for superconductivity are present in Nevada; make maglev a more viable option.	The comment is noted; the comment does not address the analysis within the EIS but asserts a point about minerals in the Nevada area and a preference for the maglev project.
187	General	BLM Barstow	The Affected Environment and Impacts Analysis chapter should address the direct and indirect impacts of the various alternatives to other land values and uses. This information has to be specific enough to be able to make a reasoned choice among alternatives and to identify appropriate mitigation to reduce significant impacts. In three landscape level planning efforts, mitigation or avoidance strategies for some resources, such as T&E and sensitive species, have been adopted for the entire route. The BLM must have enough information to be able to apply the mitigation and compensation strategies outlined in these efforts, or identify in what ways they may depart from the strategies in these plans and whether those departures are substantial. This is in addition to addressing them in the cumulative assessment, where appropriate.	The technical sections within Chapter 3 of the Draft and Supplemental Draft EIS address direct and indirect impacts of the various alternatives. The analysis considers the existing physical environment, as well as foreseeable future projects.
188	General	BLM Barstow	The document seems to be a programmatic EIS for a conceptual project that lacks the basic vital details needed for a specific project review. Figure 2.1-1: It is very difficult for BLM to determine if issues are adequately addressed when station facilities have not been identified as "proposed". By not identifying these locations and alternatives, a follow up EIS or EA will be required if the locations are part of a federal agency decision.	The Draft, Supplemental, and Final EIS documents were prepared as a project-level documents. The project is well-defined, and includes all project facilities and construction areas which are identified in the Figures presented in Chapter 2, Alternatives, of this Final EIS.
189	General	BLM Barstow	General: 5-15-09 Draft route segment 4(c) is not identified in the document.	At the time of publication of the Draft EIS, this segment had not been defined. Segment 4C was fully analyzed within the Supplemental Draft EIS.
190	General	BLM Barstow	General: Resource surveys not completed for 4(b) or (c) alignments.	All resource surveys were completed for Segment 4B, under permit from the Bureau of Land Management (BLM), where required. Resource surveys for Segment 4C were conducted in the summer/fall of 2009 and have been incorporated into the Final EIS (see Chapter 3, Introduction, of this Final EIS).
191	General	BLM Barstow	General: No POD was submitted per 43CFR 2804.25. This is needed to flesh out project proposal.	This is a regulation regarding the Bureau of Land Management's (BLM) issuance of right-of-way permits under the Federal Land Policy and Management Act. The comment does not pertain to the environmental review process under the National Environmental Protection Act (NEPA).
192	General	BLM Barstow	General: Alignment 4(c) goes through State Trust lands. The Draft EIS does not indicate any coordination with State Lands Commission.	The State Lands Commission was advised of the Draft EIS and submitted a comment letter on the Supplemental Draft EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
193	General	BLM Barstow	General: Per 2804.26(a) (5): Proponent has not demonstrated technical or financial capability to construct the project or operate it.	This is a regulation regarding the Bureau of Land Management's (BLM) issuance of right-of-way permits under the Federal Land Policy and Management Act. The comment does not pertain to the environmental review process under the National Environmental Protection Act (NEPA).
194	General	BLM Barstow	There has not been adequate coordination with potentially affected parties such as energy development Applicants and current rights-of-way holders such as Caltrans/NDOT for land under consideration in any of the alternatives. The BLM realizes that additional discussions have taken place; however, this coordination and the possible outcomes have not been discussed in the Draft EIS.	The Supplemental Draft EIS included a new rail alignment (Segment 4C) that was intended to avoid several energy related projects in the Ivanpah Valley area; Segment 4B in the Draft EIS would have conflicted with these projects. Segment 4C was ultimately selected as part of the Preferred Alternative.
195	General	BLM Barstow	There is a need for additional consultation with Tribal entities on this project. FRA initiated tribal consultation in March 2007; but at that time, the information for the project was conceptual and general. While some informal discussions occurred during the period before release of the Draft EIS, the substantive information which the Tribes were waiting to comment on was sent to them in May 2009. During the Intertribal working group meeting on May 20, 2009, the group discussed concerns about the May 22, 2009 deadline for comments on the cultural package sent to the Tribes earlier in the month. The Tribes have expressed concern that the deadline is inadequate for responses and are requesting more time to comment. Representatives of the Morongo Tribe stated at this meeting that they did not receive the cultural package until May 18, 2009. Two other Tribes, San Manuel and Soboba, indicated that they had received the information for the first time earlier in May 2009, and are requesting more time for review. These two Tribes have not received responses from FRA to concerns voiced at the Victorville Tribal consultation meeting on this project conducted just after release of the Draft EIS on April 30, 2009. Timely responses to those concerns may help the Tribes in their review of this proposed project.	Chapter 4, Comments and Coordination, of this Final EIS summarizes the Tribal consultation efforts since project inception, including numerous government-to-government consultation meetings with individual Tribes.
196	General	California Department of Water Resources, Floodplain Management Branch	YES	The comment is noted.
197	General	CBD	In California, because the project crosses some private lands and affects state wildlife and potentially state lands, the process needs to be compliant with the California Environmental Quality Act.	Section 1.4.1.1 of this Final EIS describes the Surface Transportation Board's (STB) Preemption Authority. In response to a request for a declaratory order filed by DesertXpress, STB issued a decision in DesertXpress Enterprises, LLC-Petition for Declaratory Order, STB Finance Docket No. 34914 (STB served June 27, 2007) (June 2007 Dec. Order) stating that the project would not be subject to state and local environmental review, land use, or to other permitting requirements. STB found that the environmental review would be under the National Environmental Protection Act (NEPA) and related federal environmental laws instead of the individual laws and regulations of California and Nevada, such as the California Environmental Quality Act (CEQA). However, the DesertXpress NEPA process has been consistent with many CEQA requirements including publication in the California State Clearinghouse and notification of both the Draft EIS and the Supplemental Draft EIS. In addition, the technical analysis in both all of the environmental documents covered all of the environmental topic areas with the CEQA Checklist in Appendix G of the CEQA Guidelines.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
198	General	CCDOA	The preferred alignment near Sloan is alignment 5B/6B, which will require construction of a bridge crossing Interstate 15 just south of the Heliport. The alternative alignment (5A/6A) would travel down the median of I-15. Either alignment may be close enough to the Heliport to trigger notice requirements under Part 77.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned aviation uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
199	General	CCDOA	Both the Alternative A and B alignments for Segment 5 of the DesertXpress would penetrate the Required Navigation Performance (RNP) approach surface for proposed Runway 18R-36L at SNSA. The Draft EIS should acknowledge this issue.	The Project Applicant has received a determination of no hazard from the Federal Aviation Administration (FAA) relative to Segment 5. In addition, the FAA in cooperation with the Bureau of Land Management (BLM) as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362) have suspended preparation of an Environmental Impact Statement (EIS) for a proposed Southern Nevada Supplemental Airport in Clark County, Nevada. The FAA along with the BLM are suspending work on the EIS because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time. At this time, FAA and BLM do not know when we will resume work on the EIS.
200	General	CCDOA	<p>Alignment in Segment 5. The Applicant's preferred alignment for Segment 5 (i.e., the segment alongside the Airport Site and Airport Environs Overlay District), is alignment 5B, which lies on the east side of the right-of-way of I-15 between the towns of Primm and Jean, Nevada. Under this alternative, the DesertXpress track will be constructed, and the trains will run, almost adjacent to the western boundary of the SNSA site.</p> <p>The Draft EIS also examines alignment 5A, which places the tracks in the median of I-15 (i.e., slightly farther to the west of the proposed runways). However, it is not clear in the Draft EIS whether the I-15 median in that area is wide enough to accommodate the rails at grade. If not, the rails may need to be elevated, which could raise additional Part 77 conflicts. The FRA should clarify, in its Final EIS, whether this alignment would require an elevated track as it passes along the SNSA and/or the Jean Airport.</p>	See response to comment 199.
201	General	Cogan, Karen	As a resident of Victorville and a person interested in preserving the integrity of our desert landscape, I highly approve of getting a high speed train carrying passengers from Southern California to Las Vegas! Having done this trip several times myself, I cannot begin to describe the frustration of the traffic on the I-15 to and from this tourist city. Not only does it get clogged up with traffic at various construction sites and/or accident scenes along the way, but the sheer volume of the traffic - especially on holiday weekends - is MIND BOGGLING. Also, there are some VERY SCARY drivers out there who insist upon zooming along the route at very dangerous high speeds.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
202	General	DesertXpress Enterprises	If possible, we suggest that the EIS conclude whether the effect of each impact is -less than significant," -less than significant with mitigation," or -significant and unavoidable" in order to allow a clearer understanding of the significance of impacts. This is the terminology commonly used for CEQA, and the CEQ NEPA Regulations suggest that a similar methodology would be appropriate. For a good example of the type of impact statement and identification of significance before mitigation that we suggest be included for all impact discussions, please see the analysis of visual and aesthetic impacts that appears on pages 3.6-52 to 3.6-53 of the EIS. If this is not possible, we would suggest an effort be made nonetheless to strive to adopt a more consistent terminology.	The comment is noted. Consistent conclusions regarding adverse effects and residual impacts have been employed in the Supplemental Draft EIS and Final EIS.
203	General	EPA	Discuss the methodology proposed for any design that involves tunneling (including equipment and planned locations for staging tunnel operations and methods for transportation of tunnel equipment) and quantify impacts expected (for example, amount of material removed per mile tunnel, impacts associated with storage of removed material, road access required, impacts associated with the transport of removed material, etc.). Identify specific mitigation measures to reduce these impacts.	Because DesertXpress is a design/build project, the final tunneling method will be determined by the selected design/build contractor. The selected contractor will be required to adhere to all relevant mitigation requirements and conditions in this Final EIS and Record of Decision. Detailed tunnel feasibility studies completed for the Applicant indicate that the tunnels will be constructed utilizing either a Tunnel Boring Machine (TBM) or by drill and blast excavation. In either case, the construction occurs from within the trackway alignment, well within the Area of Potential Effect (APE) studied in the EIS. The rough track bed leading up to the tunnel portal areas will be constructed first to provide access to the tunnel portals. The TBM or the drill and blast and shield installation equipment will be trucked across the trackway alignment in sections and assembled in the area immediately outside the tunnel portal area. For the TBM method, the first 200 feet likely will be hand mined to provide a launching chamber. The mined material will be removed in muck cars along the previously constructed trackway corridor. An approximate 50' x 50' area will be required outside the tunnel to position an electrical switch gear and machine shop – which also lies within the APE. The operation will require an approximate 20 gpm water supply for TBM cooling and dust control. In the event ground water is encountered, any excess water will be tested and treated as appropriate (e.g., sedimentation pond with additives or Baker tanks for storage and removal from the site). The geologic and geotechnical conditions in the vicinity of the tunnels generally consist of hard rock material, primarily gneiss and granitic gneiss. This will make excellent fill material and sub-ballast for the trackbed, if not for the ballast itself. The material will be crushed on site or at the closest staging area and trucked to the closest areas where fill material is needed. Thus, most if not all of the tunnel spoil will be used for construction of the project.
204	General	FHWA - CA	Segment 7 A or B would seem to be economically and aesthetically less feasible than option C utilizing the UPRR right of way. Structures required to cross the Las Vegas interchanges would be massive and no space is available for placing such structures in the existing highway right of way.	The Preferred Alternative includes either the Las Vegas Central Station B or the Southern Station; only one of these will ultimately be selected. Therefore, no aspect of Segment 7 is included in this project, nor within the Environmental Preferable Alternative described in Section 2.5.2 of this Final EIS.
205	General	Friedman, Alexander	Also, in the past Amtrak offered a great route "The Desert Wind", which did connect Los Angeles with Las Vegas (but was unfortunately shut-down); and this route should be re-established. I believe - Amtrak, in collaboration with Desert Xpress, should endorse the initial route to connect with Los Angeles.	This comment addresses extending service into Los Angeles Basin, which is not part of the project being considered at this time.

Table F-4-1 Responses to Comments on the Draft EIS

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206	General	Frodsham, Gene M.	Comments about union and minority participation are not within the scope of the environmental impact study and should be ignored.	The comment is noted and appears to refer to oral comments made at public meetings on the Draft EIS. The comment does not address the analysis within the EIS.
207	General	Hughes, Brendan	There is currently a rail line between Los Angeles and Las Vegas. The former Amtrak Desert Wind service should be resumed between LA and Vegas. This would take a bit longer than the proposed Desert Xpress, but not having to drive to Vegas would be a draw for many people, especially with rising gas prices. This Alternative of resumption of service between LA and Vegas on the Union Pacific line should be seriously considered and adopted in the EIS.	Section 2.2.3 of this Final EIS describes alternative alignments, including that suggested by the commenter, which were considered but dismissed from further analysis.
208	General	National Parks Conservation Association	On this basis, we feel that it is highly inappropriate for the Applicant in this Draft EIS process to propose—as the Applicant's preferred alternative—the creation of a new transportation right-of-way through Mojave National Preserve. Any new right-of-way through Mojave National Preserve would have to be federally legislated, and NPCA would similarly oppose legislation that compromised the integrity of Mojave National Preserve or any National Park Service unit by creating a new transportation corridor through its federally protected land.	The Preferred Alternative does not include Segment 4A. The Biological Assessment/Opinion for the project is based on Segment 4C which is included in the Preferred Alternative. Please see Section 2.5.1 of this Final EIS, which describes the components of the Preferred Alternative. However, as noted in Section 2.5.2 of this Final EIS, Segment 4A is identified as the environmentally superior alternative insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C. Section 2.5.2 also establishes that Segment 4A is environmentally preferable in its shorter length and relatively close adherence to the I-15 and/or Nipton Road corridors. Notwithstanding, Section 2.5.2 of the Final EIS notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a right-of-way through the Mojave National Preserve. A Biological Assessment was submitted to the United States Fish and Wildlife Services (USFWS) on August 17, 2010. Prior to the issuance of a record of decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion, which will detail all mitigation requirements for the project.
209	General	National Parks Conservation Association	NPCA applauds the Applicant for recognizing the importance of our national parks, and asks that the Applicant apply its own identified criteria for developing alternatives by withdrawing the route through Mojave National Preserve as an alternative from the final Environmental Impact Statement.	See response to comment 208
210	General	Union Pacific	As a common carrier railroad, Union Pacific is subject to the requirements of federal law governing abandonment or discontinuance of freight operations. Specifically, the Interstate Commerce Commission Termination Act (49 USC§10501 et seq.) prohibits a railroad from abandoning or discontinuing freight services over main or branch lines of railroad without authority from the federal Surface Transportation Board (STB). Neither the FRA nor the DesertXpress high-speed rail authority may take any action that effectively requires or causes Union Pacific to abandon or discontinue freight service on or over the Sloan - Las Vegas line without prior authority from the STB.	The comment is noted.
211	General	Hinojos, Manny	Volunteer to spread word about project at San Bernardino County Fair	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
212	General	Rothschild, Mike	Maglev is a worthy project but very costly at this time. Existing high-speed rail technology is preferable at this time.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
213	General	Nolan, JP	Electric train is preferable	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
214	General	Serrano, Manny	People in Victorville are supportive of this project	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
215	General	Office of Supervisor Brad Mitselfelt	Supervisor Mitselfelt supports the project for its environmental benefits and potential for job growth.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
216	General	Office of Congressman Buck McKeon	Congressman welcomes consideration of the proposed project	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
217	General	Taylor, David	Train will go through two parcels I own. People on Skyline East in Barstow will experience incredible noise effects. Route should be relocated to I-15.	The Preferred Alternative includes Segment 2C, which follows the I-15 corridor through Barstow. Please refer to Section 3.12, Noise and Vibration, of this Final EIS, for noise and vibration impact analysis in this area.
218	General	Office of Assemblyman Steve Knight	Assemblyman Knight is supportive of the project	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
219	General	Trowbridge, Glen	Seek federal funding to extend train to Los Angeles basin and or the Ivanpah Airport. Expand EIS to cover this possibility.	The Applicant has demonstrated (through the ridership study, on which FRA conducted an independent review) that there are logical reasons and reasonable expectations of ridership associated with a Victorville station. Also see Section 1.6.2 of this Final EIS, which describes the potential for a future connection to the proposed Palmdale high-speed rail station as a separate project with independent utility from DesertXpress. Section 1.6.8 of this Final EIS describes the potential for a future connection to the Southern Nevada Supplemental Airport (in the Ivanpah area).
220	General	Waybright, Charles	If train goes bankrupt, what is plan to have it removed?	The comment is noted. It is anticipated that any agreement granting the project Applicant use of the right-of-way would include provisions in the event of financial default.
221	General - Consultation Process	BLM Barstow	Purpose and Need: The lead agency needs to select a preferred alternative in the very near future. This selection of a preferred alternative needs to occur by the lead agency, FRA prior to formal consultation with the FWS because this project is considered a federal action, thus requiring Sec. 7 of the ESA as per 50 CFR 402.14. Obtaining a biological opinion from the FWS is not technically considered a "permit." Further conformance with 50 CFR 402.14 would require that consultation occur as early in the project planning process as possible and surely not after the ROD has been approved if it is a irreversible and irretrievable commitment of resources. In other words, if subsequent decisions will be based on the selection of the route in this EIS, the decision has made a commitment of resources that is inappropriate prior to consultation on ESA. BLM cannot make a decision in the absence of a biological opinion issued under Section 7 if the action "may affect" T&E species.	FRA agrees with the comment. This Final EIS defines and analyzes an agency Preferred Alternative. This alternative was incorporated into the BA presented to the US Fish and Wildlife Service (USFWS). A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
222	General - Consultation Process	BLM Barstow	The lack of documentation of involvement by the USFWS as a key federal agency is critical.	Please see page 3.14-14 of the Draft EIS, as well as Section 4.2 of the Final EIS. There have been numerous coordination meetings with USFWS, including some involving BLM staff and/or held at the BLM Barstow office. The biological analysis has been extensive and includes analysis of all lands necessary to construct and operate the proposed project including passenger stations, maintenance facilities, and temporary construction areas. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
223	General - Consultation Process	BLM Barstow	General: Please include information about the coordination with Caltrans. It is important to determine if the train can operate in the I-15 ROW.	Both the California (Caltrans) and the Nevada Department of Transportation (NDOT) have been extensively involved in the environmental review process. Section 4.1, Agency Involvement, of the Final EIS, details these agencies participation during the preparation of the EIS, including their involvement in the working group consultations.
224	General - Consultation Process	BLM Barstow	General: The document does not identify that coordination to finalize the Section 4(b) or (c) has taken place.	This comment was provided in a May 29, 2009 comment letter regarding the Draft EIS. Following the Draft EIS, FRA coordinated extensively with the BLM and other agencies in formulating Segment 4C. The Supplemental Draft EIS, published August 2010, included full description and analysis of Segment 4C. This Final EIS Section 2.4.1 identifies Segment 4C as part of the Preferred Alternative.
225	General - Consultation Process	BLM Barstow	There is a need for further communication with the National Park Service (NPS). The proposed action, which passes through the Mojave National Preserve, would benefit from NPS involvement and is critical to the success of this project.	FRA invited the National Park Service (NPS) to be a cooperating agency for this environmental review process, and NPS is currently acting in that capacity in the preparation of this Final EIS. NPS personnel joined the Bureau of Land Management (BLM) staff and others at cooperating agency meetings held by FRA during preparation of the EIS. The Preferred Alternative includes Segment 4C which avoids impacts to the Mojave National Preserve.
226	General - Consultation Process	BLM Barstow	There has not been adequate coordination with the City of Barstow. The City of Barstow has expressed strong concerns regarding the absence of an alternative that provides a stopping point in Barstow. Further coordination with Barstow may help resolve this issue by providing a reasonable alternative that warrants analysis.	The Supplemental Draft EIS included a complete analysis of Segment 2C, which follows the I-15 corridor through Barstow, avoiding many of the issues identified by the City with regard to Segment 2A/2B. The development of Segment 2C and analysis in the Supplemental Draft EIS was in direct response to comments from the City of Barstow. Segment 2C is included in the Preferred Alternative (see Chapter 2, Alternatives, of this Final EIS).
227	General - Consultation Process	BLM Barstow	From the BLM's perspective, there has not been adequate coordination with the U.S. Fish and Wildlife Service (FWS) regarding the Biological Opinion. The BLM's regulations do not allow signature of a Record of Decision until after Section 7 Consultation is complete and the FWS has issued a signed Biological Opinion.	There have been numerous meetings with the US Fish and Wildlife Service (USFWS) Ventura and Las Vegas Ecological Services offices. See Final EIS Section 4.1.1, which identifies all interagency meetings on the project, including several meetings with the USFWS. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project.
228	General - Consultation Process	BLM Barstow	There has not been adequate coordination with the State Historic Preservation Officers for California and Nevada.	Chapter 4, Comments and Coordination, of this Final EIS includes an updated discussion of the Section 106 interagency meetings and related tribal consultations over the course of the project. The mitigation measures identified in this Final EIS and the procedures and responsibilities contained in the Programmatic Agreement have been developed in consultation with the State Historic Preservation Officers for California and Nevada. An executed Programmatic Agreement is included in Appendix F-H.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
229	General - Consultation Process	BLM Barstow	There has not been adequate consultation with Tribes. The BLM recently conducted a series of Tribal Listening Sessions. At the session in Palm Springs, several Tribes expressed concerns that they received materials too late to provide substantive comments.	FRA has engaged in extensive government-to-government tribal consultation. Chapter 4, Comments and Coordination, of this Final EIS summarizes interagency and Tribal consultation efforts since project inception.
230	General - Consultation Process	San Manuel Band of Mission Indians	The Tribe opposes the proposed DesertXpress High-Speed Passenger Train ("Project") as described in the Draft EIS in absence of meaningful government to government consultation and appropriate mitigation measures to lessen the Project's negative impact on significant Serrano cultural resources in the area.	FRA has engaged in extensive government-to-government consultation and will continue to meet its obligations to meaningful tribal consultation. Chapter 4, Comments and Coordination, of this Final EIS summarizes interagency and Tribal consultation efforts since project inception.
231	General - Consultation Process; Cumulative	BLM Barstow	General: The document does not identify that coordination with First Solar (OptiSolar) has taken place.	FRA initiated the public review and comment period of the Draft EIS and Supplemental Draft EIS by publishing a Notice of Availability (NOA) of the environmental documents in the Federal Register, and by mailing notices to approximately 2,500 individuals on the project mailing list. Consistent with NEPA, beyond making the document available for public comment, the Project Applicant has not separately consulted with OptiSolar as part of this environmental review process.
232 Check of	General - Project Attributes	BLM Barstow	Because this is a federal action and crosses the Mojave River, there may also be a requirement the FRA initiate consultation with the USACOE under Section 404 of the CWA under (see Title 33, USC, Chapter 26, Subchapter 1344). The required NPDES permit under Section 402 of the CWA would be issued by the Lahontan Regional Water Quality Control Board and should be issued to FRA, not the Applicant. – FRA's declaration that not "all construction methods and techniques are known at this time" is a difficult framework for BLM decision making on a right-of-way application. It is difficult submit complete comments on an EIS if the project has not been clearly defined. As the project is further developed, there could be important issues that are not considered.	Section 1.4.1 of the Draft EIS states that the Project Applicant will be responsible for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) to ensure compliance with the Clean Water Act. The NEPA process also requires analysis of water resources that are not under the jurisdiction of the USACE. The Project Applicant submitted a formal jurisdictional determination request to USACE in July 2010. The Project Applicant is currently responding to USACE requests for additional information. Field verification of the delineation of "waters of the U.S." is scheduled for December 2010. No wetlands will be affected, but the proposed project is expected to temporarily impact an estimated 0.2 acres and permanently impact 5.96 acres of ephemeral drainages (other "waters of the U.S.") subject to Corps Jurisdiction. The Project Applicant has incorporated a number of measures into the project design to avoid and minimize these impacts. The Project Applicant will also (1) either create new ephemeral drainage, or (2) restore, where feasible, through reestablishment of former ephemeral drainage, 9.10 acres of ephemeral drainage within the alluvial fan system where the project impact is located to compensate for unavoidable impacts to "waters of the U.S." With the incorporation of these mitigation measures, the proposed project will not result in more than minimal adverse effects to the aquatic environment.
233	General - Project Attributes	BLM Barstow	There are not any cut/fill computations of the tunnels (of unknown dimensions) for the millions of cubic yards of excavated material or indications of where it is anticipated to be used	Please see the response to comment 27 above. The material will be removed by truck back along the trackway corridor to be crushed and processed in one of the construction staging areas.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
234	General - Project Attributes	BLM Barstow	It was only recently determined that the proposed action for the train is to operate off overhead electrical lines rather than internal combustion engines (each with their own engines). This means that the tunnel will now need to be much taller than originally planned to accommodate the overhead lines under this alternative. BLM does not yet have a complete description of the location of needed electrical substations or information about the required intervals for substations, any description of the overhead lines, conflicts with other projects using these substations, or the possible impacts to wildlife from the overhead lines or visual impacts from those. In addition, the engineering of the tunnel still needs to be disclosed (i.e. structural reinforcement, hydrologic concerns from percolated rainfall, flood events,). Without any plan of development with engineering, we cannot move forward with analysis.	The electric (EMU) and diesel (DEMU) locomotive technology options are analyzed throughout all sections of the Draft EIS and Supplemental Draft EIS. Section 2.4.8 of the Draft EIS provides a detailed discussion of the key differences between the two technology options. It is unclear how the commenter arrives at the conclusion that the tunnels would need to be much taller for the EMU alternative. Maps and text in the EIS clearly identify the location of each autotransformer and substation. Overhead power lines and major electrical transmission corridors necessary to serve the project have also been describe, mapped and analyzed in the EIS. The visual effects of the EMU alternative and utilities corridors was analyzed in Section 3.2.6 of this Final EIS. Power line corridors would not present a barrier to wildlife migration. Finally, Mitigation Measure GEO-11 addresses tunnel construction issues raised in the comment.
235	General - Project Attributes	BLM Barstow	General: There is no discussion of the 1.2 miles of tunnels, size of tunnels, volumes of material; how/where the material would be disposed; transporting material to final destination not mentioned.	Please see response to comments 233 and 203 above.
236	General - Project Attributes	Breuer, Mark	Also, you should build the train off to the side of the freeway not in the middle. For construction and expense, traffic and future maintenance it should be a completely separate system.	This comment indicates a preference for the side running alternative, which has largely been incorporated into the Preferred Alternative, as described in Section 2.5.1 of this Final EIS.
237	General - Project Attributes	Breuer, Mark	I also believe the train should be diesel and not have to count on overhead lines in 115 degree heat in the summer. To many things can go wrong with it and would also detract from the desert landscape.	Please see Sections 2.5.1 and 2.5.2 of this Final EIS for a discussion of the reasoning behind the selection of the electric (EMU) locomotive technology as part of the Preferred Alternative.
238	General - Project Attributes	CCDOA	The electric multiple train unit ("EMU") technology would include a series of tall structures may create airspace issues.	Please see Final EIS Section 3.1.5, which includes a new mitigation measure that would address effects related to airport operations. Please also see Final EIS Section 3.16, which describes cumulative impacts to traffic/transportation along I-15.
239	General - Project Attributes	CCDOA	Catenary Wires and Supports: The EMU option shows catenary supports, which are drawn to be 35' in drawings submitted to CCDOA by DesertXpress but stated to be 25' in the Draft EIS. Reducing the height from 35' to 25' would alleviate many issues of Part 77 surface penetrations.	Please see Final EIS Section 3.1.5, which includes a new mitigation measure that would address effects related to airport operations. Please also see Final EIS Section 3.16, which describes cumulative impacts to traffic/transportation along I-15.
240	General - Project Attributes	CCDOA	Electrical Substations: The EMU option has three electrical substations. However, the Draft EIS has conflicting references to locations of the substations. On page 2-25, the three substations are on sites of Victorville OMSF, Baker MOW, and Sloan MSW facilities. however on page 3.1-43, the Draft EIS says the substations will be at Victorville OMSF and Las Vegas MSF sites, with a midpoint substation near Baker, California.	The Preferred Alternative includes three electrical substations: at the Victorville Operations Maintenance and Storage Facility (OMSF), in Baker, and at the Frias Substation. Utility corridors linking these substations to nearby electrical lines were considered in the Draft and Supplemental Draft EIS documents.
241	General - Project Attributes	CCDOA	Electrical Substations: Only the Sloan MSF is close enough to a public-use airport to trigger Part 77 obligations. Please provide height information so that the CCDOA can analyze for Part 77 issues.	The Sloan MSF is not included in the Preferred Alternative, thus no triggering of any requirement to assess under Part 77 regulations.
242	General - Project Attributes	CCDOA	Transformers: The proposed locations for Autotransformers 14, 15, 16A, and 16C2 are located near the SNSA, Jean Airport and/or Heliport (Appendix A-5). Please provide structure heights of the various components of the transformer facilities so that the CCDOA can analyze for obstruction conflicts.	Autotransformer plans were included within Appendix A-5 of the Draft EIS. These are structures of approximately 8 feet in height. These are further described in Final EIS Section 2.2.2.2. Appendix F-C of this Final EIS includes scaled elevation drawings of these autotransformers.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
243	General - Project Attributes	CCDOA	Electrical Utility Connections: If the Sloan Road is selected as the location for the MSF, the utility corridor to the new Sloan Road MSF would extend from the Nevada power Transmission Line to the Sloan Road MSF site adjacent to I-15 (page 2-33) The Draft EIS does not provide a map depicting the location of the new corridor and new towers. Please provide so that CCDOA can determine if there may be any Part 77 issues. The Draft EIS should be updated to include information on new corridor and tower locations.	The proposed utility corridor linking the Sloan Maintenance and Storage Facility (MSF) site to the Nevada Power Transmission line is shown on several figures within the Draft EIS, including Figure 2-1.6 as well as map 6 of Appendix A-2 (large scale maps). The Sloan MSF is not part of the Preferred Alternative, nor its associated utility corridor.
244	General - Project Attributes	CNRCC Desert Committee	We are concerned that Segment 4A of the proposed route as defined in the Draft Environmental Impact Statement (Draft EIS) would compromise the integrity of the Mojave National Preserve and threaten the National Park System. Creating a new transportation right-of-way through the Mojave National Preserve to facilitate a private rail line would compromise the integrity of the park and set a precedent that would undermine the very nature of the National Park System.	The Preferred Alternative does not include Segment 4A through the Mojave National Preserve. See Section 2.5.1 of this Final EIS, which identifies Segment 4A as the environmentally preferable alternative, insofar as it has substantially lower levels of effect to resources than Segment 4C.
245	General - Project Attributes	EPA	Demonstrate avoidance and minimization measures to reduce environmental impacts associated with the construction of passenger stations and maintenance facilities, such as multi-level parking structures as opposed to large expansive parking lots.	Section 2.5.1 of this Final EIS relates the factors considered in developing the agency Preferred Alternative. Chapter 3, Introduction, includes discussion of the impacts and mitigation measures associated with the components of the Preferred Alternative. The mitigations proposed in this Final EIS would minimize, reduce, and/or avoid environmental impacts associated with the passenger stations and maintenance facilities. Numerous mitigation measures, including those in air quality and hydrology, provide specific direction that will guide the construction of the project, inclusive of stations and maintenance facilities.
246	General - Project Attributes	EPA	Minimize the number of parking spaces to the greatest extent possible at the station in order to facilitate the use of transit.	As discussed in Section 2.3.2 of this Final EIS, both the Victorville and Las Vegas passenger stations would be compatible with local land use plans for mixed-use development and would accommodate transit connections, such as buses taking people to and from station areas. In addition, all potential Las Vegas Station options are in close proximity to the Las Vegas Strip and related attractions, which would be accessible via taxis, shuttle buses, and potential future extensions of the Las Vegas Monorail. The Las Vegas passenger station design is intended to facilitate/accommodate these transit connections.
247	General - Project Attributes	EPA	Coordinate with other transit providers to maximize station access by transit	See response to comment 246.
248	General - Project Attributes	EPA	Provide accessibility to Metrolink's San Bernardino station to enhance rider access to the proposed line for Southern California without the need to drive to Victorville.	The comment suggests that the project be expanded to incorporate a shuttle connection between San Bernardino and Victorville. While the project does not include this component, nothing would preclude private vendors from offering such services upon initiation of rail service.
249	General - Project Attributes	EPA	Design the new facilities to be pedestrian and bicycle-friendly, in addition to linking with other modes of transit.	The comment is noted; the station designs will facilitate linkages with other transit modes, including buses, which typically carry bicycle racks. Travelers to and from the passenger station to board the trains can be expected to be carrying luggage and thus are less likely to travel to the station by bicycle or foot.
250	General - Project Attributes	EPA	Support policies that will increase density and mixed-uses in the station areas.	As discussed in Section 2.3.2 of this Final EIS, the Las Vegas Station is within a mixed use area; the Victorville Station is in an area designated for future mixed use development.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
251	General - Project Attributes	FHWA - CA	Typical cross sections: the designs feature a heavy reliance on concrete barrier at the edge of the shoulder, and within the clear zone of the interstate roadway, which will result in increased crashes, many of which will be at a higher level of severity than the read end crashes DesertXpress proposes to decrease by reducing traffic. Additionally, minimum width shoulders give little opportunity for enforcement and emergency response activities to occur without affecting live travel lanes. Concrete barriers should be eliminated where ever possible, moved away from the roadway wherever possible, or substituted with a more forgiving crash barrier (high tension cable barrier or similar). The project should also coordinate with law enforcement to provide areas acceptable for use during enforcement activities along I-15.	Section 3.5.2.3 of this Final EIS includes a safety analysis of the Preferred Alternative that includes a discussion of the safety risks associated with the proposed improvements. In order to reduce the safety risks associated with run-off-the-road crashes, the Preferred Alternative has incorporated "clear zones" (the distance between the travel lane and obstacles or steep slopes) of at least 30 feet into the project design.
252	General - Project Attributes	FHWA - CA	It is unclear how DesertXpress intends to acquire any ROW beyond the I-15 corridor when the Bureau of Land Management (BLM) is not the underlying fee owner. How will DesertXpress assure that all ROW will be acquired in accordance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (84 Stat.1894, 42 U.S.C.4601)?	Please see Section 1.5.1 of this Final EIS, which includes an updated discussion of potential compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
253	General - Project Attributes	Friedman, Alexander	I believe, the project should only be endorsed if the rail line is connected with Los Angeles. Folks, a vast majority of Las Vegas visitors come from Los Angeles, not from Victorville!	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DXE Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
254	General - Project Attributes	Frodsham, Gene M.	The solar electric system for supplying electric locomotives for the high speed rail is not in place. Building a solar electric capacity would entail a huge expense and delay the opening of the system. The system built for diesel-electric (diesel) locomotives can be designed to be upgraded later to solar electric. There will always be a need for diesel backup in case the electricity supply is cut off, so starting with the diesel and adding solar electric supply is the preferred option, with the original diesel engines being relegated to the backup. To do otherwise would be to delay the project. The existence of the high speed rail will be an impetus for the development of solar electric supplies.	This comment relates to other comments recommending that the electric (EMU) locomotive technology reuse electrical power from solar energy plate(s), which is not part of the agency Preferred Alternative. The EMU technology would utilize electric power available through existing infrastructure (see Chapter 2, Alternatives, of this Final EIS).
255	General - Project Attributes	Frodsham, Gene M.	The magnetic-levitation (mag-lev) option for the high speed rail should not be considered. The mag-lev option would be far more expensive, and would delay the development of a high speed rail system in the United States. While mag-lev is state of the art, it is not developed to the level where it is practical to install at a large scale. At this time the mag-lev ideas is only in the experimental stage with small, expensive, sections being studied; it is not ready. An additional space can be allotted next to the high speed rail when in a decade or two the mag-lev technology is ready.	This comment indicates that magnetic levitation technology should not be considered. The comment is noted.
256	General - Project Attributes	Frodsham, Gene M.	The station in Las Vegas should be sited and designed so the system is easily extended to Salt Lake City.	The comment is noted; the comment does not address the analysis within the EIS but states a preference for a possible future project.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
257	General - Project Attributes	Frodsham, Gene M.	A standard for the gage and rolling stock of the high speed rail system is a good idea. The line from [Los Angeles] to Las Vegas should be extended to Salt Lake [City] and to Denver and Omaha, and then to the east coast. This would form the backbone for the development of high speed rail system in the United States.	The comment is noted; the comment does not address the analysis within the EIS but states a preference for a possible future project. However, please see DEIS section 2.4.8, which states that the project would use a standard gauge steel wheel on steel rail system that would be compatible with other railroads and thus potentially expandable.
258	General - Project Attributes	Hughes, Brendan	Second, I believe it is inappropriate for the Desert Xpress to propose its route through a unit of the National Park System. The Mojave National Preserve is off limits to development. If the Desert Xpress is to proceed, it should find a way to boost power to surmount Mountain Pass within the I- 15 median, instead of taking the Nipton Road bypass or the tunnel through Clark Mountain. The way railroads have done this in the past is to add an extra locomotive when necessary, and Desert Xpress should explore this option. This will be cheaper than tunneling and will not attempt to go through a National Park.	The comment is noted. The proposed project does not utilize locomotive cars; rather each train car is instead individually powered through the overhead catenary system. Therefore, adding another locomotive for power is not an option. Moreover, as set forth in Final EIS Section 2.4.1, median alignments in general were rejected from the Preferred Alternative due to concerns about operations, safety, and freeway maintenance. Also see Final EIS Section 2.2.3.1, which describes several alignment options considered but ultimately dismissed from further analysis due to infeasibility, cost, environmental concerns, and related factors.
259	General - Project Attributes	Kilpatrick, Jennifer	My comment is that the concept of making the train tracks entirely "grade-separated", so that there would be no roads crossing the track, is an absolutely essential narrowing of the definition and scope of the project, which perhaps obviated the need to consider a panoply of public safety/land use impacts of the project at locations where the high speed train line would meet trucks and cars.	The proposed project is fully grade-separated, as further described in Section 1.2.1 of the Final EIS.
260	General - Project Attributes	Kilpatrick, Jennifer	However, as a result of the omission of a train crash public safety analysis in this Draft EIS, in terms of this project's effect on its human environment, if at-grade crossing(s) of tracks and streets/roads were later to be designed into the project, such a design change would be completely unacceptable and unlawful under NEPA and CEQA without further environmental review through a subsequent/supplemental/amended EIS/EIR.	The proposed project is fully grade-separated, as further described in Section 1.2.1 of the Final EIS. Should the Project Applicant propose a change that would entail at-grade crossings, additional analysis under NEPA would be required. Section 3.5.2.3 of this Final EIS includes a safety analysis of the Preferred Alternative that includes a discussion of the safety risks associated with the proposed improvements.
261	General - Project Attributes	Rhoads, Jeffrey	Equipment, traffic control and signalization compatibility with the voter approved California High Speed Rail system seems to be appropriate for this project. This would leave open the possibility of integration of the subject alignment into a super regional system serving the southwestern US from San Francisco to Tucson.	Although the DesertXpress project has independent utility and is not considered a connected action to the California High Speed Rail project, the two projects are potentially complementary, as described further in Section 1.6.2 of this Final EIS.
262	General - Project Attributes	Rhoads, Jeffrey	An obvious next step project is to link this proposed project with the California system at Palmdale. In my opinion work on determining feasibility of this next phase should begin immediately but independently of this project to avoid delay of the DesertXpress. Perhaps proposed the E220 corridor alignment between Palmdale and Victorville may be a suitable alternative for study. If so proposed right of way width should be identified to allow for multiple modes such as freight rail, dedicated passenger rail, highway, commuter bikeway and expressway.	Please see response to comment 261 above.
263	General - Project Attributes	Rhoads, Jeffrey	I understand the proposed system intends to use lighter weight rolling stock in the European TGV model. If this is approved by the FRA, Will the heavier equipment required for use in the planned California network be able to share this dedicated passenger only alignment along with proposed light DesertXpress lighter equipment?	Equipment for the California High Speed Rail system has not yet been selected. Once it is selected, DXE, in coordination with FRA, will evaluate what is necessary to accommodate potential future shared use. All equipment and operation DesertXpress would need to comply with all applicable FRA safety regulations.
264	General - Project Attributes	Rocha, Dolores	Is the Train going to run on electricity, diesel or gas?	The electric (EMU) locomotive technology option is part of the Preferred Alternative (see Section 2.5.1 of this Final EIS).
265	General - Project Attributes	Rocha, Dolores	How high is the wall suppose to be or is there a wall being built.	Fencing and wall heights would vary by location but would be designed to preclude human or animal intrusion onto the tracks. Please see Section 2.4.9.1 of this Final EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
266	General - Project Attributes	Rodriguez, Carolina	If you could lower your rates, I do believe they are a little high 100.00 round trip to Vegas, but it is still a plus for everyone. are you also doing special offers for every day riders like the Metro link? I would like to learn more of this project and it should be started sooner.	This comment indicates support for the project. The comment is noted. At present, there is no information on the possibility/nature of any special offers/discounts the rail operators may provide.
267	General - Project Attributes	Rubino, John R.	I can not make sense of only linking Victorville (80 miles from Los Angeles) and Las Vegas. There are rail right-of-ways further into California that could be extended. (There use to be the Santa Fe train than ran from Las Vegas to Los Angeles.) A terminal in Los Angeles, allowing for parking cars and connected to bus routes, makes more sense. What about people coming from Las Vegas? Are they going to get limos or buses or rent cars to complete their trip? VICTORVILLE AS A TERMINAL STOP IS NOT FEASIBLE..	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DXE Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
268	General - Project Attributes	Rubino, John R.	Moreover, a train dedicated only to passengers will not survive monetarily. What is required is a line that can ALSO haul freight, containerized or not, that can be transferred to semi's at either end. Additionally, the passenger train could be structured to ferry cars so a certain number of passengers could de-board the train and continue their trip in their car.	The comment is noted, but the train as proposed is designed only for passengers as described in more detail in Final EIS Chapter 1 (Purpose and Need), in which Section 1.2 defines the purpose of the project as providing passenger rail.
269	General - Project Attributes	Rubino, John R.	A high-speed train at 200+ miles per hour, terrain permitting, is more than adequate for the 350 miles between LA & LV. I see this being preferable over a mag-lev line (too expensive to construct and maintain and may be overly- susceptible to earth movement at its higher speed.	The comment in support of the project is noted and does not request nor require response through analysis of specific environmental impact of the proposed action.
270	General - Project Attributes	San Bernardino County - Land Use Services	If DesertXpress is placed along the I-15 freeway right-of-way, it will limit the future expansion of the freeway when and if it becomes necessary to add more lanes in spite of the high-speed trains. For this reason, the County prefers the elevated rail system along the freeway median. This will also restrict the noise footprint of the train to the areas already impacted the most by the noise of the existing freeway traffic.	This comment indicates support for the median option, Please see Section 2.5.1 and 2.5.2 of the Final EIS for further discussion of considerations in the selection of the Preferred Alternative. The California (Caltrans) and Nevada (NDOT) Departments of Transportation and Federal Highway Administration (FHWA) were involved in selection of the agency Preferred Alternative.
271	General - Project Attributes	San Bernardino County - Land Use Services	Since two options are under consideration, the all-electric train system seems preferable for the following reasons: a. Greenhouse gas emissions would be less than with the diesel-electric option. b. The electric-only system will be quieter for riders as well as residents along the route c. Diesel uses more fossil fuel with seemingly diminishing supply sources world-wide and prices which fluctuate wildly and unpredictably. d. Risk of storage, spillage, fires and pollution are greater with diesel fuel than with an electric system.	The electric (EMU) locomotive technology option has been included in the Preferred Alternative (see Section 2.5.1 and 2.5.2 of this Final EIS).

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
272	General - Project Attributes	San Bernardino County - Land Use Services	The locations of Park-and-Ride sites, connections with buses and taxi services in close proximity to the high-speed train stations should be encouraged for the convenience of the high-speed passengers. The County would like to see more detailed plans even though local permits are not required for the approval of the high-speed system, since the demand for such ancillary services will impact local governments, economy and available services.	As discussed in Section 2.3.2 of this Final EIS, the passenger stations would be compatible with local land use plans for mixed-use development served by local transit, and with highway access. In addition, all potential Las Vegas Station options are in close proximity to the Las Vegas Strip and related attractions, which would be accessible via taxis, shuttle buses, and potential future extensions of the Las Vegas Monorail. DesertXpress will encourage and support transit connections to the station sites.
273	General - Project Attributes	Clark, Juanita	Use SolaTrek technology for train.	See Section 2.5.1 and 2.5.2 of this Final EIS for a discussion of the reasoning behind the selection of the electric (EMU) locomotive technology option as part of the agency Preferred Alternative. Also see Final EIS Section 1.2.1, which calls for the project to utilize a reliable and proven high-speed rail technology, such as those currently in use in numerous locations in Europe.
274	General - Project Attributes	SolaTrek	Why not use SolaTrek technology for DesertXpress?	See response to comment 273.
275	General - Project Attributes	Union Pacific	Union Pacific understands from the Draft EIS that the DesertXpress's preferred alternative routing does not occupy any part of Union Pacific's right of way between Daggett and Las Vegas. However, Option C for Segments 6 and 7 propose an alternative routing on and within Union Pacific's right of way between Sloan and Las Vegas, Nevada. Union Pacific opposes this alternative routing and believes that preserving its right of way for freight service expansion is the best policy at this time. Further, fiber optic lines and the high-pressure fuel line already located within the railroad right of way make joint use with high-speed passenger rail (where speeds will exceed 110 mph) problematic for operations and liability exposure. Slow speed freight trains and high-speed trains (over 110 mph) are incompatible on the same tracks at any time and at any location, including at-grade cross-overs. The FRA should not contemplate operation of freight trains on any DesertXpress trackage at any time (and vice versa).	This comment indicates opposition to Segment 6C, which is not part of the agency Preferred Alternative. In addition, as described in Chapter 2, Alternatives of this Final EIS, the DesertXpress project is being developed as a dedicated passenger rail line and does not contemplate the operation of freight trains.
276	General - Project Attributes	Union Pacific	Union Pacific is opposed to shared use of its railroad right of way or tracks with high-speed passenger trains where speeds will exceed 110 mph. Union Pacific is opposed to location of any high-speed rail line so close to our right of way as to substantially impair our ability to serve existing or future rail freight customers. Union Pacific understand that this and other high-speed rail lines may need to make lateral crossings over or under our right of way at certain locations as part of the overall design of the system. Union Pacific is not opposed to such crossing provided they meet our engineering standards and will not impair future capacity expansion nor hinder current operations.	This comment indicates opposition to Segment 6C, which is not part of the agency Preferred Alternative.
277	General - Project Attributes	Donovan, Kelly	Negative economic effects to Barstow if there is no train stop there. Proposed route through proposed industrial park would hurt Barstow.	Regarding the feasibility of a Barstow station, please see the response to comment 33. Regarding the introduction of Segment 2C as an alternative routing that would avoid the Barstow Industrial Park, please see the response to comment 288.
278	General - Project Attributes	Gordon, Brett	Consider including freight component on DesertXpress.	The comment is noted, but the train as proposed is designed only for passengers as described in more detail in Chapter 2, Alternatives, of this Final EIS.
279	General - Project Attributes	Lamfrom, David (National Parks Conservation Association)	Segment 4A would traverse Mojave National Preserve. This would be an inappropriate precedent.	Segment 4C has been included in the Preferred Alternative. This routing does not traverse the Mojave National Preserve (see Section 2.4, Preferred Alternative, of this Final EIS).

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
280	General - Project Attributes	Piechota, Tom	Ensure that selected technology encourages sufficient ridership. Encourage connection with Ivanpah Airport	Please see Section 1.6.8 for discussion of a potential future connection to the Southern Nevada Supplemental Airport. The electric (EMU) technology option included as part of the Preferred Alternative has more robust ridership projections than the diesel (DEMU) option considered. See Section 2.4.4 of this Final EIS.
281	General - Project Attributes	High Desert Opportunity	High Desert Opportunity supports the project	The comment is noted. This comment indicates support for the project.
282	General - Project Attributes	Taylor, David	Electric train is preferable	Please see Section 2.4.4 of this Final EIS for a discussion of the reasoning behind the selection of the electric (EMU) locomotive technology option as part of the Preferred Alternative.
283	General - Project Attributes	Taylor, David	Train should have a station/stop in Barstow	As discussed in Section 2.3.2.2 of this Final EIS, the Project Applicant has not proposed a Barstow station site and FRA has not included analysis of one, as ridership projections indicated that the anticipated number of passengers boarding at a potential Barstow station would be insufficient to support a station.
284	General - Project Attributes	Washington, Stan	What is plan for minority participation in development of the project?	The comment is outside the scope of the environmental effects of the proposed action. Notwithstanding, Final EIS Section 3.2.2.3 notes that project construction would result in substantial short-term employment, particularly in the cities along the project route (Victorville, Barstow, Las Vegas).
285	General - Project Attributes	Waybright, Charles	Need to have secure parking in Victorville else crime will result.	The comment is noted.
286	General/Executive Summary	DesertXpress Enterprises	Also, the alternatives are discussed as Alternative A and Alternative B in the initial chapter, and are occasionally referenced later as the Alternative A Alignments and the Alternative B Alignments, and other times as the Median Alternatives and Right of Way Alternatives. We would suggest that the EIS should remain consistent with regard to the title and description of each alternative and the alignments within each alternative.	Chapter 2, Alternatives, of this Final EIS provides a complete description of all alignments and facilities considered during the development of the Preferred Alternative.
287	Growth	BLM Barstow	BLM has submitted a substantive socioeconomic comment concerning losses in visitor-related income and FRA did not address the comments because "none of the other FCA's provided similar comment or concerns." These comments need to be addressed appropriately. Additionally, one of the cities along the route has raised such concerns.	See response to comment 277.
288	Growth	City of Barstow	The EIS fails to discuss key land use policy changes, which have a strong potential to increase urbanization, especially in the Lenwood area through which the proposed train would pass. These include development proposals south of the City. While not currently active due to nation-wide economic issues, urbanization south of Barstow has been discussed for many years. The potential for development in this area must be addressed in the EIS; see documentation pertaining to SCH# 2003081054 P & V Enterprises Development Project 27 Mar 2006, as well as extensive public media discussion of the SunCal and Whitewater Junction projects over the last two years.	The Supplemental Draft EIS included revised land use information for the City of Barstow, and further proposed Segment 2C, which avoids the area identified by the commenter for future industrial development. Segment 2C is included in the Preferred Alternative (see Chapter 2, Alternatives, of this Final EIS). Also see response to comment 277 and Appendix F-E, which more specifically address these and other subsequent comments of the City of Barstow regarding potential economic impacts of the project.
289	Growth	City of Barstow	Of more immediate and direct concern is development of the Barstow Industrial Park, see Exhibit A. A Notice of Preparation for this project (SCH #2007111069) was available for review and comment from 15 Nov 2007 through 14 Dec 2007.	See response to Comment 288 above. The Preferred Alternative avoids this area. This matter is also addressed in Appendix F-E.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
290	Growth	City of Barstow	A corner of the site of the WalMart Distribution Center, (SCH #2006011037 West Barstow Specific Plan No. 4 and Food Distribution EIR 2 Apr 2008) is crossed by the preferred DesertXpress alignment. While apparently not seriously impacted, see Exhibit A, why is the WalMart project not mentioned in the EIS?	See response to Comment 288 above.
291	Growth	Dale, Lawrence E.	as presented by Desert Express this project will bring approximately 500 to 700 jobs to Victorville and Las Vegas (however) when going through the middle of the industrial park taking portions of 8 of the proposed warehouse buildings (Desert Express) will in effect reduce probably more jobs in Barstow than they will create.	See response to Comment 288 above.
292	Growth	DesertXpress Enterprises	The EIS describes the regional and local environment of the impacted counties and cities. For each City, and Clark County, population and housing are addressed, along with employment. For San Bernardino County, only population is addressed. Housing and employment should also be discussed if the data is available.	Please see Final EIS Section 3.2, Growth, which includes updated demographic data where available from various local, county, and state sources.
293	Growth	DesertXpress Enterprises	Under section 3.2.4, the EIS discusses growth effects including exceeding growth projections and removing obstacles to growth. Then, rather than discussing these effects, the EIS discusses the fact that existing housing would not be removed, with the exception of one residence. It is unclear why the housing displacement is discussed under growth and removal of obstacles, as it does not seem to logically follow in the discussion.	Final EIS Section 3.2 reflects substantial revisions to the Growth section and is specific to the Preferred Alternative. The Preferred Alternative does not involve the need to remove any housing.
294	Growth	DesertXpress Enterprises	DesertXpress will work with the FRA and EIS consultant team to further refine the estimate of construction and operating period jobs.	This information is reflected in the economic impact studies prepared for the project (see Appendix F-E) and is incorporated into the analysis within Final EIS Section 3.2.
295	Growth	EPA	Update all growth related projections to reflect the latest economic developments and ridership forecasts and update the valuation of alternatives, as appropriate. The impact of these recent events on previous growth projections should be considered, and their relevance to the Project and future plans for passenger only transport in the region discussed. Each of the alternatives analyzed should be considered in light of the most recent forecasts.	See response to comment 293.
296	Growth	EPA	Clearly indicate by including a quantitative tabular summary how the SNSA, its associated transportation corridor, and future expansion of the I-15 freeway could affect future ridership growth projections along the I-15 Corridor and its impact on the Project's viability in future build years.	The Southern Nevada Supplemental Airport (SNSA) project was included in the cumulative analysis of this Final EIS (see Section 3.16). The Federal Aviation Administration (FAA), in cooperation with the Bureau of Land Management (BLM), as Joint Lead Agencies (JLA) pursuant to the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362), have suspended preparation of an environmental study Environmental Impact Statement (EIS) for a proposed Southern Nevada Supplemental Airport (SNSA) in Clark County, Nevada. The FAA along with the BLM are suspending work on the environmental study EIS because the Clark County Department of Aviation has advised the JLA that it has reduced the level of effort on planning for the proposed Southern Nevada Supplemental Airport at this time. At this time, FAA and BLM do not know when work will resume on the environmental study. This delay does not affect FRA's obligation to include the SNSA as a reasonably foreseeable project, and for that reason, FRA is correct to continue to include the SNSA in its discussions of reasonably foreseeable projects.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
297	Growth	EPA	Include a table of all proposed station sites with estimates of acres of induced growth/urbanization impacts associated with each location.	It is speculative to assume acres of induced growth associated with either station site included in the agency Preferred Alternative. In Victorville, all three station sites considered were located at some distance from other developed portions of Victorville but were within a Specific Plan area that the City has identified for future urban growth, with or without the project. The Las Vegas station area sites evaluated are all within a complex built up urban environment, limiting the potential for stations to induce new growth beyond what is already called for in current land use plans.
298	Growth	EPA	Include specific mitigation measures, as appropriate, to address and offset growth-inducing impacts to San Bernardino and Clark counties. Specifically, the Final EIS should include strategies for addressing, planning for, and mitigating growth-related impacts in counties that will be most affected. The Final EIS should also include references to the transit-oriented principles that FRA has developed as part of the California High Speed Train system.	This Final EIS concluded that the agency Preferred Alternative did not have any substantial adverse impacts related to growth, so no mitigation measures are included (see Section 3.2.2.2 of this Final EIS).
299	Growth	Fagg, Darrell	Number two, it will create jobs, to build and operate. Number three, I think it would help bring monies in to Las Vegas.	This comment indicates support for the project. The comment is noted.
300	Growth	Ford, Ginger	This would bring jobs and revenue to the City of Victorville and possibly its surrounding areas.	This comment indicates support for the project. The comment is noted.
301	Growth	Rodriguez, Carolina	If you do this it will bring a lot of profit to you, and it is a plus to our city because people can ride in the train and see our city and may want to move here and then our houses might be rented and we would not have all this empty home and we will have a lot of revenue for our city.	This comment indicates support for the project. The comment is noted.
302	Growth	San Bernardino County - Land Use Services	In terms of the local economy, while the construction of the train system may provide local temporary employment, the regular operations of the high-speed train system with a peak capacity of approximately 5,000 passengers per hour per direction could deprive the County of gaming and tourist income from the local casinos and shops by making it easier for residents of California to travel to Las Vegas. New casinos and related businesses have developed in Southern California since the studies for the DesertXpress train were performed in 2005. The draw of the local casinos and related businesses to Southern California may discourage the use of the high-speed train system and could affect its viability and use. The EIS should be updated to reflect such changes as patronage of local casinos or changes in travel habits.	Ridership estimates are based on existing and forecasted demands from the Las Vegas Visitor Bureau and other sources. These estimates take into account the presence of gaming attractions in southern California. Casinos in California may affect the overall ridership to some extent; however, Las Vegas as a destination has substantial demand that is forecasted to continue well into the future in spite of development of casino gaming venues in California. The project would serve a small portion of the overall travel demand between Southern California and Las Vegas.
303	Growth	Hepker, George	Project would bring jobs to the community.	This comment indicates support for the project. The comment is noted.
304	Growth	Lamfrom, David (National Parks Conservation Association)	Project would have negative economic impact on City of Barstow	See response to comment 277.
305	Growth	Peterson, Margaret	Indirect job growth would be of benefit to the high desert communities	This comment indicates support for the project. The comment is noted.
306	Growth	Martinelli-Price, Patricia	Unclear of the economic benefit to Las Vegas	Please see Final EIS Section 3.2.2.3, which discusses anticipated construction jobs in the urban areas near the project, including Las Vegas.
307	Growth	Redlinger, Jeffrey	Encouraged about the potential for the project to create jobs	This comment indicates support for the project. The comment is noted.
308	Growth, Transportation	City of Barstow	The Barstow share of 2.9% of a total of 13,258,169 annual auto visitor person trips is reported as 379,639 trips reported on Table 17, page 18.	The comment is referring to the Ridership Study, which is included as Appendix F-D to this Final EIS. The figure cited refers to the origins of all travelers to Las Vegas from Southern California. The study noted that the inclusion of a Barstow station was projected to result in a net increase of ridership of under 3 percent. Please also see the response to comment 33.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
309	Growth, Transportation	City of Barstow	The statement on EIS page 6-7-18 is conclusionary and not supported by any quantifiable data, such as an actual vehicle survey. The potential loss of visitor trips stopping in Barstow must not be written-off in a such a cavalier manner. While 380,000 trips is a small component of overall project related trip assessments, it may well be critical to the economic well being of the Barstow community. Although the EIS must, by law, focus directly on environmental issues, there is a strong nexus between local economic conditions and environmental factors associated directly with blighting influences. Such concerns include (a) compromised public health and safety, (b) inadequate provision of infrastructure and services, and (c) environmental degradation due to neglect. These factors must be addresses in the EIS.	Please see the response to comment 308 above. Please also see Appendix F-E, which fully analyzes potential economic impacts to the City of Barstow.
310	Hydrology and Water Quality	California Regional Water Quality Control Board	Portions for the project that affect waters of the United States and/or waters of the state by dredge or fill must obtain water quality certification from the state under section 401 of the federal Clean Water Act.	Section 3.8, Hydrology and Water Quality, of the Draft EIS and Supplemental Draft EIS identify the need for National Pollutant Discharge Elimination System (NPDES) and Storm Water Pollution Prevention Plan (SWPPP) permits. This Final EIS amends the Draft EIS to include text indicating that water quality certification will be required to comply with Section 401. See Section 3.8.1.2 of this Final EIS for specific locations of this revision.
311	Hydrology and Water Quality	California Regional Water Quality Control Board	Because the project involves land disturbance in more than 1.0 acre in area and transportation related industrial activities in the form maintenance facilities, a SWPPP must be developed and implemented in accordance with a NPDES General Construction Stormwater Permit.	Section 3.8, Hydrology and Water Quality, of the Draft EIS and Supplemental Draft EIS identify the need for National Pollutant Discharge Elimination System (NPDES) and Storm Water Pollution Prevention Plan (SWPPP) permits.
312	Hydrology and Water Quality	California Regional Water Quality Control Board	Incorporate designs that minimize focused storm water runoff from impervious surfaces by directing runoff onto existing vegetated areas using curb cuts and swales, etc., and infiltrating runoff as close to the source as possible to avoid forming erosion channels. Please show on plan drawings the on-site storm water control measures.	Mitigation Measure HYD-6 of this Final EIS (see Section 3.8.3) requires the proper design of station and maintenance facility drainage systems. The approved design-build plans for the facilities will include detailed runoff calculations and necessary drainage basins or capture and treatment designs will be planned accordingly. In regards to the rail alignment, the rail segments would not result in large amounts of impervious surface as they would be constructed on ballast. The rail alignments would also connect with and mirror the existing culverts along the I-15 freeway, which would channel any runoff from the alignment.
313	Hydrology and Water Quality	California Regional Water Quality Control Board	Consider development features that span the drainage channels or allow for broad crossings. Design features of future development should be incorporated to ensure that runoff is not concentrated by the proposed project.	The project rail alignment will bridge over the drainages and waterways that would be crossed. Based on preliminary design information from the Applicant, the crossings of these water resources would not permanently alter the course or flows of these water resources. This Final EIS amends the Draft EIS to include additional information related to maintaining the natural washes in their present location and natural form as practicable and feasible. See Section 3.8.1.3 of this Final EIS for specific locations of this revision.
314	Hydrology and Water Quality	CCDOA	Series of connected drainages that are characterized as "stopping" at I-15 need to be properly characterized.	Water from several ephemeral drainages flows perpendicular into the roadway right-of-way and then is funneled down-slope collecting other small drainages and eventually a culvert transfers the water across to the other side of the I-15 right-of-way. The proposed project will match I-15 drainage locations and sizes. This Final EIS amends the Draft EIS to include additional information related to maintaining the natural washes in their present location and natural form as practicable and feasible. See Section 3.8.1.1 of this Final EIS for specific locations of this revision.
315	Hydrology and Water Quality	CCDOA	Floodplains within Segment 5 have not been properly identified.	Figure F-3.8-5 of the Final EIS shows floodplains within Segment 5.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
316	Hydrology and Water Quality	EPA	Identify how hydrological connectivity along the project corridor supports the intent to utilize natural stream channels where they can provide adequate protection from flooding.	The project rail alignment will bridge over the drainages and waterways that would be crossed. Based on preliminary design information from the Project Applicant, the crossings of these water resources would not permanently alter the course or flows of these water resources. This Final EIS amends the Draft EIS to include additional information related to maintaining the natural washes in their present location and natural form as practicable and feasible. See Section 3.8.1.3 of this Final EIS for specific locations of this revision.
317	Hydrology and Water Quality	EPA	Remove the following statement, "Many of the washes in the study area do not meet the USACE definition of a water of the United States" (at p.3.14-27). Once the delineation of the extent of waters, including wetlands, on the Project site has been verified by the U.S. Army Corps of Engineers (USACE), FRA should update the information regarding estimated impacts to waters and provide this information in the Final EIS. A jurisdictional determination by USACE is needed prior to publication of the Final EIS in order to provide a determination of potential significant impacts and identify mitigation and avoidance measures in the design of the Project.	Delineation reports have been prepared for project and submitted to the USACE - please see Appendix F-I. Estimated acreages of waters of the US are included in the analysis contained within Final EIS Section 3.8, Hydrology.
318	Hydrology and Water Quality	EPA	Update the information provided in the Final EIS so that estimated impacts are provided in acreage estimates. The Final EIS should include estimates of acreages of direct and indirect impacts to waters.	Final EIS Section 3.8.2.3 has been updated accordingly.
319	Hydrology and Water Quality	EPA	Differentiate between permanent and temporary impacts to aquatic resources.	Section 3.8.2.1 of this Final EIS distinguishes between permanent and temporary impacts.
320	Hydrology and Water Quality	EPA	Update Tables 3.14-2 to 3.14-8 to provide the row referred to as "Sensitive Plant Communities and Wetlands" and include sensitive vernal pool species, as appropriate.	No vernal pools inhabited by sensitive biological resources are known to occur in the project area (see Section 3.14, Biological Resources, of this Final EIS).
321	Hydrology and Water Quality	EPA	The Final EIS should include an evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b) (1) Guidelines and authorization of LEDPA. The alternatives analysis should include a reasonable range of alternatives that meet the Project purpose while avoiding and minimizing damage to waters. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the Final EIS should discuss alternatives to avoid those discharges.	Please see Final EIS Section 3.8.1 which specifically addresses required permitting. Appendix F-I contains the delineation reports prepared for the project and submitted to the USACE - all of which will be used in the permitting under the CWA.
322	Hydrology and Water Quality	EPA	If a discharge is permitted, the Final EIS should discuss how potential impacts would be minimized and mitigated, this discussion should include (a) Acreage and habitat type of waters of the U.S. that would be created, restored, or preserved; (b) water sources to maintain the mitigation area; (c) a revegetation plan utilizing native plants; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; 9e) an Adaptive Management Plan; 9f) the parties that would be ultimately responsible for the plan's success; and (g) contingency plans that would be enacted if the original plan fails. Mitigations should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.	Section 1.4.1 of the Draft EIS states that the Project Applicant will be responsible for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) to ensure compliance with the Clean Water Act. The NEPA process also requires analysis of water resources that are not under the jurisdiction of the USACE. The Project Applicant submitted a formal jurisdictional determination request to USACE in July 2010. Section 3.8.2.3 of the Final EIS reflects information developed in this effort. Appendix F-I contains the delineation reports prepared for the project and submitted to the USACE.
323	Hydrology and Water Quality	EPA	Address the potential for tunneling to affect stream flows, riparian habitat, the direction of lateral movement of water through the soil profile, and the recharge of shallow, unconfined aquifers. Identify specific design features to reduce these impacts.	The potential impacts associated with tunneling are discussed in Chapter 3, Introduction of this Final EIS, and reflects additional information regarding design features to minimize impacts.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
324	Hydrology and Water Quality	EPA	Commit to the use of natural washes, in their present location and natural form, to the maximum extent practicable with the placement of adequate natural buffers for flood control.	The project rail alignment will bridge over the drainages and waterways that would be crossed. Based on preliminary design information from the Project Applicant, the crossings of these water resources would not permanently alter the course or flows of these water resources. This Final EIS amends the Draft EIS to include additional information related to maintaining the natural washes in their present location and natural form as practicable and feasible. See Section 3.8.1.3 of this Final EIS for specific locations of this revision.
325	Hydrology and Water Quality	EPA	Provide adequate hydrological modeling to demonstrate that downstream flows will not be disrupted due to proposed change to any natural washes, the creation of wetlands, or the excavation of large amounts of sediment.	See response to comment 324. Crossings of water resources would not permanently alter the course or flows.
326	Hydrology and Water Quality	EPA	Identify where construction of the Project may provide for an opportunity to improve obstructed natural flows resulting from I-15 construction.	Water from several ephemeral drainages flows perpendicular into the roadway right-of-way and then is funneled down-slope collecting other small drainages and eventually a culvert transfers the water across to the other side of the I-15 right-of-way. The project will match I-15 drainage locations and sizes (see Section 3.8.2.3 of this Final EIS).
327	Irretrievable and Irreversible Commitments of Public Resources	SANBAG	DesertXpress proposes the use of right-of-way either to the west or within the median of I-15 for significant portions of the project. The Draft EIS rightly refers to the use of right-of-way as an irreversible and irretrievable commitment of public resources. Approval of the DesertXpress project will foreclose other technological options for high speed rail within the I-15 corridor and, depending on the option selected, could impact the cost or feasibility of options Caltrans will have in the future for expanding the highway. It is important that commitments to the DesertXpress not foreclose or significantly increase the cost of future highway options, and it must be understood that this would represent a final decision on technology choice for high speed rail in this corridor. The compatibility of DesertXpress with the State high-speed rail technology leave options open for future connections with a State system.	Sections 2.5.1 and 2.5.2 of this Final EIS, as well as the Executive Summary, include a discussion of agency considerations in the selection of a Preferred Alternative. FRA has consulted extensively with Caltrans, NDOT, and FHWA in developing the Preferred Alternative. These agencies expressed concern that median alignment options would be more problematic in terms of potential future freeway expansions than side-running options. Side running options preserve the option to expand the freeway by using portions of the median and do not foreclose at all on freeway expansions on those sides of the freeway opposite the proposed rail alignment.
328	Land Use	CCDOA	The preferred alignment in Segment 5 (alignment 5B) would penetrate into the runway protection zone (RPZ) for the western-most runway at the SNSA. CCDOA recommends that the project Applicant seek to avoid any construction within the RPZ for the SNSA.	Segment 5B would run on the east side of the I-15 freeway but is proposed to be located within the freeway right-of-way area (the fenced area of the freeway). In a review of Exhibit 1 provided by Clark County Department of Aviation (CCDOA), the southwestern corner of the runway protection zone (RPZ) appears to extend to about as close as 70 feet from the outer (eastern) edge of Northbound I-15. Section drawings within the Draft EIS (see Figure 2-3) show that the anticipated footprint of DXE would be 52 feet, inclusive of a 10 foot wide maintenance road. Without a maintenance road, the rail footprint width is 42 feet. Therefore, it is not entirely clear that Segment 5B would penetrate the RPZ. Finally, the RPZ for the Southern Nevada Supplemental Airport (SNSA) is currently understood to be provisional pending Federal Aviation Administration (FAA) preparation and review for the EIS for the SNSA.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
329	Land Use	CCDOA	Under AC150/5300-13 criteria, DesertXpress Alignment 5A would not penetrate the OEI surfaces. Alignment 5B would penetrate the OEI surface for Runway 18R. The CCDOA raises this issue here to alert the project Applicant to this potential conflict and recommends that the Applicant disclose any adverse effects that the project would have on OEI surfaces, to the extent that they are known or reasonably calculable. However, under different criteria (FAA Advisory Circular 120/91, ICOA Annex 6), neither Segment 5 alignment would penetrate OEI surfaces.	See response to comment 328.
330	Land Use & Community Impacts	BLM Barstow	Change MUC I to unclassified. None of the project is in MUC I. From map provided it appears that some of the project crosses unclassified land in addition to MUC L and MUC M land.	This Final EIS amends the Draft EIS to reflect the correct Bureau of Land Management (BLM) Multiple Use Class designated lands. See Final EIS Figure F-3.1-13 and Final EIS Section 3.1.1.1.
331	Land Use & Community Impacts	BLM Barstow	Remove reference to HCP. The West Mojave Plan amendment to the California Desert Conservation Area Plan analyzes included an HCP alternative. However, this alternative has not been adopted as an HCP by any entity. The alternative BLM adopted for the West Mojave Plan was Alternative B, which does not include the HCP components.	The EIS text has been revised to reflect this comment. See Section 3.1.1.1 of this Final EIS.
332	Land Use & Community Impacts	BLM Barstow	Change from BLM owned to BLM managed. BLM manages land held in title to the United States of America. The BLM does not own land.	Final EIS Figures F-3.1-8 through F-3.1-12 reflect this distinction.
333	Land Use & Community Impacts	CCDOA	Federal and state laws related to land ownership need to be addressed as relevant regulatory considerations.	This Final EIS amends the Draft EIS text to include a discussion of the Ivanpah Valley Airport Public Lands Transfer Act, Clark County Conservation of Public Lands and Natural Resources Act, Heliport Transfer Act, and the Clark County South County Land Use Plan. See Section 3.1.1.2 of this Final EIS for specific locations of this revision.
334	Land Use & Community Impacts	City of Barstow	Land use policy data pertaining to Barstow and adjacent areas used in the EIS is grossly out of date, with resultant potentially significant land use compatibility issues not being address in the EIS. Key areas completely ignored in the EIS include the Barstow Industrial Park in Lenwood and potential urban expansion south of Barstow. EIS land use policy information, see Figure 3-1.13 (and discussed in Section 3.1.1) appears to originate from 2005 data based on the sources for Figure 3-1.13. Therefore, it appears that the subject document was essentially completed in 2006, based on 2005 data. Basic land use policy information, including a copy of the Barstow Zoning Map is available for download from the City's Web Site; and has been available in this form for several years. In addition there seems to have been no effort to check on pending development projects subject to CEQA as posted on the California Office of Planning and Research Website < http://www.ceqanet.ca.gov/ >, see in particular the Barstow Industrial Park mentioned below. Submission of a document for public review with clearly outdated information that has a substantial and potentially significant negative impact on future land use is not appropriate, and calls into question the adequacy the entire land use section of the draft EIS, see comments that follow.	The comment is noted. Based on this comment, land use information was updated. Please see Final EIS Section 3.1.1.1 for specific revisions in response to this comment.
335	Land Use & Community Impacts	Cogan, Karen	If the rail line is to be constructed down the median of the highway - or alongside it - it really wouldn't impact the desert floor that much either since the highway is already in place.	Please see Section 2.5.1 and 2.5.2 of this Final EIS for a discussion of agency considerations regarding the Preferred Alternative. The median alternative was not selected as part of the Preferred Alternative, but was identified in Final EIS Section 2.5.4 as a component of the environmentally preferable alternative, for some of the same reasons articulated by the commenter.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
336	Land Use & Community Impacts	Dale, Lawrence E.	The route through Barstow is presently the same as it was in 2006 and it cuts through the middle of Barstow's industrial park	See response to comments 277 and 288.
337	Land Use & Community Impacts	DesertXpress Enterprises	Please consider clarifying that a 75-foot wide rail alignment, including both tracks, the overhead electrification support poles for the EMU option, and a parallel maintenance and inspection roadway) is a conservative assumption being used for the analysis, because for the most part the actual right of way will be less.	Chapter 2, Alternatives, of this Final EIS identifies all facilities and lands necessary to construct and operate the proposed project. In addition, the study area for most environmental topics includes additional buffer areas to ensure that all potential impacts have been considered.
338	Land Use & Community Impacts	Frodsham, Gene M.	We must have a high speed rail. We should have had one twenty years ago. The impact on the land along the existing corridor and the land impacted by the deviations from that corridor is minor, small as to be insignificant. It amounts to merely slivers of land at the edges of the existing uses/designation and is inconsequential. Build the system now, fast.	This comment indicates support for the project. The comment is noted.
339	Land Use & Community Impacts	Rocha, Dolores	Do you see the need to add the last 3 home that will remain as of now that are along the 15 fwy in Victorville.	The only components of the project in Victorville (OMSF 2 and Station Site 3) are located well outside of any residentially developed areas.
340	Land Use and Community Impact	EPA	If a potential environmental justice issue is identified, the Final EIS should clearly state whether, in light of all of the facts and circumstances, a disproportionately high and adverse human health or environmental impact on minority or low-income populations is likely to result from the Project alternative, or from constructing any other alternatives proposed for analysis. This statement should be supported by sufficient information for the public to understand the rationale for the conclusion.	Please see Final EIS Section 3.1.2.3, which examines the potential for environmental justice impacts.
341	Land Use and Community Impact	EPA	Briefly summarize the findings, discuss whether or not there are environmental justice implications associated with any of the potential impacts of the Project, and provide references to other relevant sections of the document that describe the specific impacts in greater detail (such as the noise and air quality sections).	See response to comment 340
342	Land Use and Community Impact	EPA	Propose appropriate mitigation if disproportionately high and adverse human health or environmental impacts on minority populations or low-income populations are likely to result from the proposed action or any of the alternatives.	See response to comment 340
343	Land Use and Community Impact	EPA	While noise, traffic and air quality impacts are identified (at p 3.1-61), the Environmental Justice analysis does not evaluate localized impacts from diesel emissions to minority or low-income communities in the immediate vicinity of the Project railway that could result from construction of the Project.	As the Preferred Alternative incorporates electric (EMU) locomotive technology, localized diesel impacts are minimized along the entire alignment, not merely in environmental justice communities. See Section 3.1.2.3 of this Final EIS.
344	Traffic	DesertXpress Enterprises	The statement that reductions in traffic volumes due to the project would be minor is qualitative and not substantiated, and is inconsistent with the findings of other portions of the document, which show approximately a 25% diversion of auto passengers to the EMU trains – which is not “minor”. We request this statement be removed or accurately stated.	Please see Table F-3.5-6, which states that by the year 2030, the expected level of passenger ridership diverted from the I-15 freeway would be roughly equivalent to up to 1400 vehicles per hour during peak hours.
345	Noise and Vibration, Traffic	DesertXpress Enterprises	The discussion of traffic noise refers to a “small percentage” of the projected increase in traffic. Please see the above comment.	The majority of the roadways in the project corridor, including I-15 and major arterials in Las Vegas, have significant volumes of traffic, and as a result, significant existing traffic noise. While the project is anticipated to reduce traffic volumes on I-15, at locations outside of the metropolitan areas along the I-15 freeway, the associated reduction in traffic noise would be less than 1 dB and would have no effect on the existing noise levels.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
346	Noise and Vibration	DesertXpress Enterprises	The reported noise impacts in the Mojave Preserve for segments 3 and 4 are "equal to 60 semi-trucks daily, audible from 1/4 mile away;" however, page 3.15-8 states that the hiking trails in the Preserve are 10 to 20 miles from segment 4A. It is therefore unclear who receptors would be. Further, this should be stated within the context of the impacts of noise from hundreds if not thousands of semi-trucks daily that operate on nearby I-15, which is within less than one-half mile away throughout almost all of Segment 4A and immediately adjacent to the Preserve throughout Segment 3.	Please see Final EIS Sections 3.12.1.3 and 3.15.5.1, which address the issue of potential noise effects in the Mojave National Preserve.
347	Noise/Visual	San Bernardino County - Land Use Services	The projections in the EIS should include when it should be necessary to install sound barriers or visual impact mitigations along the high-speed rail lines when existing and future developments make such installations necessary.	Section 3.6.3 and Section 3.12.3 in this Final EIS include noise and visual mitigation measures related to the project as proposed including NV-1 which describes the use of noise barriers where appropriate.
348	Purpose and Need	American Magline Group	The draft EIS states numerous times that the DesertXpress is privately funded yet the proponents of the project are actively seeking federal funding through the ARRA program and are requesting federal lands and no cost. These types of statements are contradictory.	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1 DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
349	Purpose and Need	American Magline Group	The draft EIS relies on a Surface Transportation Board ruling to claim that the DesertXpress project is exempt from state and local regulations including CEQA without noting that this ruling has been appealed and is without precedent for a passenger only railroad that does not connect to the interstate freight system.	It should be noted that the referenced appeal was denied by the Surface Transportation Board in a Decision issued May 7, 2010 (Docket No. FD 34914).
350	Purpose and Need	BLM Barstow	Chapter One (Section 1.5) should indicate the major public issues raised during scoping and the conflicts with other rights-of-way or existing uses, including the context of issues and conflicts. Integrating the design, routing, or mitigation elements from various alternatives into the Alternatives chapter should address or avoid these issues and conflicts.	Section 1.7, Issues Raised During Scoping, of this Final EIS includes the information requested. Also see Appendix P of the Draft EIS, which includes all comments received during the scoping process, including FRA's responses.
351	Purpose and Need	BLM Barstow	In summary, known conflicts or issues raised during scoping should be adequately addressed in the Final Environmental Impact Statement (Final EIS) in such a manner that it is clear to the public how FRA proposes to address those issues. If those issues are not going to be addressed, then rationale should be provided as to why not. Not all of the scoping information should be relegated to an Appendix. The Table in Section 1.2 of Appendix P which currently summarizes issues from public scoping and how they are being addressed, is not sufficiently clear such that someone reading it would know where to look in the Draft EIS to see how it is being addressed.	Please see Chapter 1, Purpose and Need, Section 1.7 of the Final EIS: "Issues Raised During Scoping."
352	Purpose and Need	BLM Barstow	Scoping comments and areas of controversy should be summarized and referenced in Chapter 1 and should be reviewed for accuracy. In addition, any changes to the Mojave National Preserve that would be required for the approval of a specific alternative needs to be clearly identified.	See response to Comment 350 above.
353	Purpose and Need	BLM Barstow	Table 1.4-1 It is unclear what permit or approval is issued by STB.	Section 1.5.3 of this Final EIS describes that the Surface Transportation Board's permit is to "construct and operate" the proposed new railroad.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
354	Purpose and Need	BLM Barstow	The National Park Service section is unclear. The last line states legislative and land exchange options are being considered by the NPS, BLM, and other key agencies. The BLM does not currently have any legislative or land exchange options under consideration. Clarify and specify which agencies are considering the connected actions and specify those connected actions. This alternative does not have a legal basis for approval nor is there any information provided that indicates that there is an expectation for a legal basis for review or permitting either prior to ROD or in the reasonably foreseeable future.	Section 1.5.5 of this Final EIS addresses this comment. Subsection 1.5.5 was the best available information at the time the Draft EIS was published. NPS is a cooperating agency in preparing the EIS and had reviewed this section prior to publishing the Draft EIS. The Agency Preferred Alternative has been incorporated into the Final EIS. The Agency Preferred Alternative includes Segment 4C which avoids any incursion into the Mojave National Preserve.
355	Purpose and Need	BLM Barstow	Needs larger scale map (11 x 17 minimum) with land ownership status and resources areas indicated.	A number of maps included in the Draft EIS are at a larger scale and show requested information. Appendix A-2 of the Draft EIS included maps showing the project on seven 24 x 36 inch sheets.
356	Purpose and Need	BLM Barstow	The Purpose and Need as identified in the Draft EIS restates the Applicant's Purpose and Need. If the EIS would identify each federal agency's Purpose and Need, it would help focus roles and responsibilities, as well as expected outcomes after the NEPA process is completed. Without this focus, it is probable that some federal agencies would not be able to make appropriate decisions after the Final EIS is complete.	FRA believes the Purpose and Need is framed and written appropriately. While the project requires several federal actions for approval, focusing the Purpose and Need exclusively on specific federal agency purposes and needs would too narrowly define the project and thus possibly understate environmental impacts. In this case, the need identified reflects broader social conditions to which the project is responding and thus explains to the public and decision makers why or why not the project is worthwhile. See Section 1.2, Purpose of the Proposed Project, and Section 1.3, Need for the Proposed Project, in this Final EIS.
357	Purpose and Need	BLM Barstow	The Purpose and Need for the federal agencies should be added to the document. For example, the BLM's need is to consider a right-of-way application, consistent with Section 501 et seq. of the Federal Land Policy and Management Act.	Please see response to Comment 356 above.
358	Purpose and Need	BLM Barstow	Table 1.4-1 Remove National Park Service from permit Table. There is no legal basis for National Park Service to issue a Right-of-Way Easement.	Reference to the National Park Service has been removed from Table 1.4-1.
359	Purpose and Need	BLM Barstow	With respect to other conflicts with route alternatives (such as the overlapping right-of-way applications for the solar facility in eastern San Bernardino County, utility rights-of-way, and existing highway rights-of-way), these issues should be addressed specifically in the EIS. Bringing these conflicts to light will undoubtedly provide the basis for additional public and agency comments as well as information necessary for the BLM Authorized Officer to determine which alternative will be in the public interest.	Draft EIS Section 3.16, Cumulative Impacts, identified all of the projects referenced in the comment, in addition to other planned projects. Final EIS Section 3.16, Cumulative Impacts updated the list of planned projects and revised the analyses accordingly.
360	Purpose and Need	BLM Barstow	Is the declaratory order the STB's sole action?	Section 1.4.1.1 of this Final EIS describes STB's role in the project. DesertXpress must seek authority from STB under 49 U.S.C 10901 to construct and operate the rail line.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
361	Purpose and Need	Breuer, Mark	Victorville CA is not a central hub and it should not terminate there. A much better plan was the other consideration from Anaheim CA. People are going to say if I'm going to drive from Anaheim to Victorville I might as well drive the rest of the way or fly. They will not want to drive 1/3 the way from LA and leave their expensive Mercedes etc. in a parking lot when it could be sitting in valet. Please build the train, but build it right.	The Ridership Study, included as Appendix B to the Draft EIS, supports the viability of the DesertXpress project. Page 1-2 of the Supplemental Draft EIS describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. SDG at 6; Cambridge at 2. The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the Desert Xpress ridership for future analyses, at least until better forecasting information is obtained." Cambridge at 25. The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
362	Purpose and Need	Carder, D. Ross	The Abstract (in two places), and the Executive Summary in two places, ES-1 and ES-2, all state that the project is to be privately funded. Then under <u>Alternatives</u> , 2.3 (-Alternatives Considered But Dismissed From Further Analysis"), the Draft EIS states that the -Applicant found that steel-wheel train systems with distributed propulsion the only viable technology [clearly patently false] and rejected other technologies including magnetic levitation - - (and) also found magnetic levitation to be cost-prohibitive within a privately-funded project"	This comment takes exception with the Applicant's determination that magnetic levitation is cost prohibitive within a privately funded project. Magnetic levitation technology is considerably more costly than the technology options considered for DesertXpress. Section 2.2.3.3 in this Final EIS compares route-mile costs of these technologies (\$48 million per route mile for maglev; \$21 million per route mile for DesertXpress). -The FRA believes it was reasonable for the Applicant to conclude that magnetic levitation technology would be cost prohibitive within a privately funded project.
363	Purpose and Need	City of Barstow	In addition, it contradicts prior statements in EIS Section 1.7.1 pertaining to the lack of information needed to address the location of a station in Barstow. Despite that fact that base data was available, no further consideration was given to this important local issue during the last 30-months.	The Applicant met several times with various officials in the City of Barstow. These results of these discussions did not conclude in consensus regarding the need or location of a Barstow station. Ridership estimates do not support a station in Barstow. Please see Final EIS Section 1.7.1 for further discussion of this matter. The alternative of a Barstow-area station was specifically considered in Section 1.7.1 of the Draft EIS, however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. In addition, the agency Preferred Alternative includes a passenger station at the Victorville Station Site 3 (VV3) located off of the I-15/Dale Evans Parkway interchange. This passenger station is located approximately 20 miles south of Barstow which is close enough to provide convenient access for Barstow area residents. Please refer to Section 2.4, Preferred Alternative, of this Final EIS for a discussion regarding the selection of the Preferred Alternative segment and facilities.
364	Purpose and Need	DesertXpress Enterprises	Section 1.2.2 states that the FRA adjusted downward by a factor of 10% the passenger forecast in the Applicant's ridership study. Please explain further that this was the result of the FRA's independent evaluation of the Applicant's study that identified a potential plus or minus 10% level of uncertainty in the forecast and that the 10% reduction factor was chosen as a conservative basis for the EIS – noting that this information is contained in Appendix B.	The comment is noted. See Draft EIS Section 2.2.1 for a discussion of why ridership projections were calibrated as stated in the comment. Also please see Appendix F-D, which includes all ridership study materials.
365	Purpose and Need	DesertXpress Enterprises	Section 1.2.1 discusses the possible travel speeds and travel time, and indicates both are dependent upon -the selected technology." Although the technologies are discussed later in the EIS, it would be helpful here to summarize the two candidate technologies and highlight the top-level differences and similarities.	Table ES-1 in the Executive Summary of the Draft EIS outlined key differences between the two technology options.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
366	Purpose and Need	DesertXpress Enterprises	1-16 to 1-21 +The EIS addresses a number of other transportation projects and plans in the study area, and discusses their relationship to DesertXpress. In some instances the EIS states whether certain projects will be included in the cumulative analysis, and in some instances the EIS is silent on this issue. Although the cumulative context is identified later in the EIS, if the EIS is going to address the cumulative relationship of some of the projects, we suggest that the EIS should include a sentence explaining the cumulative nature of each of the projects referenced.	Section 3.16, Cumulative Impacts, of this Final EIS has been expanded and revised to better clarify the relationship of various projects to the Preferred Alternative.
367	Purpose and Need	DesertXpress Enterprises	An –alignment option C” is referenced; however, this option has not yet been discussed with the exception of a visual depiction on Figure ES-1. Option C should be explained or a reference to a future explanation should be included.	This option was not included within the Preferred Alternative. See Final EIS Section 2.4.1
368	Purpose and Need	DesertXpress Enterprises	1-14 Section 1.5.1 states that the project’s inconsistency with FRA safety regulations would be made consistent through promulgation of a new rule or a waiver. The EIS should briefly explain that because the project is designed with no interaction with freight trains, has no at-grade crossings, is double tracked for its length with a fenced ROW and positive train control, FRA is working with the Applicant under its standard process to achieve such consistency.	The comment is noted.
369	Purpose and Need	EPA	Clearly demonstrate the independent utility of the Project within its current geographic limits as it relates to the need for the Project. If the Project need cannot be met without future planned improvements, the scope of the Project should be expanded accordingly, such as including an analysis of future improvements to connect the railway system to the Los Angeles Basin, since these would be considered connected and similar actions (40CFR 1508.25)	The Ridership Study in Draft EIS Appendix B supports the viability of DXE. Page 1-2 of the Supplemental Draft EIS describes an estimated 2.7 million automobile trips being diverted from I-15 to DXE in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. SDG at 6; Cambridge at 2. Cambridge at 25. The Ridership Study reflects that trips would originate in California with Las Vegas as the destination. Ridership estimates are based on Victorville to Las Vegas, and indicate substantial demand. Although the DesertXpress project has independent utility from the California High Speed Rail project, the two projects are potentially complementary, as described further in Section 1.6.2 of this Final EIS.
370	Purpose and Need	EPA	The environmental impacts of this associated infrastructure should also be considered in comparing the various alternatives.	The comment is noted. The environmental documents examine the needed electrical utility corridors, autotransformers, and substations that are required to operate the project. These have been analyzed in all phases of the environmental review process (Draft EIS through Final EIS).

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
371	Purpose and Need	EPA	Include additional analysis and justification to sufficiently demonstrate the independent utility and logical termini of the proposed Southern California hub in Victorville as opposed to other locations west of Victorville that are closer to larger population centers and existing transit connections.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DXE Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
372	Purpose and Need	EPA	FRA should revise the Draft EIS to reflect a broader purpose than I-15 capacity enhancements and should capture the need to facilitate transportation of travelers to and from their ultimate destinations in the Las Vegas Metropolitan Area.	FRA believes this Final EIS is focused appropriately on bringing travelers from the Southern California area to metropolitan Las Vegas. Section 2.3.2.2 of this Final EIS discusses how project passengers would transfer between the Las Vegas passenger station and ultimate destinations in the Las Vegas area.
373	Purpose and Need	Fitzsimmons, Laura	The project will have fewer environmental consequences that adding additional lanes to the existing highway.	This comment indicates support for the project. The comment is noted.
374	Purpose and Need	Frodsham, Gene M.	The use of the high speed rail as a freight line is not compatible. The height of the freight car is two containers high. This is far higher than the passenger cars. Also, the weight of a freight train is far in excess of that of a passenger train; freight trains will be slower. The extra weight and the profile of freight trains would make the building of the train more expensive and the slow running of the freight train will make the track speed slow, negating the use for high speed transport. Rail cars for the high speed train can be modified to carry limited amounts of high value freight, the existing freight lines are already meeting the need for freight shipment.	The comment is noted, but the train as proposed is designed only for passengers and will not support freight service as described in more detail in Final EIS Chapter 1 (Purpose and Need), Section 1.2.1.
375	Purpose and Need	Nevada DOT	Provide clear detail as to the coordination efforts that need to occur during construction with NDOT improvement projects to minimize utility impacts, traffic control, safety and other construction impacts. Right-of-way mitigation due to acquisition, relocation, or other construction needs must be discussed within this document.	FRA and the Project Applicant have coordinated with the Nevada Department of Transportation (NDOT) to minimize impacts on planned NDOT facilities. This coordination resulted in the revised Segment 6B design studied in the Supplemental Draft EIS.
376	Purpose and Need	Nevada DOT	Maglev must be addressed as a viable option. The Maglev project has congressional support with federal funding and the required 20% matching funds.	Section 1.6.1 of this Final EIS discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Section 2.2.3.3 of this Final EIS, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
377	Purpose and Need	Stewart, Thomas	I must express my regret that I cannot support this project as long as Victorville is the destination endpoint in southern California. My opinion is that it is not a high priority destination location for Las Vegas traveling to California. It is not even a convenient transport location for other destinations of high interest. Its low population count and lack of proximity to any other major California city population makes me doubt the viability of any substantial business model for this project. I believe that when it does not succeed, it will become a financial burden on both the state of California and the state of Nevada as well as the Federal government if it backs this plan.	Please see the responses to comments 371 and 372 above.
378	Purpose and Need/Cumulative	American Magline Group	By failing to address the maglev alternative, the draft EIS has failed to address a significant congestion relieving alternative. Due to maglev's superior performance on steep grades it is able to serve a much greater ridership thus providing true congestion relief on I-15 as opposed to a limited increase in capacity for the corridor (that likely will not be fully utilized).	The DesertXpress project would result in substantial congestion relief. The Draft EIS notes that both technology alternatives would provide for substantial peak hour congestion relief on freeway mainlines. The reduction was estimated at a minimum of 1100 cars per hour at peak periods -- and a maximum of 1600 cars per hour. Section 1.6.1 of this Final EIS discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Section 2.2.3.3 of this Final EIS, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.
379	Purpose and Need/Cumulative	American Magline Group	The draft EIS dismisses the CNSST maglev project as being financially infeasible and therefore is not a viable alternative. The maglev project however is moving forward with a federally funded (partial) EIS; is a part of the regional transportation plan for both southern California and Las Vegas and is a commercially viable technology that can be constructed within FRA's published cost range for high speed rail projects.	Please refer to Section 1.6.1 of this Final EIS, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Section 2.2.3.3 of this Final EIS, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
380	Section 4(f) Evaluation	DesertXpress Enterprises	Table 3.15-2 identifies the Direct Use of a number of cultural resources; but with the footnote that FRA will continue to work with DXE to identify and act on opportunities to avoid impacts. We believe that most of the impacts are "de minimus" since they can be avoided, mitigated or minimized. The EIS should acknowledge that section 4(f) leaves the determination of whether the impacts are de minimus to the Secretary of Transportation. Under section 4(f) (codified at 23 U.S.C. § 138 and 49 U.S.C. § 303), the Secretary shall not approve any program or project (other than any project for a park road or parkway under section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. Under subdivision (3), the Secretary may make a finding of de minimis impact if: (A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and (B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge. We request that the EIS acknowledge this process. We also request the FRA and Cooperating Agencies state that they are prepared to aid the Secretary of Interior in making a de minimus finding on the project.	A Final Section 4(f) Evaluation is contained in Chapter 3.15 of the Final EIS.
381	Traffic	Nevada DOT	Due to the Regional Transportation Commission of Southern Nevada, adopting a new Regional Transportation Plan December 8, 2008, we recommend an updated traffic model.	The Nevada Department of Transportation submitted a subsequent comment letter to FRA on August 17, 2009, specifically revoking this comment.
382	Traffic	Nevada DOT	The Applicant projects that the railroad will increase the capacity of the current available facility by 500 cars per hour in each direction or the equivalent of one full lane of traffic in each direction (two lanes). This is done by using sixty feet of ROW. Given existing facilities with improved shoulders, the same 60 feet of ROW would provide 2.5 times (five lanes) the capacity over the proposed railroad.	The Draft EIS notes that both technology alternatives would result in substantial peak hour congestion relief on freeway mainlines. The reduction was estimated at a minimum of 1100 cars per hour at peak periods -- and a maximum of 1600 cars per hour at project buildout.
383	Transportation	CCDOA	The Draft EIS projects significantly worse road conditions than traffic forecasts by Carter & Burgess for the NDOT. Specifically, it predicts that the same segment of road would operate at LOS F by 2013. (Draft EIS Table 3.5-4). CCDOA believes the discrepancy between the forecasts is due to Draft EIS forecasts prepared during straight peak hour vehicle estimates from the RTC Travel Demand Forecast model, which has been shown to overestimate traffic volumes.	FRA acknowledges that the traffic forecasts used in the Draft EIS may vary from those developed by Clark County Department of Aviation (CCDOA) for the airport project. FRA developed the traffic forecast and analysis in close consultation with the Nevada Department of Transportation (NDOT). NDOT reviewed and approved the traffic forecasts used in FRA's analysis and EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
384	Transportation	CCDOA	FAA has jurisdiction to determine whether projects present hazards to air navigation. It is not appropriate to assume, as the Draft EIS does on page 3.1-54, that 'since runways of the existing public airport in Jean are parallel to the proposed alignment, DesertXpress structures (such as tall catenary structures) would not interfere with existing flight paths and the action alternatives would be compatible with the airport. CCDOA recommends that DesertXpress file FAA Form 7460-1, Notice of Proposed Construction or Alteration, for each structure proposed to be located near any of the CCDOA aviation facilities as soon as possible to get a formal Part 77 determination for each structure.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
385	Transportation	CCDOA	Based on the initial analysis by CCDOA, it appears that the DesertXpress Alternative A and Alternative B alignments for Segment 5 would not penetrate the OEI surfaces specified by either FAA AC 20-91 or ICAO Annex 6.	The comment is noted.
386	Transportation	CCDOA	CCDOA's preliminary analysis suggests that an alignment in the western right-of-way for Interstate 15, would reduce potential conflicts with SNSA not just with respect to Part 77 surfaces, but also other aviation safety measures discussed below (avoid interference with RPZ and one engine inoperative protective surfaces). The Draft EIS, however, does not examine an alignment on the west side of I-15. FRA should explain, in the Final EIS, why this alignment was not included as a reasonable alternative.	Please see the response to comment 328 above. Also please note that as shown in Final EIS Figure F-3.14-4, the area immediately west of the I-15 freeway between Primm and Jean has been designated as a large-scale tortoise translocation site.
387	Transportation	City of Barstow	Note that the trip evaluation information discussed below, and mentioned somewhat obliquely on page 3.2-6, is found in an Appendix; but it is not adequately discussed in the body of the EIS. This is a disservice to the Barstow community and calls into question the EIS efforts to adequately disclosed project impacts.	Please see the response to comment 308 above. Please also see Appendix F-E, which fully analyzes potential economic impacts to the City of Barstow.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
388	Transportation	City of Barstow	Why was ridership for a possible Barstow station not included in the discussion presented in the EIS? The inclusion of quantifiable data, that was available, establishes that adequate data was available to undertake at least a limited assessment.	Final EIS Section 3.2 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc. The alternative of a Barstow-area station was specifically considered in Section 1.7.1 of the Draft EIS, however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. As discussed in Section 2.2.1 of the Draft EIS, FRA conducted an extensive independent review of the ridership study conducted by the project Applicant. The independent review of the ridership study is included as Appendix B to the Draft EIS. FRA's review concluded that the ridership estimates should be adjusted downwards by a factor of 10 percent overall to represent a conservative estimate of potential ridership. These estimates indicate that the anticipated number of passengers boarding a potential Barstow station would be insufficient to support a station. In addition, the agency Preferred Alternative includes a passenger station at the Victorville Station Site 3 (VV3) located off of the I-15/Dale Evans Parkway interchange. This passenger station is located approximately 20 miles south of Barstow which is close enough to provide convenient access for Barstow area residents. Please refer to Section 2.4, Preferred Alternative, of this Final EIS for a discussion regarding the selection of the Preferred Alternative segment and facilities. Given the low projected numbers of passengers that would use a Barstow station, it is not reasonable to conclude that a station would substantially offset identified negative growth impacts.
389	Transportation	DesertXpress Enterprises	In the specific case of the Traffic Impact Assessment portion of the document, the following general observation and recommendation. We observe that the methodology described in Section 3.5.4.1 requires the document to evaluate the impacts of "an increase in traffic that is substantial in relation to existing traffic". This is interpreted to mean any reduction in the traffic Level of Service (LOS) to a level lower than LOS D. Our observation is that this criterion can mean that a relatively small volume of additional traffic destined to or coming from the DXE stations, as compared to the baseline traffic volume, can trigger this criterion. While we believe that the analysis has been performed correctly, we request that a concise summary be provided to more clearly explain the following key overall points: 1. Both the Las Vegas and Victorville areas (and the High Desert region in general), have experienced extremely high population growth rates for at least the past decade, and the forecasts show a continuation of this trend. 2. The cumulative effect of this rapid growth generates large increases in traffic volumes in these areas, whether or not the DXE Project is implemented. 3. Many of the identified mitigation measures required to address these impacts in the areas of the two DXE stations would be required regardless of whether the Project is implemented. 4. Those additional mitigation measures identified to occur as a result of the Project may not necessarily be required if the total forecasted cumulative growth were not to occur.	Comment noted. The traffic analyses in the Draft EIS, Supplemental Draft EIS, and Final EIS take these factors into account.
390			[Comment number not used]	NA

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
391	Transportation	DesertXpress Enterprises	Please add the underlined phrase to the sentence in the fourth paragraph to clarify that the two Stoddard Wells interchanges would be operating at unacceptable levels of service regardless of whether the DXE project is implemented. <u>Due to cumulative growth in the region that is projected regardless of whether the Project is implemented, the two Stoddard Wells Road interchanges would...</u>	The comment is in reference to impacts related to Victorville Station 1. The Preferred Alternative includes Victorville Station Site 3. The comment is noted and has been addressed appropriately in Final EIS Section 2.4.2.
392	Transportation	DesertXpress Enterprises	Under the section entitled <u>“I-15 Mainline”</u> , it is important to revise the first sentence to make it clear that I-15 is not just <u>“currently”</u> ... <u>“the only significant transportation route”</u> between LV and Victorville - but only such foreseeable route for future.	The comment is noted.
393	Transportation	DesertXpress Enterprises	Please add a sentence in the paragraph regarding improvements that would be needed by 2013, to make it clear that the traffic study found that these improvements are not the result of the DXE Project, so the improvements would be needed regardless of whether the Project is implemented. In the following paragraph regarding the improvements required in the year 2030, please note the same as above (that these improvements would be required).	The comment notes that projected future baseline traffic levels will degrade, even without any addition of traffic related to DesertXpress. This is confirmed in the Final EIS. Tables F-3.5-3 and F-3.5-4 each show that for several intersections in the vicinity of the Southern and Central Station B areas, intersection level of service will degrade at 2030 baseline (i.e. no project) conditions. However, for certain intersections, the addition of project traffic is shown to contribute to degradation of intersection level of service. Mitigation is provided in Final EIS Section 3.5.3 that would result in the successful mitigation of all project-related traffic impacts. No change to the Draft EIS is thus warranted by this comment.
394	Transportation	DesertXpress Enterprises	Please add the same clarifying language as per the above comment for the Las Vegas station sites.	Please see response to comment 393.
395	Transportation	DesertXpress Enterprises	Under the first paragraph of section 3.5.4.3, it is correctly stated that operation of DesertXpress would improve traffic conditions on I-15 and the data contained within the traffic report demonstrates that this is a significant benefit of the project. However, the first sentence of the following paragraph appears to be in direct conflict with this statement and with the supporting data and analysis.	The comment related to an editing error is noted; no analytical conclusions were based on this editorial error. No substantive change to the Draft EIS is thus warranted.
396	Transportation	DesertXpress Enterprises	In the first sentence of the first paragraph, please add the words <u>“station area”</u> before the words <u>“ramp junctions”</u> to make it clearer that only the station area junctions would be affected.	The commenter suggests adding labeling to clarify. However, all of the cited ramp junctions are within the station areas studied. No substantive change to the Draft EIS is thus warranted.
397	Transportation	DesertXpress Enterprises	The last sentence of the second paragraph states that with respect to the rail ridership study, <u>“no trips to Southern California originating in Las Vegas were contemplated.”</u> Clarify that modeling didn't include such trips but that they are clearly anticipated.	The comment is noted. Please also see Section 2.2.2 of this Final EIS for further discussion of ridership projection assumptions.
398	Transportation	EPA	Final EIS should describe whether the Project is included in the most recently conforming SCAG 2008 RTP and Southern Nevada RTC RTP.	DesertXpress is a privately funded project and as such, may not be appropriate for inclusion in regional transportation plans; however, FRA has consulted extensively with the Federal Highway Administration (FHWA) and state transportation agencies in the development of this Final EIS (see Section 4.0, Comments and Coordination).
399	Transportation	Fagg, Darrell	This project is long over due. Number one, it will lessen traffic on I-15 and <u>save lives.</u>	The comment expressing support for the project is noted.
400	Transportation	FHWA - CA	The traffic model should be updated to match the RTC of Southern Nevada's Regional Transportation Plan (RTP) adopted December 8, 2008.	Since the Regional Transportation Plan (RTP) was not adopted at the time the analysis was done, the Nevada Department of Transportation agreed by letter (with Federal Highway Administration concurrence) to use the 2030 RTP.
401	Transportation	FHWA - CA	This project should be well coordinated with other projects on I-15. The Draft EIS should fully describe all impacts on the future widening of I-15. The Draft EIS should fully describe all environmental impacts in addition to all current and future projects on I-15.	Final EIS Section 3.16, Cumulative Impacts, has been extensively updated and revised since the Draft EIS and Supplemental Draft EIS and has been tailored to address the potential cumulative impacts of the Preferred Alternative.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
402	Transportation	FHWA - CA	Generally a conceptual Access Justification Report is in place before the EIS is completed if there will be additional access points to the Interstate System. There is a risk in advancing the project without FHWA conceptual approval for modifications to interstate engineering and operations. FHWA has approval of all new and modified interstate access points. Is there an Access Justification Request (AJR) in place for any planned or future or planned Interstate modifications? If so, where are the proposed locations that pertain the AJR(s) that are in place? Any information on this would greatly assist in coordinating Interstate Access Requests within the 1-15 corridor in Nevada and California.	There are no new proposed access points to the I-15, therefore no such reporting is anticipated. Since publication of the Draft EIS, FRA has facilitated extensive coordination has been done with the Cooperating Agencies, the State DOTs, and the Applicant to ensure the Preferred Alternative will not adversely impact the safe and efficient operation of the I-15. Coordination will continue after the RODs during the design process to ensure any necessary approvals by Caltrans and NDOT.
403	Transportation	FHWA - CA	It is not clear how the DesertXpress Project will modify interchanges to eliminate grade crossings, especially when running to the side of the I-15 travel lanes. The standard should be designed so that safety and operations of the interstate roadway are not affected. This should be verified through the AJR approval process.	Please see the response to comment 402 above.
404	Transportation	FHWA - CA	DesertXpress should be in the RTP and state rail plans prior to the signing of the Record of Decision.	DesertXpress is not currently listed in the referenced Regional Transportation Plan, but will be incorporated into the Nevada and California State Rail Plans, which are currently in development.
405	Transportation	Rocha, Dolores	How will this elevate traffic from the 15 near Corona Norco area coming up the hill.	The project is expected to have an overall effect of reducing vehicle traffic in the I-15 corridor between Southern California and Las Vegas. This benefit will occur because most of the rail trips will be diverted from the auto mode. In terms of trip-making behavior, rail customers who would otherwise drive from their homes in Southern California through Cajon Pass to Victorville and beyond would be intercepted at the Victorville station, thereby reducing traffic on I-15 northeast of Victorville. However, a small portion of the trips forecast for DesertXpress will be diverted from air travel. Ridership studies prepared for the rail project indicate that about 12% of total rail trips would otherwise be made by air if the train is not built. With the train, these customers will now be driving from their homes in Southern California through Cajon Pass to Victorville where they will park at the rail station. Without the train, these customers would have driven from home to the most convenient airport where they would have parked and boarded an airplane to Las Vegas. Therefore, while the project will substantially reduces traffic on I-15 north of Victorville, it will have the effect of very slightly increasing traffic on I-15 just south of Victorville. Though the traffic volumes vary somewhat depending on rail technology type (DEMU vs. EMU) and horizon year (2013 vs. 2030), the traffic study shows that approximately 800 vehicles would be travelling northbound through Cajon Pass to access DesertXpress in the PM peak hour. Applying a nominal diversion rate of 12%, about 100 of these vehicles would be the result of trips diverting from air to rail. The other 700 would have been on the freeway anyway, traveling through Victorville and on to Las Vegas via I-15. To put these numbers in perspective, northbound I-15 through Cajon Pass is 4 lanes with a nominal throughput of 8000 vehicles per hour when operating at near-capacity conditions (4 lanes times 2000 vehicles per lane). The 100 vehicles of rail customers diverted from air represent slightly more than 1% of the near-capacity freeway volume.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
406	Transportation	Rocha, Dolores	What about the congestion here off of Mojave when the pick up location is over on Dale Evens / Stoddard wells exit.	Final EIS Section 3.5.2.3 addresses potential intersection and freeway segment impacts related to the DesertXpress project in Victorville and mitigation measures for the Preferred Alternative in Victorville are identified in Table F-3.5-5.
407	Transportation	San Bernardino County - Land Use Services	A ridership study prepared for the project (URS, 2005) estimates along the I-15 freeway from Las Vegas to Southern California projected a travel time of 1.25 hours in the summer 2002 and 5.78 hours in 2032, even with planned improvement of the freeway in place. These studies did not take into account the recent changes in travel patterns, which seem to have declined noticeably because of the combined impacts of changes in higher gas prices, housing and job situations in recent years.	The comment incorrectly cites the ridership study's conclusions, which present 1.25 hours and 5.78 hours as estimates of traffic-related delay, not travel time. Notwithstanding, FRA acknowledges that the Ridership Study from which these specific estimates were drawn was developed in 2005, prior to the onset of the recession of 2007-2009. While events of 2007-2009 may have led to some of the changes cited by the commenter, FRA has seen no evidence that the changes are at such a level such that traffic congestion on the I-15 freeway has been relieved to such an extent that alternative forms of transportation are not warranted.
408	Transportation	SANBAG	The Draft EIS does not quantify the traffic impact to highways south of Victorville, including the Cajon Pass and the capacity-constrained I-15/I-215 (Devore) interchange. Traffic volumes at the Devore interchange will increase by virtue of the diversion to the DesertXpress from trips to Las Vegas currently being made by air from Southern California. Current air travelers to Las Vegas diverting to DesertXpress would need to drive through the Cajon Pass and congested freeways south of Victorville during times that are already the most congested. Airline passenger trips diverted to HSR are forecast to be in the range of 2500 to 2800 on a typical Friday in 2012 (tables 2 through 6 from the DesertXpress Updated Ridership and Revenue Study, December 2005). This would result in an estimated 1000 additional vehicles proceeding northbound on I-15 through the Devore interchange on Fridays. Many of these would occur during the congested evening peak period. The increase in volume is a relatively small 1-2% of the total northbound volume, but the increase in vehicle hours of delay could be several times that percentage, given the current and projected congestion levels. The Draft EIS also points out the potential significant traffic benefit on I-15 north of Victorville. The total traffic benefit north of Victorville likely significantly outweighs the negative traffic impact south of Victorville, but the Draft EIS overlooks the traffic impact to the south and offers no mitigation for this impact.	See response to comment 405 above.
409	Transportation	Nevada DOT	While the right-of way of the I-15 corridor is not the only issue the department has with the Draft EIS, it does not have the potential to cause the negative impact to future transportation needs. Placing the DesertXpress within the I-15 right-of-way as depicted in this environmental document, it is in conflict with projects contained in the recently adopted Regional Transportation Commission of Southern Nevada's (RTC) 2030 Regional Transportation Plan (RTP). Segments of the I-15 corridor cannot accommodate DesertXpress due to conflicts with these projects listed in the approved RTP.	FRA and the Project Applicant have coordinated with the Nevada Department of Transportation (NDOT) to minimize impacts on planned NDOT facilities. This coordination resulted in the revised Segment 6B design studied in the Supplemental Draft EIS.
410	Transportation	Nevada DOT	NDOT is supportive of any project that will provide increased passenger or freight movements within the I-15 corridor.	The comment is noted; the comment does not address the analysis within the Draft EIS.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
411	Transportation	Nevada DOT	The attached list of projects currently listed in the Regional Transportation Commission of Southern Nevada's Regional Transportation Plan must be considered as reasonable and foreseeable projects and those impacts evaluated and mitigated relative to DesertXpress. Coordination for projects within the I-15 right-of-way throughout the design and construction must be described within this Draft EIS.	The list of reasonable and foreseeable projects was updated in the Supplemental Draft EIS and further updated in the Final EIS, concurrent with updates to the Cumulative Impact analysis. Please see Section 3.16, Cumulative Impacts, of this Final EIS.
412	Transportation	Councilmember Terry Caldwell, Victorville	Project would relieve congestion on I-15 and ease mobility in Victorville community	The comment is noted.
413	Transportation	Donovan, Kelly	Need to eliminate congestion the Cajon Pass. Maglev project would do this.	See response to comment 405.
414	Transportation	Hernandez, Carmen	Project would worsen traffic on Cajon Pass and on local freeways.	See response to comment 405.
415	Transportation	Miranda, Eduardo	Unclear how project would improve traffic conditions in Las Vegas and near stations.	Please see Final EIS Section 3.5.2.3, which summarizes traffic impacts along freeway segments and in station areas, including those in Las Vegas.
416	Transportation	Shenberger, Richard	Train is needed to improve mobility for Las Vegas residents to travel to Southern California.	The comment is noted.
417	Transportation	Trowbridge, Glen	Bonneville Station (Downtown) is preferable for Las Vegas end point as it connects to existing public transportation.	As stated in Section 2.5.1 of the Final EIS, the Preferred Alternative Las Vegas Station includes two options, the Southern Station and Central Station B; only one of these will ultimately be selected. The station site will be designed to accommodate buses and shuttles to facilitate passenger movement within Las Vegas.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
418	Transportation (unavoidable Adverse Effects)	DesertXpress Enterprises	<p>Section 3.19.1 indicates that unavoidable adverse effects would remain at a few intersections after mitigation measures. This appears to refer to the 2030 conditions at two intersections (#7 and #8) at the South Stoddard Road interchange that were analyzed for Victorville station site option 1. As stated in Tables 3.5-28 and 3.5-29 of the Draft EIS, and explained on page 6-41 of the Traffic Impact Analysis Report, under the 2030 background condition (without the project), these two intersections operate at levels of service (LOS) below acceptable standards (LOS D). Though the Traffic Report proposed mitigations, the mitigations did not improve the LOS to acceptable conditions. The Traffic Report did not propose mitigations for the with project alternatives, as additional traffic under the with-project conditions would only worsen the LOS at these intersections. We request this section be revised to explain the situation more clearly. Specifically, the consultant's traffic study made it clear that the two Stoddard Wells intersections: • Intersection 7 -- Stoddard Wells Road at I-15 SB Ramps • Intersection 8 -- Stoddard Wells Road at I-15 NB Ramps could not be feasibly mitigated under the 2030 baseline -without-project" conditions. This means that without DesertXpress, the background traffic volume due to regional population growth is forecasted to create the underlying problem – thus, it essentially is not an unavoidable adverse impact of the DesertXpress project. As a result of this, following publication of the Draft EIS, DesertXpress Enterprises asked our traffic consultant to reexamine the 2030 operating conditions with the DesertXpress project at the two intersections in question. A memo describing the results of their analysis is attached. This memo identifies mitigation measures and analyzes their effect. It was found that alternative mitigation measures would successfully mitigate the previously unavoidable impact under the without-project condition. Furthermore, the memo identifies mitigations for the with-project conditions that also achieve an acceptable level of service. Therefore, there is not an unavoidable</p>	<p>Section 3.5, Traffic and Transportation, of this Final EIS provides additional comparative discussions of the various Action Alternatives and the No Action Alternative. The comment relates to conclusions in the Draft EIS regarding Victorville Station Site 1 (VV1), at which the Draft EIS concluded that certain traffic effects of the project would be adverse and could not be mitigated. FRA stands by these earlier conclusions. Notwithstanding, VV3B was subsequently identified by the Applicant-Commenter as the Applicant's Proposed Alternative; this same station option is included as part of the Preferred Alternative.</p>
418, continued.			<p>adverse effect of the project at the Victorville intersections – and in any case, the impact discussed in the Draft EIS largely is not a result of the DXE project. Any potential cost-sharing of these potential mitigation measures should not be the subject of the Draft EIS. DesertXpress Enterprises requests that Section 3.19.1 and its reference to unavoidable adverse traffic effects be deleted from the EIS. In addition, we request that Tables 3.5-28 and 3.5-29 be revised to reflect the findings described in the attached memo from AECOM Transportation, and delete any statements that adverse effects cannot be feasibly mitigated, while making it clearer that the traffic added by the DXE project is not the fundamental cause of the need for mitigation. Finally, we suggest that it would be appropriate for AECOM Transportation to revise the Traffic Report to incorporate the findings of their memo contained in Exhibit 3. As stated in our general comments above, because of the underlying without project congestion of the Stoddard Wells Rd. Interchanges, DesertXpress believes it would be prudent to add a third Victorville Station Alternative at the Dale Evans Interchange as depicted in Exhibit 1.</p>	

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
419	Transportation, Significant Unavoidable	DesertXpress Enterprises	Please note that in subsequent comments here in regarding the traffic impact assessment we have addressed the fact that the apparent inability to mitigate the traffic impacts at Intersections 7 and 8 is not the result of the DXE Project, but rather, due to forecasted growth in the baseline traffic volumes without the DXE Project, it would have been the case whether the DXE Project is implemented or not. Please further note that we have identified additional mitigation measures later in these comments that could mitigate those impacts both with and without the Project, and we recommend that this section be revised accordingly (see comment regarding page 3.19-1).	The comment from the project Applicant is noted.
420	Transportation/AQ	American Magline Group	The draft EIS does not adequately address the implications of the DesertXpress on the freeway congestion and related air quality impacts on I-15 through the Cajon Pass and National Forest land.	See response to comments 28 and 407.
421	Utilities	FHWA - CA	Utilities will need to be addressed at several locations. FHWA and Caltrans should be held harmless for actions related to utilities.	Mitigation Measure UTIL-8 in Section 3.4, Utilities/Emergency Services, of this Final EIS has been revised to clarify that the Applicant shall be responsible for all such costs.
422	Utilities	FHWA - CA	Utilities should be moved at the expense of the Project. Existing pipelines should not be disturbed or impaired during construction, or subsequent project-related adjustments. If the adjustment or relocation of any existing utility or pipeline or any permitted encroachment is unavoidable, the Project should be responsible for all costs to the utility facility.	Mitigation Measure UTIL-8 in Section 3.4, Utilities/Emergency Services, of this Final EIS has been revised to clarify that the Applicant shall be responsible for all such costs.
423	Utilities	Southern California Edison	The project as described has the potential to impact numerous existing and planned SCE facilities, and we have not had sufficient dialogue with the Federal Railroad Administration or the project proponents to address many project related issues. We request an extension of time to comment on the project due to its regional significance, and feel an extension of the comment period for the Draft EIS may assist the environmental review process as a whole.	Following publication of the Draft EIS, DXE executed agreements with SCE regarding conflict mitigation studies. The Supplemental Draft EIS afforded SCE and other commenters additional time to comment on the proposed action as a whole.
424	Utilities/Cumulative	Southern California Edison	Discuss how this project will impact SCE current/future renewable energy projects.	FRA is unaware of any conflicts with Southern California Edison current/future renewable energy projects. The one conflict identified during the Draft EIS review with the now approved solar project in the Ivanpah Lake area has been addressed with the development of Segment 4C.
425	Utilities/Emergency Services	BLM Barstow	Add analysis of available power at Baker substation. With the Kinder Morgan pipeline, activation of a new pumping station in Baker will there available power for both projects? Is an upgrade required at the substation?	The project includes construction of new electrical substations and utility corridors to convey and provide electrical power to the EMU Alternative. Upgrades to existing substations may be necessary, however the details of such upgrades are not known at this time and would be worked out in detail between the electrical provider and DesertXpress during the detailed design phase. If additional or upgrades to existing electrical services are needed that would occur outside those areas identified in the EIS for such facilities, supplemental environmental review may be necessary.
426	Utilities/Emergency Services	BLM Barstow	General: Alignment 4(c) is in a utilities corridor not addressed in the document.	Segment 4C is located parallel to but outside existing utility lines. See also response to comment 144 above.
427	Utilities/Emergency Services	BLM Barstow	Alternative 4C/General: T16N, R14E Section 31: There are seven east-west utility ROW's (elect, telephone, pipelines, including water, natural gas, fuels) below in area identified for the route. The possible impacts to the utilities and access to them for maintenance should be addresses in the EIS.	Final EIS Section 3.4.2.3 includes analysis of potential project conflicts with utilities. Final EIS Section 3.5 includes mitigation to address identified effects.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
428	Utilities/Emergency Services	BLM Barstow	Analyze upgrade to substations. Upgrades to SCE facilities required to provide power for the EMU would be a connected action.	The project includes construction of new electrical substations and utility corridors to convey and provide electrical power to the EMU Alternative. Upgrades to existing substations may be necessary, however the details of such upgrades are not known at this time and would be worked out in detail between the electrical provider and DesertXpress during the detailed design phase. If additional or upgrades to existing electrical services are needed that would occur outside those areas identified in the EIS for such facilities, supplemental environmental review may be necessary.
429	Utilities/Emergency Services	San Bernardino County - Land Use Services	The studies for the high-speed rail system notes that police, fire and emergency services will not be impacted by the train operations. When there are accidents (e.g. as with Metrolink), the local emergency systems are often taxed to manage the situations. The potential burden of such demands should be addressed in the EIS and may need mitigation.	The comment is not entirely accurate. Impacts related to intensified emergency service needs are acknowledged and mitigation is provided to address such impacts in Sections 3.4.2 and 3.4.3 of this Final EIS.
430	Utilities/Emergency Services	San Bernardino County - Land Use Services	The EIS states that the rails and trains may be of different sizes than the existing passenger and goods trains. The EIS should consider how emergency vehicles or response systems will respond to high-speed or freeway vehicular or other train accidents without special equipment that will be exclusively for the special sizes of the high-speed trains.	Final EIS Section 3.4.3 identifies Mitigation Measure UTIL-7 which requires coordination between the Applicant, local emergency service providers, and the FRA Office of Safety to ensure that a comprehensive Emergency Operations Plan and related protocols are formulated in the event of catastrophic events. Also see Section 2.3.2.5 of the Final EIS regarding other safety considerations.
431	Utilities/Emergency Services	San Bernardino County - Land Use Services	Since the high-speed rail system is proposed to run along the median or parallel to the I-15 freeway right-of-way, any accident or emergency situations such as high wind gusts, earthquakes, flooding or acts of terrorism which affect the freeway may also disable the train system and compound evacuation or emergency response problems. The EIS should address these possibilities.	Please see the response to comment 430 above.
432	Utilities/Emergency Services	San Bernardino County - Land Use Services	The EIS stated that there will be no demand for water sewage and solid waste disposal for the operation of the trains. The EIS should state if there will be restroom facilities in the trains and at the passenger station, newspapers and other waste from the passengers, how much of this waste is expected to be generated monthly or annually and where such wastes will be disposed of.	Section 3.4.1.3 of this Final EIS has been revised to clarify assumptions about solid waste and wastewater from trains.
433	Utilities/Emergency Services	Southern California Edison	Who will be providing the North Mojave area electrical service?	As discussed in Draft EIS Section 3.4.4.2, SCE had reported sufficient equipment and facilities to serve existing and future needs of 17762 Kwh per round trip per train.
434	Utilities/Emergency Services	Southern California Edison	Please note if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for up to two years or longer.	In response to a declaratory order filed by DesertXpress, STB issued a decision in DesertXpress Enterprises, LLC- Petition for Declaratory Order, STB Finance Docket 34914 (STB served Jun 27, 2007) in which it determined that the proposed construction project is not subject to state and local environmental review and land use and other permitting requirements because of the Federal preemption in 49 U.S.C. 10501(b). This means that Federal environmental statutes, such as NEPA, the Clean Air Act, and the Clean Water Act, and the regulation of railroad safety under the Federal Railroad Safety Act, will apply to this proposal. See, e.g., City of Auburn, 154 F.3d at 1031-33; Friends of the Aquifer, et al., STB Finance Docket No. 33966, slip op. at 4-6 (STB served Aug. 15, 2001).

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
435	Utilities/Emergency Services	Southern California Edison	The Draft EIS indicates there may be potential conflicts with SCE facilities in Segment 1, 2A/2B and 3A/3B of the proposed train alignment. Based on this information, the proposed project has the potential to impact SCE's rights-of-way, which may also affect SCE's transmission facilities. The potential project-related impacts will need to be reviewed by SCE's Operating Department to ensure the proposal is compatible with SCE's operational requirements and associated rights prior to finalizing the plan of development. Please forward five (5) sets of project plans depicting SCE's facilities and its associated land rights to the following location for review as noted above:	Section 3.4, Utilities/Emergency Services, of this Final EIS discloses these potential conflicts. The FRA expects that the Applicant and Southern California Edison will address conflicts during the design-build phase and prior to construction. Please see Mitigation Measure 8 in Section 3.4.3 of this Final EIS.
436	Utilities/Emergency Services	Southern California Edison	Please discuss specifically route crossings with SCE facilities and indicate potential impacts to planned SCE infrastructure.	Please see the response to comment 435 above.
437	Utilities/Emergency Services	Southern Nevada Water Authority	In reviewing the segment 6 alignment alternatives A, B and C, SNWA has the following facilities which may be impacted. 1. Pittman Lateral (DC7332) 90" WSP Concrete lined from station 1224+81 east to station 1229+90 west Lateral crosses I-15 from northwest to southeast at a 45 degree angle about 1000 feet south of the Tropicana Ave overpass and runs approximately 10 feet deep under the traffic lanes 2. South Valley Lateral (110-K) 84" MLCP pipe Station 82+48 to station 86+18.09. MLCP is encased in a 120" casing that runs perpendicular to the interstate just north of the Silverado Ranch Road overpass at a depth over the casing at approximately 9 feet. 3. McCullough Lateral – South Corridor (proposed). Currently have a proposed crossing approximately 2500 feet south of the Silverado Ranch Road overpass in Pyle Road alignment running east and west. This project is currently in the Environmental Evaluation Phase. SNWA does not allow any structures to be built on the top of our pipelines and appurtenances. Encroachment within SNWA right-of-way would require an Easement Occupancy Permit (EOP). Plans for work done within our easement and adjacent to our facilities have to be reviewed and approved prior to construction.	This Final EIS discloses these potential conflicts in Section 3.4, Utilities/Emergency Services. The FRA expects that the Applicant and Southern California Edison will address conflicts during the design-build process and prior to construction. Please see Mitigation Measure 8 in Section 3.4.3 of the Final EIS.
438	Utilities/Emergency Services; General - Consultation Process	BLM Barstow	General: The document does not identify that coordination with power supply companies has taken place.	Please see response to comment 449. The Applicant has commenced coordination with the potential power supply companies (Southern California Edison and Nevada Power) will continue coordination throughout the design-build phase of the project.
439	Utilities/Energy	Southern California Edison	Please clarify electrical service to the proposed project facilities.	Please see responses to comments 438 and 449.
440	Visual Resources	BLM Barstow	Delete (the preferred action alternative within segment 2) A preferred action alternative has not been identified by the Federal agency. Delete or put in context as the Applicant's proposed action.	This Final EIS, with identification of the agency Preferred Alternative, supersedes the Applicant proposed alternative identified in the Draft EIS.
441	Visual Resources	DesertXpress Enterprises	We are confident that the potential visual impacts of the overhead power wires will not be significant, based in part upon the fact that they are not perceived as such in the many countries where high speed trains now have been implemented. High voltage power lines are typically seen along roadways throughout the country, and in this particular corridor, there are numerous high voltage power lines that are much larger and far more visible than the overhead catenary system for the trains.	The comment is noted.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
442	Visual Resources	DesertXpress Enterprises	The discussion of visual and aesthetic impacts does not include a discussion of significance criteria. Significance criteria should be included so that the potential impacts can be assessed against an identified standard.	The visual assessment contained in this Final EIS follows BLM and FHWA visual analysis criteria and procedures.
443	General	Southern California Edison	<p>The Draft EIS states that the Surface Transportation Board (STB) issued a decision in "DesertXpress Enterprises, LLC-Petition for Declaratory Order," STB Finance Docket No. 34914 (June 2007 Dec. Order) stating that the project is not subject to state and local land use and environmental review and other permitting requirements because of the Federal preemption authority under 49 U.S.C. 10501(b). In addition, the Draft EIS further states the "CPUC's authority over interstate passenger carriers, such as the proposed DesertXpress project, is limited to registration of operations and filing evidence of liability insurance (page 3.1-44)."</p> <p>SCE respectfully requests clarification in this regard due to the fact SCE is subject to the California Public Utilities Commission's (CPUC) General Order 131-D (GO 131-D), which sets forth the requirements and the CPUC's authority for, among other things, the construction and relocation of facilities above 50 kilovolts (kV). SCE recommends the FRA contact the CPUC Energy Division to ensure an appropriate approach to understanding the CPUC requirements SCE must adhere to and to ensure the CPUC can provide adequate input into the Draft EIS.</p>	See response to comment 434 on the Draft EIS and comment S-323 on the Supplemental Draft EIS.
444	General - Project Attributes	Southern California Edison	To support the EMU technology alternative, the Draft EIS indicates three new substations and associated transmission lines will be required. The electric infrastructure necessary to support the EMU technology alternative should be included in the Draft EIS description and analyzed in accordance with the NEPA guidelines.	Final EIS Section 2.3.2.2 defines utility corridors as part of the Preferred Alternative.
445	Cumulative	Southern California Edison	Also, the cumulative impacts discussion in the Draft EIS concludes that other transportation, development and utility projects in the subject area would require separate environmental review similar to DesertXpress thus cumulative impacts in San Bernardino County and Clark County would be negligible. The cumulative impacts discussion should include an analysis of the other transportation, development and utility projects in the subject project area.	The cumulative discussion within Section 3.16, Cumulative Impacts, in this Final EIS does not make the claim asserted by the commenter. Rather, the cumulative analysis specifically identifies known and reasonably foreseeable transportation, utility, and development projects in the region and analysis potential cumulative effects, when also considering the DesertXpress project.
446	Cumulative	Southern California Edison	In further addressing cumulative impacts, we note the Draft EIS lists all of the proposed solar and wind energy projects on BLM land. Please bear in mind, transmission lines are necessary to connect renewable energy to the electric grid and the project proponents must work closely with SCE to ensure current SCE transmission line projects planned and/or underway conveying renewable energy are considered during project planning and construction.	The comment is noted. Final EIS Section 3.16.2 includes descriptions of these projects and has been expanded to note the need in many locations for transmission lines to connect projects to the electric grid.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
447	Cumulative	Southern California Edison	We strongly suggest the project proponents assess the RETI Competitive Renewable Energy Zones (CREZs) with their renewable generation capacity of greater than 30,000 MW in southern California alone, as identified in RETI Phase 1B Report and also the RETI Phase 2A Draft Conceptual Transmission Plan report, currently available on the CEC Website for their impact on the subject project infrastructure, and maintain dialogue with the CEC, SCE and other utility purveyors regarding planned transmission infrastructure and transmission corridors conveying renewable energy.	The comment is noted. The Applicant has apprised FRA of its willingness to consider renewable energy for the project. The Applicant is duly encouraged to consider such an assessment of the RETI CREZs during the design-build phase of the project.
448	Cultural and Paleontological Resources	Southern California Edison	Any alterations or modification to the towers and the alignment of the route could have an adverse effect to the resource, and may require mitigation measures. If adverse effects are anticipated and unavoidable, then a formal consultation with the State Historic Preservation Officer (SHPO) will be required regarding the project effects on the resource. A qualified archaeologist must assess the scope of work within and near the transmission line to determine if the existing resource, as well as other unknown or unrecorded resources will be affected by the proposed project.	Section 106 compliance will be conducted through the Programmatic Agreement (PA), described further in Section 3.7.2 of this Final EIS; a copy of the executed PA is included in the Final EIS as Appendix F-H.
449	Utilities	Southern California Edison	The Draft EIS includes a statement requiring the project proponents to "Continue to coordinate closely with all electric utilities as design moves forward to ensure that final design meets any design requirements that may be set forth for development beneath electrical transmission lines." We feel the Draft EIS overstates the degree to which the project proponents have coordinated with SCE regarding the proposed project. In a similar manner, personal communications references in this report with myself regarding providing electricity service to the project as well as other electric infrastructure matters does not accurately communicate that despite our ability to serve this project, further inquiry and coordination, including formal submittals, would be necessary to determine the electrical needs for this project in addition to identifying all the potential impacts on electric infrastructure associated with this project.	The comment is noted. The project Applicant has apprised FRA of its willingness and of the necessity to further coordinate with Southern California Edison and other electrical service providers to develop appropriate arrangements to procure electrical service. This coordination has commenced during the environmental review phase of the project and will continue into the design-build phase. This coordination is particularly necessary given the selection of the EMU technology as part of the Preferred Alternative.
450	Utilities	Southern California Edison	SCE urges the FRA to ensure that the project proponent coordinates closely with SCE during all stages of project development and construction to address potential project related impacts of existing and proposed SCE lines and corridors, to address the relocation of lines, and to assist with the identification and siting of new substation and transmission lines necessary to support the project.	See response to comment 449 on the Draft EIS and the response to comment S-316 on the Supplemental Draft EIS.
451	General - Project Attributes	Southern California Edison	In addition to the above requested information, SCE requires more detailed information and scaled drawing of rail alignments relative to SCE's transmission lines and towers as well as information regarding temporary construction areas and all foreseeable construction activities adjacent to our right-of-ways. For all rail alignments adjacent to our lines, we will require conductor elevations, plans and profiles, grading and drainage plans, and access information. Similarly, for each line crossing, we will need to look in detail at access, conductor heights, grading and drainage, and proximity to towers. Area distribution facilities will also need to be taken into consideration.	The Applicant has advised FRA of its ongoing and future coordination with SCE. The Applicant will continue its coordination with SCE throughout the design phase of the project and will provide the requested detailed design information as it is produced in order to facilitate any right-of-way issues, conductor clearances, and issues relative to the SCE right of way as well as other distribution facilities.

Table F-4-1 Responses to Comments on the Draft EIS

Overall Comment Number	Draft EIS Section/Topic	Commenter	Comment	Response
452	General	Southern California Edison	In order to determine the electrical service needs of this project, engineering fees will be required to perform studies to determine the scope of work for this project. A meeting to discuss the project scope, project costs, ownership and responsibility of involved parties will be necessary.	Comment noted. This will be the Applicant's responsibility after project approval.
453		Nevada Division of Water Resources	Any water used for the proposed project on the described lands in Nevada should be provided by an established utility or under permit issued by the State Engineer's Office. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).	Please see Section 3.4.3 of this Final EIS, specifically Mitigation Measure 3, which involves a requirement for the project to obtain a formal water commitment from the Las Vegas Valley Water District (LVVWD) for facilities within its boundaries (the Preferred Alternative Las Vegas station options and the Wigwam MSF). The Preferred Alternative does not contain any plans for wells and no facilities that would require water are located outside LVVWD service area boundaries.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-1	Air Quality	EPA	Include in the Final EIS detailed information on the distance between the alignment and sensitive receptors and an analysis of potential localized impacts to those areas, such as air quality.	Overall, project construction would lead to a substantial reduction in freeway mainline traffic, which would translate to a substantial reduction in localized diesel emissions along the project corridor. The Preferred Alternative incorporates the electric multiple unit (EMU) technology option, which will not result in diesel emissions along the alignment or in station areas. Final EIS Section 3.11.2.3 updates construction period air quality impacts with a focus on populated areas proximate to the stations. Final EIS Section 3.11.2.3 also notes that the Preferred Alternative would improve air quality conditions in the respective air basins but would nonetheless result in some localized impacts at station areas related to automobile traffic in and out of the stations.
S-2	Air Quality/GCC	Brown, Charles	You are talking about using diesel train possibly. That will not help the environment none. You are going to be putting more pollution back in the air than you are with cars.	The Preferred Alternative includes the EMU technology option. The EMU technology option was selected as part of the Preferred Alternative because of its substantial environmental benefits. Please refer to Final EIS Section 2.3.2.4 for a discussion of EMU technology and Final EIS Section 2.4.4 for a discussion regarding the selection of EMU technology as part of the Preferred Alternative.
S-3	Air Quality/GCC	Clark County Dept. of Air Quality & Environmental Management	Replace sentence on page 3.11-1 "The Clark County Air Basin and PM10" with "Parts of Clark County are currently designated by EPA as nonattainment areas for PM 10 and ozone."	Final EIS Section 3.11, Air Quality and Global Climate Change, includes this revised text.
S-4	Air Quality/GCC	Clark County Dept. of Air Quality & Environmental Management	The annual average NO2 concentrations presented in Table S-3.11-2 for the JD Smith monitoring site are incorrect - 2005 through 2007 - and indicate annual NAAQS exceedances. For example, the 0.224 ppm concentration for 2007 represents the maximum 1-hour concentration, not the annual average which is below the NAAQS, (i.e., 0.019 ppm).	Final EIS Section 3.11, Air Quality and Global Climate Change, has been revised accordingly.
S-5	Air Quality/GCC	Clark County Dept. of Air Quality & Environmental Management	The location and status of a future project - Ivanpah Energy Center - on page 3.16-3 and Figure S-3.16-5 are incorrect. The project, located near Goodsprings, NY has not commenced construction and currently does not have an active air permit.	Final EIS Section 3.16, Cumulative Impacts, has been revised accordingly. This change does not alter the cumulative impact analysis.
S-6	Air Quality/GCC	Clark County Dept. of Air Quality & Environmental Management	Regional emission calculations are not located in Appendix J as Table 3.11-4 suggests.	Final EIS Appendix F-L (Regional Emission Calculation Worksheets) includes complete and updated information.
S-7	Air Quality/GCC	Clark County Dept. of Air Quality & Environmental Management	The PM 10 construction emissions in Appendix J may be significantly underestimated - 3.2 tons per year and 11.5 tons total - for a construction project of this size, (i.e., rail construction spanning 180 miles in an arid region such as the desert southwest).	All construction-period emissions, including PM10, have been recalculated (as described in Final EIS Section 3.11.2.3). All emissions calculations, and underlying assumptions, have been used in calculating the emissions associated with the Preferred Alternative (see Final EIS Section 3.11, Air Quality and Global Climate Change). Mitigation monitoring during construction will provide data to confirm estimated impacts and ensure that all feasible measures to reduce emissions and fugitive dust are taken. See Mitigation Measure AQ-1 in Final EIS Section 3.11.3.
S-8	Air Quality/GCC	Vasseur, Robert A.	And saying that this train, with its adverse affect on the land masses in the eastern Mojave, is environmentally beneficial because of the number of vehicles that it purportedly takes off the road, is at the very least paradoxical if not patently ridiculous.	Please see the Final EIS Project Background and Executive Summary chapter and Final EIS Section 2.4, Preferred Alternative, for a discussion of the various factors and tradeoffs evaluated and considered in developing the Preferred Alternative.
S-9	Air Quality/GCC	Velma, Brya	I am not certain of how this train is powered or whether it uses any fossil fuel but if it does use fossil fuel, I am dead set against it. How can we in good faith trade fossil fuel burning cars for a fossil fuel burning train when the proposed maglev system moves us away from Mideast oil?	The Preferred Alternative includes the EMU technology option. The EMU technology option was selected as part of the Preferred Alternative because of its substantial environmental benefits. Please refer to Final EIS Section 2.3.2.4 for a discussion of EMU technology and Final EIS Section 2.4.4 for a discussion regarding the selection of EMU technology as part of the Preferred Alternative.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-10	Alternatives	Atilano, Lucy (Ironworkers Local 433)	There has been a lot of talk in Las Vegas about why this train is being "railroaded" through the process while the in-every-way-superior competing project, the Maglev, has been stonewalled. This is no time to mess around with politics when there are literally people starving for work in Las Vegas. For God's sake put both projects on equal footing and evaluate them fairly. That is supposed to be the purpose of the EIS process, is it not?	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-11	Alternatives	Atilano, Lucy (Ironworkers Local 433)	No environmental impact is acceptable unless the system is financially feasible. As the gentleman who commented at the public hearing in Las Vegas has said: No one has ever defended the DesertXpress' plan to make only one stop in Victorville. Make the private investors liable for the cost of removing the system when it fails ... so that we can build a Maglev in its place.	Please refer to Final EIS Section 1.5.2, which addresses conditions that may be included in an agreement granting the Applicant use of the right of way, which may include financial responsibility for removal of infrastructure in the event of financial default. In addition, please see the ridership study in Final EIS Appendix F-D, which has been independently reviewed by FRA and substantiates the economic feasibility of the project as summarized in Final EIS Section 2.2.1.
S-12	Alternatives	Atilano, Lucy (Ironworkers Local 433)	Since your EIS barely mentions Maglev as an alternative and goes into no details about its advantages, environmental, economically or otherwise; it is imperative that, if built, your plan for the DesertXpress not encroach on the right of way that the Maglev would require. If the DesertXpress is built it should not use any public lands that would preclude a REAL transportation system that serves ACTUAL DESTINATIONS. Let them compete side by side and let the market decide which is a better idea.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-13	Alternatives	Brown, Charles	I really hope this Desert Xpress train is not truly going to be built using public land. The mainstream media keeps reporting that the DesertXpress is a privately funded train. But according to their website, they are expecting federal loans because of the frozen Wall St. credit markets. Since when is a federal loan the same as "privately funded"?	While some segments are proposed to cross public lands (as shown in Supplemental Draft EIS Figures S-3.1-1 through S-3.1-5), the Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may be eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-14	Alternatives	California State Lands Commission	State agencies are encouraged to use National Environmental Policy Act (NEPA) documents to replace CEQA documents if the NEPA document complies with CEQA (CCR section 15221), but we cannot rely solely on the NEPA document where it fails to meet the requirements of CEQA. While the Supplemental Draft EIS has' addressed most of the issues that are required by CEQA but not required by NEPA, it lacks a program for reporting or monitoring the implementation of all mitigation measures that were adopted or made a condition of project approval in accordance with Public Resources Code section 21081.6(a). While such a mitigation monitoring program is not required until findings are made, it is prudent to disclose this program early in the process and it is often included as part of the draft environmental document under CEQA.	Please refer to Final EIS Section 1.4.1.2 for discussion of the STB's preemption authority and how such authority has exempted the DesertXpress project from state and local land use and environmental regulations, including CEQA. Notwithstanding, the NEPA process has been consistent with the CEQA regulations including publication of a Notice of Preparation in the California State Clearinghouse and notification of both the Draft EIS and the Supplemental Draft EIS. In addition, the technical analysis in both the Draft EIS and Supplemental Draft EIS covered all of the environmental topic areas within the CEQA Checklist in Appendix G of the CEQA Guidelines. The Record of Decision for the project would summarize all project mitigation measures and all federal agency licensing requirements, thereby serving much the same purpose as a CEQA mitigation monitoring and reporting program.
S-15	Alternatives	Center for Biological Diversity	Because of the significant impact to the west side of the Ivanpah Valley and the plants and animals including the desert tortoise that currently reside there, we request that Segment 4C be rejected from further consideration and an alternative be developed that further minimizes the impacts to the fully-functioning ecosystems in the Ivanpah Valley by engineering a route that takes full advantage of the existing I-15 corridor.	Please see Draft EIS Section 2.3, Alternatives Considered But Dismissed From Further Analysis, and Table 2-4, which includes a discussion and rationale of rail alignments that were considered but rejected. Draft EIS Table 2-4 specifically notes that an alignment in the freeway median of the Mountain Pass area was evaluated, but was rejected due to excessively steep grades in this corridor. These grades would require construction of tunnels and/or deep retained cuts in order to allow for adequate train operations. These potentialities were considered to have significant environmental and cost impacts and therefore, further study of any alignment within the immediate I-15 freeway corridor was rejected from further consideration. Moreover, it should be noted that portions of Segment 4C will be on elevated structures, allowing animal passage beneath. The biological resources discussion in Final EIS Section 3.14, Biological Resources, provides further discussion of impacts and mitigation measures associated with Segment 4C (see Mitigation Measure BIO-11).

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-16	Alternatives	Chavez, Remijio A.	...are most concerned about the proposed track segment displayed on Sheet C129C that would be constructed for train ingress through the City of Barstow. We live adjacent I-15 just off Roberta Street. Living this close to I-15 is bad enough but when we saw that this proposed track segment is proposed just 50 feet from our homes we have become very concerned. There are two alternatives form this segment. One places the proposed elevated track just over our heads and the other proposes that the elevated track be within the I-15 median as it ingress through the City of Barstow. It was stated at the public meeting that there is no anticipated need to condemn any private property in Barstow. We strongly oppose the alternative that would place the proposed segment adjacent to I-15 as it travels through Barstow and will only accept the I-15 median proposal!	The opposition to Segment 2C is noted. Segment 2C that has been included in the Preferred Alternative would run along the side of the I-15 freeway through central Barstow with the existing I-15 freeway. The project would include appropriate noise mitigation (in the form of sound barriers) to reduce noise impacts on adjacent residences and sensitive land uses. See Mitigation Measure NV-1 in Final EIS Section 3.12.3. Furthermore, no residential displacement or private property is proposed to be acquired or condemned to construct and operate the project in the central Barstow area as part of this evaluation. Please refer to Final EIS Section 2.4.1 for a discussion regarding the selection of Segment 2C Side Running as part of the Preferred Alternative.
S-17	Alternatives	City of Barstow (Meyers Nave)	The Supplemental Draft EIS does not identify any environmental advantage to stripping the Segment 2C routing option of a Barstow-area station; rather it simply defers to the applicant's failure to propose such as station, on the grounds that the applicant's ridership survey indicated that the number of passengers boarding there would be "insufficient to support a station." The Supplemental Draft EIS does not independently weigh the ridership survey results to determine whether the applicant is correct in discounting demand for a Barstow-area station.	The possibility of a Barstow-area station was specifically considered in Section 1.7.1 of the Draft EIS, however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. As noted in Appendix F-D, the Ridership Study developed for the project and independently reviewed by FRA, the Greater Barstow area was projected to generate below 3 percent of estimated total train ridership. Moreover, as noted in the response to Draft EIS comment 363, the Applicant met several times with officials at the City of Barstow. These meetings resulted in no consensus regarding the need for or any specific location of a Barstow station. In addition, the agency Preferred Alternative includes a passenger station at the Victorville Station Site 3 (VV3) located off of the I-15/Dale Evans Parkway interchange. This passenger station is located approximately 20 miles south of Barstow which is close enough to provide convenient access for Barstow area residents. The comment appears directed at Segment 2A/2B from Lenwood to Yermo, which has not been incorporated as part of the Preferred Alternative. Segment 2C, included as part of the Preferred Alternative, was proposed within the Supplemental Draft EIS in specific response to concerns expressed by the City of Barstow regarding potential land use conflicts. The Segment 2C alignment included in the Preferred Alternative requires no condemnation of any type of building.
S-18	Alternatives	City of Barstow (Meyers Nave)	It is obvious, therefore, that the maglev project and the DesertXpress project are two alternative means of providing the same benefit (a high-speed rail connection between southern California and Las Vegas) to the public. Both these projects are currently proposed, and planning for both has reached an advanced and detailed level. Yet the EIS deliberately excludes comparison of the maglev project and the DesertXpress project as alternatives, and furthermore deliberately excludes any discussion of the environmental impacts and/ or benefits of the maglev project.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-19	Alternatives	City of Barstow (Richard D. Rowe)	The DesertXpress is also going to be costly for the federal government, contrary to the representation that the project will be privately funded. The total cost of funding the project is \$5 billion, and \$4 billion of that cost will come from federal loans.	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-20	Alternatives	CCDOA	CCDOA is pleased to report that the alternate location for the Sloan MSF, as identified in the Supplemental Draft EIS, would eliminate CCDOA's concerns.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-21	Alternatives	Coco-weld, Amber A.	The Maglev would be so amazing to have here in Nevada! It would benefit so many people, especially those who like living here but cant find work.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-22	Alternatives	Conway, Robert A. (Ironworkers Local 433)	I'm convinced that what ever train is built it needs to go to the lower basin of Southern California. . . In regards to the ridership claims of DesertXpress I strongly believe someone should investigate the numbers regarding their projections. 10 million riders per year would be needed in order in order to make this projection, which is coincidentally almost exactly the number the DesertXpress would need to make an operating profit, they would have to run 80% full 16 hours a day 7 days a week. That is more than 3 times the number of people who ride the Acela high speed train between New York City, Boston and Washington D.C. so how is this possible???	The Ridership Study, included as Final EIS Appendix F-D, supports the viability of the DesertXpress project. Final EIS Chapter 1.0, Purpose and Need, describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. (SDG at 6; Cambridge at 2.) The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the DesertXpress ridership for future analyses, at least until better forecasting information is obtained." (Cambridge at 25.) The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
S-23	Alternatives	Dieleman, Bob	...there is an alternate route "B" for the Desert Express High Speed Rail Train that will run through the center of Dean Martin Drive and by the east side of our property. We are opposed to this option as it will substantially reduce the value of our land as well as limit its potential for development. Further, the noise, vibration and diminished visibility that would occur from the motion and multiple daily trips will make this route a potential safety hazard and certainly discourage daily business. We ask that the project undergo due process, wherein more viable alternatives such as the option exploring the use of the long-established UPRR corridor for exactly this purpose be considered. This would allow the transition of the train from the center of the I-15 freeway to the railroad at the Sloan junction, using the existing UPRR's right-of-way and offering direct access to their final destination at the terminal site. The UPRR's new found willingness to work with groups such as Desert Express (provided it makes economic sense) could ensure this option's success.	The comment is noted. Please refer to Final EIS Section 2.4.1 for a discussion regarding the selection of Segment 6B as part of the Preferred Alternative. The proposed Segment 6B alignment would be fully grade separated from Dean Martin Drive and would thus not contribute to a safety hazard on Dean Martin Drive. The presence of the elevated tracks in the median of Dean Martin Drive could potentially calm traffic on this street, resulting in improved safety. Noise and vibration impacts of the Segment are fully analyzed in the Supplemental Draft EIS Section 3.12.3. Through this area, given the proximity of the Las Vegas passenger station (either Central Station B or the Southern Station), trains would be operating below top speed. With Central Station B, top speeds would be about 80 miles per hour at Tropicana Avenue. With the Southern Station, top speeds would be reduced to about 80 mph a comparable distance south of the station, further dropping to as low as 40 mph by West Oquendo Avenue. An alignment following the existing UPRR ROW, the Option C alignment, was considered for Segments 6 and 7 but for a number of reasons, was not included in the Preferred Alternative. See Final EIS Section 2.3.2.1 for a discussion of alternatives considered.
S-24	Alternatives	EPA	Include additional analysis and justification in the Final Environmental Impact Statement (FEIS) to sufficiently demonstrate the independent utility and logical termini of the proposed Southern California hub in Victorville as opposed to other locations west of Victorville that are closer to larger population centers and existing transit connections. EPA's additional comments regarding recommendation are incorporated by reference and provided in the attachment (May 2009 EPA Comment Letter on the Draft EIS).	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
S-25	Alternatives	EPA	Include in the Final EIS a discussion of why the Victorville Station Site has expanded, if one of the VV3 options is chosen.	The commenter is correct that the relative size of the Victorville Station Site 3 (VV3) options is greater than those of VV1 or VV2. Final EIS Section 2.3.2.2 has been updated to address the relative difference in size between the various station site options.
S-28	Alternatives	Hall, Rich	...in the area immediately to the West adjacent to the "Las Vegas Valley MSF Option 3, Robindale Ave" maintenance facility for the proposed DesertXpress. Currently this area is zoned AND master planned as "Office Professional". This would exclude this area being used as a RAILROAD MAINTENANCE YARD! In addition, the noise, odors, etc. would restrict any use of this type next to a residential area. We are not talking across the street or down the road. The proposed maintenance facility runs right to the back yard fence of the residents of this area.	As outlined in Final EIS Section 2.4, Preferred Alternative, the Robindale Avenue MSF site option is not part of the Preferred Alternative. Therefore, none of the impacts identified by the commenter would occur at the location noted.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-29	Alternatives	Handelman	This is the most ridiculous idea. Does anyone honestly believe that anyone will drive from LA to Victorville to get on a train to come to Las Vegas.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High-Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
S-30	Alternatives	Hansen, David	No one is mentioning the fact that EVERY road crossing has to be a bridge or tunnel. [...] What is going to happen when a truck stall on the tracks??? [...] why would anybody park their car, take a train, then walk miles, perhaps carrying packages and other products that need to go where they go??	As discussed in Final EIS Section 2.2, Development of Alternatives, all proposed rail alignments would be fully grade separated from existing roadways. Therefore, there is no realistic potential for the DesertXpress train to be blocked by stalled vehicles, as suggested by the commenter. As discussed in Final EIS Section 2.2.2, FRA conducted an extensive independent review of the ridership study conducted by the Applicant. FRA's review concluded that the ridership estimates should be adjusted downwards by a factor of 10 percent overall to represent a conservative estimate of potential ridership. Please see the ridership study in Final EIS Appendix F-D, which has been independently reviewed by FRA and substantiates the economic feasibility of the project as summarized in Final EIS Section 2.2.2.
S-31	Alternatives	Harrison	Hopefully there will be a time that people will be asked which system they support, this desert express train or the maglev system. This train would have been great to ride between Los Angeles and Las Vegas years ago but the newer technology makes the desert express look like a joke.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-32	Alternatives	Jenkins, Howard and Lynda	Approving the Desert Express will be the political burden of the century, from which no supporting politician will escape. Please do the right thing! Reject this folly.	The comment in opposition to the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-33	Alternatives	Los Angeles Department of Water and Power	Vehicle parking on the transmission line Rights-of-Way may not be used to satisfy any zoning demands, zoning variances, conditional use permits, open space, or parking requirements for building plans and permits, or governmental requirements. Vehicle parking under IPA & LADWP 500kV AC or DC Transmission Lines is not currently authorized.	The comment is noted and the parking prohibition was noted in Supplemental Draft EIS Section 2.2.1. As parking beneath the Los Angeles Department of Water and Power (LADWP) transmission line ROW could not be ascertained, station site option VV3B was proposed, which would not entail any parking or structures to be located in this ROW.
S-34	Alternatives	Makar, Steve	If I cannot stop this waste of tax dollars at least move it to the center of the Interstate 15 the only reasonable place to put such a commercial project.	The preference for a median alignment is noted and was identified in Final EIS Section 2.5 as an environmentally preferable alternative. However, as further described in Final EIS Section 2.5, numerous technical and operational factors led the Federal cooperating agencies to identify side-running segments as the Preferred Alternative rail alignment.
S-35	Alternatives	Marks, Philip H.	Since you are going to elevate the railway why not run it down the center of Interstate 15 and avoid all of the dust, noise, health issues and reduction in home values.	The preference for a median alignment is noted and was identified in Final EIS Section 2.5, Environmentally Preferable Alternative, as an environmentally preferable alternative. However, as further described in Final EIS Section 2.5, Environmentally Preferable Alternative, numerous technical and operational factors led the Federal cooperating agencies to identify side-running segments as the Preferred Alternative rail alignment.
S-36	Alternatives	Martin, Rod	We are concerned that the alternative routes described potentially impact the commercial facilities we own located at 3165 – 3455 W. Sunset Road and 3301 W. Martin Avenue in Las Vegas. As these facilities have significant value, any physical appropriation will need to be addressed as well as any impairment on the remaining facilities.	The commenter refers to Segment 6B. This Final EIS includes an updated appendix showing detailed plan and profile drawings of this alignment. Please refer to Sheets SK-98/SK-99 within Final EIS Appendix F-C, which shows the location of the Preferred Alternative rail alignment in the vicinity of the properties described. In this location, the rail alignment remains within a transportation ROW area and would not encroach on private property.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-37	Alternatives	McEachron, Ryan	As a city council member for the city of Victorville I am very supportive of the DesertXpress high speed rail project.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-38	Alternatives	National Parks Conservation Association	We oppose proposed routes that negatively impact National Park resources, such as 4A, which encroaches within the designated boundary of the federally protected Mojave National Preserve.	Please see Final EIS Section 2.4, Preferred Alternative, which describes the components of the Preferred Alternative. Segment 4A is not identified as part of the Preferred Alternative. Please note, however, Final EIS Section 2.5, Environmentally Preferable Alternative, which identifies Segment 4A as the environmentally preferable alternative, insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C and because its shorter length and its relatively close adherence to the I-15 and/or Nipton Road corridors. Notwithstanding, Final EIS Section 2.5, Environmentally Preferable Alternative, notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a ROW through the Mojave National Preserve.
S-39	Alternatives	National Parks Conservation Association	[Re Segment 4C] Develop an environmentally preferred alternative that follows the I-15 Corridor. Despite having to negotiate the steep grade of Mountain Pass, less damage would be done to public land, listed species, and cumulative impacts to the Ivanpah Valley and Mojave National Preserve would be reduced. The need to build costly tunnels through BLM land would also be avoided should an alternative be developed and adopted. Should the train be unable to climb Mountain Pass fully, we recommend that an environmentally preferred alternative be identified for full consideration.	Final EIS Section 2.5, Environmentally Preferable Alternative, describes that Segment 4A is the environmentally preferred alignment for Segment 4, but is infeasible due to no legal mechanism allowing the placement of a railroad right of way within the Mojave National Preserve. The alternative suggested by the commenter, developing an alignment within the I-15 corridor over Mountain Pass, was considered but rejected, as further described in Draft EIS Section 2.3, Alternatives Considered But Dismissed From Further Review. Draft EIS Table 2-4 specifically notes that an alignment in the freeway median of the Mountain Pass area was evaluated, but was rejected due to excessively steep grades in this corridor. These grades would require construction of tunnels and/or deep retained cuts in order to allow for adequate train operations. These potentialities were considered to have significant environmental and cost impacts and therefore, further study of any alignment within the immediate I-15 corridor was rejected from further consideration. Moreover, it should be noted that portions of Segment 4C will be on elevated structures, allowing animal passage beneath (see Final EIS Section 2.3.2.1). The biological resources discussion in Final EIS Section 3.14, Biological Resources, provides further discussion of impacts and mitigation measures associated with Segment 4C.
S-40	Alternatives	NDOT	Table S-2-1 should add to the description of Alternative 6B the phrase "and outside of the I-15 right-of-way"	Please see Supplemental Draft EIS Table S-2-2 which makes this distinction (AAA 8, Segment 6B).
S-41	Alternatives	NDOT	If alternatives A, C, and others are to remain in the Final EIS they must be described, presented, and enough engineering provided for the proper evaluation of these alternatives. Example: Downtown alternatives must be clearly described, advance engineering wise, and/or clearly removed from the Final EIS as the impacts to the I-15 right-of-way usage is large and significant. If the intent is not to go downtown remove alternatives 7 A, 7B, 7C from the Final EIS. It seems that they were not studied at the same level of detail as the other alternatives.	This Final EIS Section 2.2.3 provides a robust alternatives analysis, which includes an analysis of Alternatives A, C, 7A, 7B, 7C and others. These alternatives have been described and any potential impacts resulting from these alternatives have been analyzed. The alternatives remain part of the alternatives analysis however, please see Final EIS Section 2.4, Preferred Alternative, which describes the components of the Preferred Alternative. In Nevada, none of the "A" or "C" alignments are part of the Preferred Alternative.
S-42	Alternatives	NDOT	Descriptions of the 6B rail alignment diverging from NDOT right-of-way Section 2.2.7 page 2-8 does not match descriptions from section 3.1 page 3.1.5.	Final EIS Chapter 2.0, Alternatives, includes revisions to address this comment. Due to a typographical error, the cited portion of Chapter 2, Alternatives, of the Supplemental Draft EIS listed locations where the alignment would be on elevated structures, not necessarily where the alignment would diverge from the NDOT ROW.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

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S-43	Alternatives	NDOT	The new Segment 4C alignment shows two tunnels in Nevada. One of them is within the NDOT I-15 right-of-way. That short tunnel could be replaced by a bigger cut on the side of the hill.	Comment noted. Engineering details such as this would be worked out during the detailed design phase after the Record of Decision. At present, the Applicant believes that a tunnel is the appropriate engineering solution; therefore a tunnel is part of project plans. In the event that a different solution is identified as detailed design and construction move forward, any such modifications will be reviewed for consistency with the foregoing analysis.
S-44	Alternatives	NDOT	Table S-2-2 summary of alignment modifications describe a 5 mile portion of this alignment will be shifted from Wigwam Maintenance Station Facility (MSF) to Las Vegas Central Station. These 5 miles do not match with written description and/or design build segment between Blue Diamond and I-215. Please clarify if there will be an alignment modification between Wigwam MSF and I-215.	Final EIS Section 2.3.2.1 includes revisions to address this comment.
S-45	Alternatives	[[Unknown]]	If the use of I-15's publicly owned right of way is approved, what will become of the other very good proposed systems that will go all the way to the Los Angeles metropolitan area? I am specifically concerned that the California-Nevada Interstate Maglev Project would be "derailed" if you approve the DesertXpress' request.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-46	Alternatives	Ross, Carl	Did you consider stopping the train at Jean Nevada where the new Las Vegas Airport is going to go in next 2 or 3 years and have your customers get a bus from airport to Las Vegas. You would save a lot of money building expensive structures along Dean Martin Drive to downtown Las Vegas and won't have to fight with all the land owners.	Stopping the train at Jean, Nevada, would not accomplish the project's purpose which involves providing high-speed rail transportation between Southern California (Victorville) and Las Vegas (See Supplemental Draft EIS page 1-1). In addition, please see Final EIS Section 1.6.8, which discusses the relationship between the DesertXpress project and the proposed Southern Nevada Supplemental Airport (SNSA). In southern Clark County, the DesertXpress rail alignment would be on the east side of the I-15 corridor, in close proximity to the site proposed for the SNSA, allowing for a potential future connection to occur.
S-47	Alternatives	San Manuel Band of Mission Indians	The San Manuel Band believes that segment 2C (median alternative) is preferable to 2A/2B alignment. In general the median alignment is preferable in all segments to non median alignment. The non median alignment will result in unacceptable impacts to cultural resources and the desert tortoise, an animal important in Native American culture.	The comment is noted; please see Final EIS Section 2.4, Preferred Alternative, for a discussion of the Preferred Alternative (which includes Segment 2C) and Section 2.5, Environmentally Preferable Alternative, for a discussion of the Environmentally Preferable Alternative. Please see also Supplemental Draft EIS Table S-3.14-2 of the which identifies the potential for impacts to desert tortoises to occur in the Segment 2C Side Running alignment but not in the Segment 2C Median alignment.
S-48	Alternatives	Sierra Club - CNRCC Desert Committee	[Re Segment 4C] We are disappointed that DesertXpress did not develop an alternative route that would remain within or along the I-15 corridor where potentially much less damage would be done to public land and listed species, and the cumulative impacts to the Ivanpah Valley and Mojave National Preserve would be decreased. The need to build costly tunnels through BLM land would also be avoided should this alternative be developed and adopted.	Please see Final EIS Section 2.2.3.1, specifically Table F-2-5, which notes that an alternative within the I-15 freeway through Mountain Pass (Alternative 4-JA) was considered but rejected due to substantial operational challenges, primarily relating to an excessively steep grade within the immediate freeway corridor. Please also see response to comment S-39 above.
S-49	Alternatives	Sierra Club - CNRCC Desert Committee	We do not support an incursion into the Mojave National Preserve.	The Preferred Alternative rail alignment is located outside of the Mojave National Preserve. Please see Final EIS Section 2.4.1 for a related discussion. Please also see the response to comment S-39 above.
S-50	Alternatives	Vasseur, Robert A.	A train originating on the West side of the San Bernardino Mountains, and preferably in the Los Angeles basin would have a far less damaging/draining effect on resources in a desert that can't support the kind of development that this train will generate.	Please see Draft and Supplemental Draft EIS Sections 3.4, Utilities/Emergency Services, which evaluated effects of the Victorville station and OMSF in relation to utilities and service systems, including water, waste water, police, fire, and emergency services. All impacts to these services would be minimized through the incorporation of mitigation measures, as listed in Final EIS Section 3.4.3.
S-51	Alternatives	Velma, Brya	[of Maglev and DesertXpress] Why has there been no side-by-side comparison of the two systems?	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Final EIS Section 2.2.3.3, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

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S-52	Alternatives	Watts, Billy	Someone should investigate the validity of the DesertXpress ridership projections. In my opinion they must have had to pay dearly to get a reputable 3 rd party to sign off on such a blatant lie as 10 million riders per year. [...] Please do the right thing and order the DesertXpress to provide an audit or a second opinion from an independent researcher of the government's choosing.	The commenter is incorrect in asserting that FRA assumed a projection of 10 million riders per year. Please see Final EIS Table F-2-4, which shows opening year and buildout year projections for the two technology options evaluated. The highest estimate of ridership is about 6.5 million annual passengers by the year 2027. Please also see the response to comment S-17 above, which summarizes FRA's independent review and resultant (downward) adjustment of the ridership study.
S-54	Alternatives - Planned and Programmed Projects	NDOT	The Supplemental Draft EIS does not identify the FAST ITS design/build project currently underway that will extend coverage down I-15 to the CA line. That project is in the RFP phase with the contract expected to be underway in the Spring of 2011.	Please see Final EIS Section 3.16.1.2, which includes this project as part of the cumulative context.
S-55	Alternatives; Growth	City of Barstow (Meyers Nave)	The Supplemental Draft EIS further does not undertake any analysis of whether inclusion in the Segment 2C routing option of a Barstow area station would reduce or avoid negative growth impacts of the project to the Barstow area economy, or to the built environment in and around the City of Barstow. Stripping the Segment 2C routing option of a Barstow-area station further renders the range of alternatives inadequate, by failing to include any option which might avoid the negative growth impacts to the Barstow area.	Final EIS Section 3.2, Growth, includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-E includes FRA's economic impact study for Barstow (Barstow Study), completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc. The possibility of a Barstow-area station was specifically considered in Draft EIS Section 1.7.1; however the ridership studies did not project significant ridership generation from the Barstow area to warrant construction of a separate station. Given the low projected numbers of passengers that would use a Barstow station, it is not reasonable to conclude that a station would substantially offset identified negative growth impacts.
S-56	Alternatives; Purpose and Need	City of Barstow (Meyers Nave)	The Supplemental Draft EIS compounds this problem of insufficient alternatives by proposing slight variations to certain route segments identified in the EIS and making minor changes to the location, size or orientation of certain facilities, making it abundantly clear that the EIS is simply an exercise to justify a pre-ordained decision to develop a specific project in a specific location. For these reasons, the statement of purpose and need in the DesertXpress EIS is too narrow and the alternatives analysis is wholly inadequate under NEPA.	The Draft EIS and Supplemental Draft EIS evaluate the full range of reasonable alternatives that will achieve the project's purpose and need. For more information on the process to select alternatives, please see Draft EIS, Section 2.2, Development of Action Alternatives, which describes the process to evaluate the reasonable range of alternatives, including alignment and routing alternatives. The Final EIS Chapter 1.0, Purpose and Need, statement a number of issues suggesting the need for a new alternative mode of transportation between Southern California and Las Vegas.
S-57	Biological Resources	Brown, Charles	If it runs ground level between here and California, you got all kinds of wildlife that is going to cross the track. Are you going to put fences and barricades up to keep them out?	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the rail alignment is in the I-15 freeway ROW, the Applicant shall install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the Applicant shall install culverts adequately designed to serve as wildlife crossings at natural drainage features and at appropriate intervals to allow for wildlife passage, including, but not limited to, desert tortoise and other wildlife to pass under the proposed rail alignment. The project shall not obstruct or block any natural drainages during project construction or operation in order to reduce potential effects to wildlife movement, including, but not limited to, desert tortoise and desert bighorn sheep. The culverts and fencing would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, NDOW, and EPA to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct desert tortoises and other wildlife species to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-58	Biological Resources	Center for Biological Diversity	Unfortunately, ISEGS translocation sites include parts of the DesertXpress' proposed Segment 4C. While translocation of desert tortoises is expected to cause significant mortality in itself, further disruption of habitat and potential additional translocation of desert tortoises by DesertXpress will cause additional direct mortality to this imperiled species.	Segment 4C crosses the ISEGS relocation area but does not directly impact translocation site N4. The DesertXpress project is not proposing translocation. The project is proposing to relocate desert tortoises within the limits of disturbance onto adjacent tortoise habitat as a measure to reduce harm. Please see Mitigation Measure BIO-15 in Final EIS Section 3.14.3. Substantial portions of Segment 4C would be on elevated structures, including spans of all existing drainage areas greater than four feet in width, thereby allowing for ongoing movement of desert tortoises during project operations. The DesertXpress project would directly and indirectly impact desert tortoise habitat within the Ivanpah Valley, permanently converting habitat to transportation use within the permanent ROW for the DesertXpress project. It is not anticipated that the DesertXpress project would result in direct mortality of any desert tortoise.
S-59	Biological Resources	Center for Biological Diversity	We are also concerned about the fragmentation that the DesertXpress project (including Segments 4 a, b and c) will cause to the integrity of the existing desert tortoise population in the Ivanpah Valley. It appears that the density of tortoises in the Ivanpah Valley far exceed (USFWS 2010a at pg. 35 and USFWS 2010b at pg. 56) the average densities in the Northeastern Recovery unit (USFWS 2009). Therefore the Ivanpah Valley is a "hotspot" for healthy desert tortoise populations in the Northeastern Recovery Unit. It makes no biological or recovery sense to directly impact and fragment one of the only areas in the recovery unit where the tortoise numbers are better than average. Instead the Ivanpah Valley should be protected from further degradation as a crucial step in desert tortoise recovery.	Segments 4B and 4C would result in additional fragmentation of the desert tortoise and other wildlife species, such as desert bighorn sheep, habitat within the Ivanpah Valley north and west of the existing I-15 roadway facility. Substantial portions of Segment 4C (part of the Preferred Alternative) would be on elevated structures, including spans of all existing drainage areas greater than four feet in width, thereby allowing for ongoing movement of tortoises during project operations. While the DesertXpress project proposes to construct USFWS-, BLM-, and CDFG-approved culverts within these alignments, additional fragmentation of the habitat will result from implementation of the proposed project. The DesertXpress Segment 4A rail alignment will cause some habitat fragmentation of the desert tortoise habitat south and east of the existing I-15 roadway. The fragmentation from this segment is expected to be minimal given the close proximity to the I-15 freeway ROW. The desert tortoise habitat within Segment 4A is subject to historical and ongoing focused Raven predation along and adjacent to the I-15 corridor. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project, including mitigation for desert tortoise. The December 2010 Biological Assessment is included as Final EIS Appendix F-M. Please also see response to comment S-58 above.
S-60	Biological Resources	City of Barstow (Meyers Nave)	First, the project study area for biological impacts is the project footprint. [...] There is no assessment of impacts on the ecosystem or on the biodiversity of the region. This myopic review does not provide an assessment of the impacts on biological resources and fails to comply with the mandates of NEPA.	As required by 43 FR 55994 Section 1502.16, 1508.7, 1508.8, the analysis of direct, indirect and cumulative impacts to biological resources associated with project implementation is included in the Draft EIS and Supplemental Draft EIS. Please refer to Draft EIS Section 3.14.3 and Supplemental Draft EIS Section 3.14.1 for a discussion regarding the direct and indirect impacts to biological resources within the vicinity of the project. Draft EIS and Supplemental Draft EIS Sections 3.16, Cumulative Impacts, discuss the cumulative impacts to biological resources. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance. In addition the project alignment is primarily within or adjacent to the existing I-15 roadway ROW. The I-15 roadway facility previously impacted the ecosystem by creating a barrier to wildlife movement and fragmenting the habitat. The proposed project alignment is not anticipated to created additional significant impacts to biodiversity or the ecosystem except within Segment 4, where the alignment deviates from the I-15 alignment. Within the Segment 4, alignments 4B and 4C would further impact the wildlife of the Ivanpah Valley by further fragmenting the habitat and creating a new barrier to wildlife movement. Please see Final EIS Section 3.14.2.3 and Final EIS Section 3.16.3.17 for additional discussion and analysis of the Preferred Alternative project and cumulative effects to biological resources, respectively.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-61	Biological Resources	City of Barstow (Meyers Nave)	The documents concede that essential information about various plant species was not obtained prior to the issuance of the Draft EIS (pp. 3.14-16 and 3.14-53) or the Supplemental Draft EIS (p.3.14-16) due to the prolonged drought in the region. Both documents indicate that such surveys will be conducted prior to beginning construction on the project. (Id.) Even if such studies are completed prior to breaking ground, the information obtained will not be available to inform the public or the decision-makers in assessing the environmental impacts of the different alternatives before the decision on the project as mandated by NEPA.	Please see Draft EIS Section 3.14.4.5, which explains that multiple year drought conditions led to a determination to conduct limited botanical surveys, given anticipated scarcity of resources. The botanical surveys for Segment 4C were conducted during the spring of 2010 to determine the presence of any sensitive species within or adjacent to the proposed alignment. The proposed alignment in Nevada was previously surveyed for sensitive botanicals. The remainder of the alignment is within or immediately adjacent to the I-15 roadway or within an urbanized area and not supporting sensitive species habitat. The California and Nevada Natural Heritage Program databases were reviewed for existing information regarding the location of previously observed sensitive botanical resources. In addition, the BLM resource specialist in the Barstow, Needles and Las Vegas field offices reviewed the project alignment for potential sensitive botanical resource habitat. Please refer to Final EIS Section 3.14.2.1 for a discussion regarding the methodology used to evaluate biological impact to the affected environment. Final EIS Section 3.14.3 includes mitigation measures for the Preferred Alternative which includes preconstruction surveys for special-status species (refer to Mitigation Measure BIO-2).
S-62	Biological Resources	City of Barstow (Meyers Nave)	Neither document analyzes the loss of habitat, changes to habitat, loss of individuals, or other impacts on the local populations, the ecosystem or the biodiversity in the area. There is no assessment of the impact on the multi-species habitat conservation plans that are within the project impact area, or the preserves or special habitat areas other than conclusory statements that impacts will be minimal. [...] There is no explanation of the scope of the impacts or how they relate the thresholds of significance.	The Draft EIS and Supplemental Draft EIS analyze the temporary and permanent direct, indirect, and cumulative impacts to biological resources within the study area. Please see Draft EIS and Supplemental Draft EIS Sections 3.14, Biological Resources, and Sections 3.16, Cumulative Impacts. The Draft EIS and Supplemental Draft EIS describe acres of direct and indirect impacts to desert tortoise critical habitat units, BLM areas of critical environmental concern and desert wildlife management areas. This includes the loss of habitat, modification to habitat and habitat function, and potential impacts to individual wildlife species. The DesertXpress project is in compliance with the Clark County Multispecies Conservation Plan, the California Desert Conservation Plan, Proposed Northern and Eastern Mojave Desert Plan amendment to the California Desert Conservation Area Plan, West Mojave Plan amendment to the California Desert Conservation Area Plan. The conservations plans cited above were consulted to identify special-status plants and wildlife species and sensitive natural communities that may potentially occur near the project. Please refer to Final EIS Section 3.14.2.1 for a discussion regarding the methodology used to evaluate biological impact to the affected environment. Please refer to Final EIS Section 3.14.2.3 for a discussion regarding the Preferred Alternative's impacts on biological resources in the vicinity.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-63	Biological Resources	City of Barstow (Meyers Nave)	The biological impacts discussion in the Supplemental Draft EIS (and the Draft EIS which is incorporated by reference) utterly fails to provide a meaningful analysis of the impacts on biological resources, biodiversity and/or the ecosystem from the proposed action or the alternatives. This chapter does not comply with NEPA and must be revised.	Please see response to comment S-62. The Draft EIS and Supplemental Draft EIS analyze the temporary and permanent direct, indirect and cumulative impacts to biological resources within the study area. Please see Draft EIS and Supplemental Draft EIS Sections 3.14, Biological Resources, and Section 3.16, Cumulative Impacts. The Draft EIS and Supplemental Draft EIS describe acres of direct and indirect impacts to desert tortoise critical habitat units, BLM areas of critical environmental concern and desert wildlife management areas. This includes the loss of habitat, modification to habitat and habitat function, and potential impacts to individual wildlife species. The DesertXpress project is in compliance with the Clark County Multispecies Conservation Plan, the California Desert Conservation Plan, Proposed Northern and Eastern Mojave Desert Plan amendment to the California Desert Conservation Area Plan, West Mojave Plan amendment to the California Desert Conservation Area Plan. The conservation plans cited above were consulted to identify special-status plants and wildlife species and sensitive natural communities that may potentially occur near the project. Please refer to Final EIS Section 3.14.2.1 for a discussion regarding the methodology used to evaluate biological impact to the affected environment. Please refer to Final EIS Section 3.14.2.3 for a discussion regarding the Preferred Alternative's impacts on biological resources in the vicinity.
S-64	Biological Resources	Desert Conservation Program	Map S-3.14-4 displays the LSTS in light blue but is not identified in the map legend.	The legend for Supplemental Draft EIS Figure S-3.14-4 has been revised. This revised figure is included as Final EIS Figure F-3.14-1. The revised figure clarifies the location of the Large Scale (Tortoise) Translocation Site. This change does not entail any additional physical environmental effect that was not previously described in the Supplemental Draft EIS.
S-65	Biological Resources	Desert Conservation Program	Map S-3.14-4 displays the Desert Wildlife Management Area (DWMA) in the legend but is not shown in the map.	There are no DWMAs within the area depicted on Supplemental Draft EIS Figure S-3.14-4. The legends for the biological resource Figures S-3.14-1 through S-3.14-5 of the Supplemental Draft EIS are identical. Not every resource type listed in the legend is found on every figure in this series. Please also see response to comment S-64 regarding edits to Supplemental Draft EIS Figure S-3.14-4.
S-67	Biological Resources	Desert Conservation Program	The DCP has concerns about any impacts to existing desert tortoise proof fencing along either sides of Interstate 15 (I-15) from Primm, Nevada to Sloan, Nevada. Any disturbance of existing tortoise fencing would need immediate temporary approved tortoise fencing installed and at project completion permanent tortoise proof fencing reinstalled. This is of special concern for rail alignment Alternative A along the west side of I-15 from Jean, Nevada to two miles north of Primm, Nevada (see Maps 5-3.14.4, and 5-3.16-6 in the Supplemental Draft EIS).	Along portions of the proposed alignment requiring removal of existing permanent desert tortoise fencing, USFWS and BLM approved temporary fencing that would be installed prior to initiation of construction, and permanent desert tortoise fencing that would be installed upon completion of the project construction. Please see Mitigation Measure BIO-2 in Final EIS Section 3.14.3.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-69	Biological Resources	Jenkins, Howard	[...] that a ground-level train going through our desert does inhibit the movement of wildlife [...]	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the rail alignment is in the I-15 freeway ROW, the Applicant shall install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the Applicant shall install culverts adequately designed to serve as wildlife crossings at natural drainage features and at appropriate intervals to allow for wildlife passage, including, but not limited to, desert tortoise and other wildlife to pass under the proposed rail alignment. The project shall not obstruct or block any natural drainages during project construction or operation in order to reduce potential effects to wildlife movement, including, but not limited to, desert tortoise and desert bighorn sheep. The culverts and fencing would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, NDOW, and EPA to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct desert tortoises and other wildlife species to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.
S-70	Biological Resources	Mougala, Tarig	1) Protect wild animal 2) ...to protect this wild animals in mountain arias. I need to now how you gone protect out wild life 4m this train [sic]	Final EIS Section 3.14.2.3 details the potential adverse effects of the Preferred Alternative on biological resources. Final EIS Section 3.14.3 also includes a number of mitigation measures that would avoid or minimize the identified effects.
S-71	Biological Resources	National Parks Conservation Association	Provide additional data on impacts to Mojave National Preserve and state and federally listed species caused by Alternative 4C. These should include noise impact to user experience and Desert Bighorn sheep within the Clark Mountain exclave of Mojave National Preserve, impacts to rare and endangered species of plants and animals, and fragmentation of existing permitted grazing allotments as they relate to the degradation of Preserve resources.	Potential impacts to desert bighorn sheep and anticipated wildlife fragmentation associated with the Preferred Alternative, which includes Segment 4C, are described in Final EIS Section 3.14.2.3. Final EIS Section 3.3.2.3 evaluates the Preferred Alternative's effects to grazing land and grazing allotments, including as to how they relate to the degradation of the Mojave National Preserve resources.
S-72	Biological Resources	National Parks Conservation Association	Revisit the assertion that the DesertXpress will not further fragment wildlife crossing the Interstate 15 corridor. This busy Interstate is not an ideal wildlife corridor, but wildlife does cross the highway. With the large fences shielding the Desert press in the Interstate median, any wildlife crossing that currently occurs would significantly decrease. NPCA recommends that DesertXpress look at connecting wildlife corridors using wildlife overpasses and wildlife underpasses as one method of mitigating this impact of construction.	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the rail alignment is in the I-15 freeway ROW, the Applicant shall install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the Applicant shall install culverts adequately designed to serve as wildlife crossings at natural drainage features and at appropriate intervals to allow for wildlife passage, including, but not limited to, desert tortoise and other wildlife to pass under the proposed rail alignment. The project shall not obstruct or block any natural drainages during project construction or operation in order to reduce potential effects to wildlife movement, including, but not limited to, desert tortoise and desert bighorn sheep. The culverts and fencing would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, NDOW, and EPA to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct desert tortoises and other wildlife species to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-73	Biological Resources	NDOT	Wildlife barriers are noted, with I-15 and DXE alignments both affecting their movement. Wildlife crossings can be constructed for both the highway and rail alignments with good justification. Currently some deer overcrossings are being retrofitted on other routes in rural Nevada. If specific locations are recommended to re-establish natural migratory paths, NDOT will consider participation in retrofitting additional crossings on I-15, if DXE constructs similar facilities on their alignment.	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the rail alignment is in the I-15 freeway ROW, the Applicant shall install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the Applicant shall install culverts adequately designed to serve as wildlife crossings at natural drainage features and at appropriate intervals to allow for wildlife passage, including, but not limited to, desert tortoise and other wildlife to pass under the proposed rail alignment. The project shall not obstruct or block any natural drainages during project construction or operation in order to reduce potential effects to wildlife movement, including, but not limited to, desert tortoise and desert bighorn sheep. The culverts and fencing would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, NDOW, and EPA to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct desert tortoises and other wildlife species to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.
S-74	Biological Resources	San Bernardino County Department of Public Works	Page 3.14-1, regarding the Victorville Station Site 3 (VV3), table S-3.14-1 states that there are no special status plant species known or with potential to occur within the vicinity of the site. Since the site is near both the Turtle Valley Quad and the Victorville Quad, CNDDB data should be considered for both. According to the CNDDB there are several special status plant species that occur within the adjacent Victorville quad. It is recommended that focused plant surveys occur within the VV3 site, since there is both suitable habitat present, and nearby records for several special status plant species known in that region.	The commenter is correct that the literature review indicated that there are no special-status plant species known to occur in the immediate site of VV3. Notwithstanding, the Supplemental Draft EIS (please see Supplemental Draft EIS Section 3.14.3) acknowledges the possibility that prior to construction, such special status species may develop on the site. To this end, Mitigation Measure BIO-2, identified in Final EIS Section 3.14.3 requires preconstruction surveys for all project areas for sensitive botanicals. These surveys will follow appropriate protocols established by the pertinent authority. Please also see the response to comment S-61 above.
S-75	Biological Resources	Sierra Club - CNRCC Desert Committee	As proposed, DesertXpress will have negative impacts on the Mojave Desert Tortoise in the Ivanpah Valley. Segment 4A will fragment habitat and disrupt connectivity for the Northeastern Mojave Desert Tortoise Recovery Unit. There are populations of this Unit in both the southern and northern portions of the Ivanpah Valley. The entire California population of the Recovery Unit resides in the Ivanpah Valley. Segment 4B would severely fragment what desert tortoise habitat will remain on the northeastern slopes of the Clark Mountains after BrightSource completes construction of ISEGS. Without the DesertXpress line running north and south, desert tortoises south of ISEGS and west of I-15 will be able to connect with the higher elevation habitat on the bajada east of the Clark Mountains. This habitat could be especially important as a refuge for tortoises given global climate change.	All alignment options through the Mountain Pass area - Segments 4A, 4B and 4C - would result in impacts to desert tortoise habitat. These impacts have been disclosed in the Draft EIS and Supplemental Draft EIS Sections 3.14, Biological Resources. Segment 4C is identified in Final EIS Section 2.4.1 as part of the Preferred Alternative. Final EIS Section 3.14.2.3 discusses the impacts of the Preferred Alternative on biological resources, including desert tortoise. Final EIS Section 3.14.3 provides mitigation measures that would be required to reduce impacts to these biological resources. Concurrently with the NEPA process, FRA initiated the Endangered Species Act Section 7 consultation process, pursuant to 50 CFR 402.14. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project. The December 2010 Biological Assessment is included as Final EIS Appendix F-M.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-76	Biological Resources	Sierra Club - CNRCC Desert Committee	Segment 3B will take acreage from three desert tortoise critical habitats in violation of the intent of the Mojave Desert Tortoise Recovery Plan (1994) to protect recovery areas.	The Draft EIS and Supplemental Draft EIS Sections 3.14, Biological Resources, include acreages of direct temporary and permanent impacts to desert tortoise critical habitat. This Final EIS Section 3.14.2.3 includes an analysis of the Preferred Alternative (including Segment 3B) direct permanent and temporary effects to desert tortoise, which would considerably reduce the capability of designated Mojave desert tortoise critical habitat to satisfy requirements essential to both the survival and recovery of the species. The adverse modification of critical habitat is a direct alteration that appreciably diminishes the value of the critical habitat. While Segment 3B does directly impact desert tortoise critical habitat adjacent to the existing I-15 freeway, implementation of the Preferred Alternative is not expected to adversely modify the critical habitat. Segment 3B will be constructed within the I-15 freeway ROW and will provide culverts and undercrossing to match existing crossings, allowing for continued movement of tortoises as is possible under current conditions. Mitigation Measure BIO-19, identified in Final EIS Section 3.14.3, would require the Applicant to install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Concurrently with the NEPA process, FRA initiated the Endangered Species Act Section 7 consultation process, pursuant to 50 CFR 402.14. A draft Biological Assessment was submitted to the USFWS on August 17, 2010 and a final submitted on December 16, 2010. Prior to the issuance of a Record of Decision (ROD) for the project, the USFWS is expected to issue a Biological Opinion (BO), which will detail all mitigation requirements for the project. The December 2010 Biological Assessment is included as Final EIS Appendix F-M.
S-77	Biological Resources	Sierra Club - CNRCC Desert Committee	Efforts need to be made to enhance wildlife crossings. DesertXpress as proposed will further constrain wildlife crossings of the I-15 corridor and should be mitigated.	Barriers to wildlife movement are discussed at length in Draft EIS Section 3.14.4.5. Also see Final EIS Section 3.14.3, Mitigation Measure BIO-19, which sets forth measures regarding culverts and fencing in terms of wildlife crossings. Where the rail alignment is in the I-15 freeway ROW, the Applicant shall install culverts under the proposed railroad line that match existing I-15 or UPRR culverts. Where the project deviates from existing transportation facilities, the Applicant shall install culverts adequately designed to serve as wildlife crossings at natural drainage features and at appropriate intervals to allow for wildlife passage, including, but not limited to, desert tortoise and other wildlife to pass under the proposed rail alignment. The project shall not obstruct or block any natural drainages during project construction or operation in order to reduce potential effects to wildlife movement, including, but not limited to, desert tortoise and desert bighorn sheep. The culverts and fencing would be designed and spacing would be determined through coordination with USFWS, NPS, BLM, CDFG, NDOW, and EPA to ensure they meet agency wildlife standards. Exclusion fencing would be constructed parallel to the rail line and would direct desert tortoises and other wildlife species to the culverts. The impact to the Mojave Desert ecosystem as a whole is very small given the project parameters including the narrow width of the temporary and permanent disturbance and the limited indirect impacts to biological resources associated the project construction, operation, and maintenance.
S-78	Biological Resources; Visual; Cumulative Impacts	National Parks Conservation Association	Route 4C would destroy and/or fragment the habitat of desert tortoise and other state and federally listed plants and animals, and would bring noise pollution, habitat loss, negatively impact listed species, and degrade viewsheds that may be significant when considered cumulatively with Ivanpah Solar Energy Generating System which is likely to soon begin construction.	Final EIS Section 3.16, Cumulative Impacts, provides a discussion of cumulative impacts related to noise, habitat loss, viewsheds, and state and federally listed plants and animals. This analysis considers the impact of the Preferred Alternative in combination with multiple related projects, including the Ivanpah Solar Energy Generating System. Final EIS Section 3.14.2.3 describes other impacts to biological resources as a result of the construction and operation of the Preferred Alternative, including impacts to desert tortoise.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-79	Cultural & Paleo	NDOT	The Archaeological Section of NDOT requires the submission of site forms for every property surveyed and recorded during a section 106 survey for the National Historic Preservation Act. NDOT requires these site forms along with a report or reports by Secretary of Interior Standards and properties surveyed. Site forms, reports and context are required topics to be covered. Site forms, reports and context are required to evaluate the eligibility of each site determine the eligibility of the sites and determine the effects of the project on those sites. (Reference letters and comments submitted May 14,2009, February 11, 2009 and July 14, 2008 (Attachment B))	As described in Final EIS Section 3.7.2, the DesertXpress project is utilizing a Programmatic Agreement approach in fulfillment of requirements under Section 106 of NHPA. As a condition of cultural survey permits from the BLM, the Applicant is obligated to prepare site records of all cultural resources identified within the Area of Potential Effect (APE). For further discussion, please see Final EIS Appendix F-H, containing the executed Programmatic Agreement for the DesertXpress project.
S-80	Cultural Resources	CALTRANS	Please clarify the statement in the last sentence on page 3.7-1 states that "This process for deferring the PA until after the ROD..." Should it state "This process for deferring the formal determinations of eligibility..."? How do the agencies plan to proceed if the PA is not executed by the time the Final EIS is approved? It is not clear how NEPA can be adequately complied with if the determinations of eligibility are deferred until after the Record of Decision (ROD).	This Final EIS has been revised to clarify that consistent with 36 CFR 800.4(b)(2), the Programmatic Agreement is using a phased identification and evaluation approach to fulfill Agency responsibilities under Section 106. This was a typographical error. The Programmatic Agreement for the project has been executed and is included as Final EIS Appendix F-H. For the purposes of the NEPA evaluation, all cultural resources are assumed eligible for the NRHP unless: a) they were previously determined ineligible or b) they are of a type (e.g., an isolated artifact or an unassociated, undateable trash scatter) that has been programmatically determined ineligible. Please see Final EIS Section 3.7.2 which fully details the methodology employed in the detailed review of cultural resources.
S-81	Cultural Resources	CALTRANS	Also as previously noted on our comments dated 12/8/08, on the Administrative Draft EIS: "Mitigation Measure CR-1: Avoidance of Archaeological Resources" on page 3.7-62, discusses conducting test excavations to determine the vertical and horizontal extent of resources. This type of testing (Extended Phase I) is usually conducted as part of the identification efforts, not as a mitigation measure.	The Programmatic Agreement spells out agency requirements for test excavation prior to construction, and measures to avoid or minimize potential impacts to resources, consistent with Section 106 guidance. See Final EIS Section 3.7.3. Subsurface testing is part of the Programmatic Agreement, which goes on to describe what needs to happen if resources are discovered. Monitoring is also included during construction. The executed Programmatic Agreement is included as Final EIS Appendix F-H.
S-82	Cultural Resources	CALTRANS	Also as previously noted on our comments dated 12/8/08, on the Administrative Draft EIS: "Mitigation Measure CR-2: Evaluation and Data Recovery" on page 3.7-62 indicates that the resources that cannot be avoided will be subject to test excavations to determine their significance. However, evaluation is not a mitigation measure, but a requirement for compliance with Section 106 of the NHPA.	Please see response to comment S-81.
S-83	Cultural Resources	Soboba Band of Luiseno Indians	The FRA Must Identify, Evaluate, and Mitigate Each Historic Property in the Area of Potential Effects Prior to Issuing the Final EIS and ROD [...] The Programmatic Agreement cited in the Supplemental Draft EIS proposes to delay the phased identification and evaluation process of the cultural resources studies until after the environmental document is completed. Delaying the Section 106 identification of potentially eligible sites is not in accordance with the plain language of Section 4(f) and the implementing regulations that require officials to identify all eligible properties early in the development and plan for the avoidance or mitigation of impacts to those properties. [...] Accordingly, the evaluation of sites under the NHPA within the APE must be done before section 4(f) requirements are met. All sites that are eligible for inclusion on the NRHP are eligible sites under Section 4(f) so long as those sites are located in the Area of Potential Effects.	For purposes of the NEPA evaluation, and for identification of potential Section 4(f) resources, all cultural resources are assumed eligible for the NRHP unless: a) they have already been determined ineligible, or b) they are of a type (e.g., an isolated artifact or an unassociated, undateable trash scatter) that has been programmatically determined ineligible. FRA's third party archeological consultants underwent a thorough process to identify potentially eligible resources in order to meet FRA's obligations under Section 4(f). Further, detailed data tables and resource location maps were provided to the BLM and consulting Tribes to identify sites that might be Section 4(f) properties. Only one site was identified by BLM as a Section 4(f) resource, and design modifications were made as an avoidance alternative to avoid a 4(f) use. Please see Final EIS Section 3.15, Final Section 4(f) Evaluation.
S-66	Cumulative Impacts	Desert Conservation Program	Map S-3.16-6 displays a red circle identified as Mixed Use Development within the LSTS area. This appears to be a mapping error.	The commenter is correct; Supplemental Draft EIS Figure S-3.16-6 has been revised to relocate the "Mixed Use Development" to Jean. The revision is shown in Final EIS Figure F-3.16-6.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-84	Cumulative Impacts	City of Barstow (Meyers Nave)	...the EIS contains absolutely no discussion of whether the project, in combination with other projects, would drive business away from cities in the region in a manner that could produce adverse physical impacts to the urban environment. This treatment is not adequate under NEPA.	Final EIS Section 3.2, Growth, describes the growth effects of the Preferred Alternative, including those related to population, household, employment, and economic growth. Final EIS Section 3.16.3.3 describes the cumulative growth effects of the Preferred Alternative in combination with the related projects. The Preferred Alternative in combination with transportation improvements and development projects would contribute to growth in the urbanized areas along the I-15 corridor, including Victorville, Barstow, Baker, and Las Vegas. The Final EIS Section 3.2.2.3 also includes a detailed growth discussion based on an economic impact study specific to the City of Barstow (Appendix F-E).
S-85	Cumulative Impacts	CCDOA	Fig. S-3.16-6 incorrectly depicts the potential for future I-15 capacity improvements extending into the 6,000 acre Airport Site (i.e., outside of the existing Nevada Department of Transportation right-of-way).	Final EIS Figures F-3.16-5 and F-3.16-6 reflect revisions to the location of this site.
S-86	Cumulative Impacts	CCDOA	CCDOA is continuing planning efforts for the SNSA, albeit at a slower pace. This delay does not affect FRA's obligation to include the SNSA as a reasonably foreseeable project, and for that reason, FRA is correct to continue to include the SNSA in its discussions of reasonably foreseeable projects (e.g., Supplemental Draft EIS at p. 3.16-2).	The comment is noted. Final EIS Section 1.6.8 and Section 3.16.2.2 discuss the relationship between the DesertXpress project and the proposed Southern Nevada Supplemental Airport (SNSA). In southern Clark County, the DesertXpress rail alignment would be on the east side of the I-15 corridor, in close proximity to the site proposed for the SNSA, allowing for a potential future connection to occur.
S-87	Cumulative Impacts	EPA	Consider the proposed High Desert Corridor project and the resulting potential connection to California High Speed Rail in this analysis.	Final EIS Section 1.6.6 discusses the High Desert Corridor project and its potential relationship to the DesertXpress project. Final EIS Section 3.16.2.2 clarifies that the location of the proposed corridor is several miles to the south of the Preferred Alternative's southern terminus for the DesertXpress project. Final EIS Figure F-3.16-1 shows the location of the proposed High Desert Corridor project.
S-88	Cumulative Impacts	NDOT	The noise generated from DXE will have a cumulative impact to the existing and future I-15 traffic noise levels. Noise levels will need to be mitigated with barriers on both sides of the tracks.	The FRA noise impact criteria are based on the existing noise levels from I-15 and the project noise from DesertXpress, which accounts for the cumulative effect of the two noise sources. Draft EIS Section 3.12.5 and Supplemental Draft EIS Section 3.12.1 describe in detail the existing noise levels of the project's affected environment. Noise mitigation, in the form of noise barriers on the elevated structure, for the DesertXpress project has been identified at noise sensitive locations where impact occurs from the project. The parapet walls on the elevated structure will help to reduce the noise somewhat from the DesertXpress project at all locations, even where no sensitive receptors exist. See Mitigation Measure NV-1, included in Final EIS Section 3.12.3.
S-89	Cumulative Impacts	Southern California Edison	Also, the EITP should be included in the list of area projects for the cumulative impacts discussion.	Both the Draft EIS and Supplemental Draft EIS identified this project (referred to as the "Ivanpah Substation"). Please refer to Draft EIS Section 3.16.3.5 and Supplemental Draft EIS Section 3.16.1. Final EIS Section 3.16.2.2 clarifies the title for this project and considers it in the cumulative analysis of the Preferred Alternative.
S-90	Cumulative Impacts: Biology, Noise, Visual	National Parks Conservation Association	Provide additional data on cumulative impacts to Ivanpah Valley, sensitive and listed species, and Mojave National Preserve. This data should consider cumulative noise, light, dust, and viewshed impacts. It should consider the impact of Ivanpah Solar Energy Generating System, the proposed Cal Trans Agricultural Station, and the multiple proposed solar projects on the southeast side of Interstate 15.	Final EIS Section 3.16.3.3 provides a discussion of cumulative impacts related to noise, dust, light, habitat disturbance on threatened and endangered species, and disturbance to visitors to the Mojave National Preserve. This analysis considers the impact of the multiple proposed projects in the area of the Ivanpah Valley, in combination with the Preferred Alternative.
S-91	Cumulative Impacts: Biology, Noise, Visual	Sierra Club - CNRCC Desert Committee	We believe that further analysis needs to be undertaken and presented on the cumulative impact of the multiple proposed projects in the area of the Ivanpah Valley. This analysis needs to include the cumulative impacts of noise, dust, light, and habitat disturbance on threatened and endangered species and on human visitors to the Mojave National Preserve and other adjacent areas.	Final EIS Section 3.16.3.3 provides a discussion of cumulative impacts related to noise, dust, light, habitat disturbance on threatened and endangered species, and disturbance to visitors to the Mojave National Preserve. This analysis considers the impact of the multiple proposed projects in the area of the Ivanpah Valley, in combination with the Preferred Alternative.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-92	Energy	NDOT	Page 3.13-2 says 2007 is the most recent year for VMT data. The Final EIS should have at least 2009 numbers from NDOT and Caltrans. A link to updated traffic counts was provided to DXE on September 7, 2010.	To maintain consistency with Draft EIS and Supplemental Draft EIS Sections 3.13, Energy, Final EIS Section 3.13, Energy, utilizes year 2007 Vehicle Miles Traveled (VMT) data for the evaluation of energy effects.
S-93	Executive Summary; Cultural Resources	CALTRANS	Re Table S-ES-1 to 6: Paleontology is not discussed under the heading Cultural and Paleontological. Why is there numbers of resources or "unknown" entered under the No Action Alternative. If no construction occurs under the No Action Alternative then the number of resources impacted. It should be zero.	Draft EIS Section 3.7.3.3 and Supplemental Draft EIS Section 3.7.1 evaluate the potential for paleontological resources by project segment. Please see Final EIS Section 3.7.2.3, which evaluates the potential for the Preferred Alternative to result in impacts to paleontological resources. Also see Final EIS Table F-3.7-2. Paleontological resources were evaluated by assessing the underlying geologic units in the area, which have varying likelihoods of harboring paleontological resources. Final EIS Section 3.7.3 includes several mitigation measures to ensure that any impacts to paleontological resources are adequately mitigated. The No Action Alternative would involve no construction of a high speed passenger rail, but would still entail construction of various planned/programmed transportation improvements, as set forth in Final EIS Section 2.1.3.1.
S-94	Farmlands/Grazing Lands	National Parks Conservation Association	We also have concerns with [Segment] 4C, which fragments an existing grazing allotment adjacent to the Clark Mountain exclave of Mojave National Preserve. This action would cause cattle from this allotment to degrade resources within Mojave National Preserve.	Potential impacts on farmlands and grazing lands relative to Segment 4C, which is part of the Preferred Alternative, are discussed in Final EIS Section 3.3.2.3. Final EIS Section 3.2.3 includes mitigation measures to mitigate impacts on grazing related as a result of Segment 4C.
S-100	General	Lee, Brian	[...] is there public transportation that is going to take people from the station in Victorville to southern California? It doesn't seem like there is any kind of analysis relative to actually transporting people once they get to Victorville [...]	Please see Final EIS Section 1.6.2, which notes a possible future opportunity to connect the DesertXpress system to the California High-Speed Rail project, though each project has utility independent of each other.
S-101	General	NDOT	Coordination is needed with local agencies regarding billboards and outdoor advertisement that will be impacted by DXE.	The visual impacts of the Preferred Alternative are discussed in Final EIS Section 3.6.2.3. Passing trains would momentarily block views from portions of the I-15 freeway. This effect is not considered to be substantial or adverse.
S-102	General	Tarango, McKenzie	On behalf of the office of George Runner, I respectfully ask the Federal Railroad Administration and my fellow community representatives to support job creation by supporting the DesertXpress High-Speed Passenger Train Project.	The comment expressing support for the project by State Senator George Runner is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-103	General	Warren, Elizabeth	We need a frontage road between Jean and Primm. There is no frontage road. It went out when they built I-15. If something happens to you on that railroad or anything else, there is no way, there is no access except on the freeway itself.	The comment is noted but does not pertain to any specific environmental impact of the project. Through Jean, the Preferred Alternative rail alignment will remain within the existing I-15 freeway ROW area and will not interfere with any local roadways.
S-104	General	Warren, Elizabeth	[...] there are people living to the west of this freeway in both Goodsprings and Sandy Valley who would be very happy to have access to this public transportation if you would build a station.	Please see Final EIS Section 1.6.8 which acknowledges the opportunity for a potential future connection/station in the vicinity of the proposed Southern Nevada Supplemental Airport. In southern Clark County, the DesertXpress rail alignment would be on the east side of the I-15 corridor, in close proximity to the site proposed for the SNSA, allowing for a potential future connection to occur.
S-105	General	Washington, Stanley	[...] the DesertXpress train is the only one that has legs at this point to go ahead in any realistic time period. With that, it will bring the jobs that Las Vegas needs. It will go ahead and eliminate some of the congestion on I-15.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-106	General	Zannis, Mark	[...] where you are putting the track on the side of the freeway and not in the median, how you will be discussing those issues with the private property owners and how that dialogue will take place.	To the extent that any private property is required for construction or operation of the Preferred Alternative, the Applicant will need to enter into agreements with private property owners regarding use or purchase such property. If federal funding is used for the project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1990 will apply. Please see Final EIS Section 1.5.1 for further discussion. Final EIS Section 3.1.2.3 discusses the displacements associated with the Preferred Alternative and states that the Preferred Alternative would not displace any homes and no local residences would be displaced or relocated.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-107	General	Ziska, Alinka Woyton	I am here as a spokesman for my class. We have been doing a lot of studies on both projects and overwhelmingly, they support Maglev [...]	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-95	General	Allen, Mark	I think this is a good project for Las Vegas. Las Vegas has an image problem right now. We need investor confidence. Any project of this magnitude will bring attention to not only southern Nevada but to all of Las Vegas and the entire state, in fact the whole region.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-96	General	Condon, Jill L.	The DesertXpress concept does not make rational sense. [...] by the time the "Xpress" leaves you in Victorville - you are stranded because your destination is ultimately Anaheim or Los Angeles. [...] That is why my support is for MAGLEV.	The comment in opposition of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action. Please refer to Final EIS Chapter 1.0, Purpose and Need, for a discussion of the underlying objectives of the proposed action.
S-97	General	Kennedy, Aileen	The DesertXpress [...] is a worthy project. There are thousands of people concerned with air quality, congestion, and good level of service traffic movement, that support this train. This is an air quality issue, and energy issue, and a conservation issue.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-98	General	Knight, Assemblyman Steve	So We're looking at an issue that will--will help the future, will impact this community greatly, and we'll put people to work.	The comment of the State Assemblyman expressing support for the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-99	General	Lee, Brian	First is I own a billboard on I-15 at Ford and actually own the land that the billboard sits on and I have some concerns if the train goes down the median of I-15 of people being able to view it.	The visual impacts of the Preferred Alternative are discussed in Final EIS Section 3.6.2.3. Passing trains would momentarily block views from portions of the I-15 freeway. This effect is not considered to be substantial or adverse.
S-108	General - Project Attributes	Abraham, Ed	I am really opposed of this train running right next to my neighborhood are you guys crazy picking this route to run on top of Dean Martin.	The comment is noted and does not pertain to any specific environmental impact analyzed in the EIS documents. Please refer to Final EIS Section 2.3.2 for a discussion regarding the project's Action Alternatives and Final EIS Section 2.4.1 for a discussion regarding the selection of specific routings as components of the Preferred Alternative.
S-109	General - Project Attributes	Air Transport Association	I write to express our concern about the proposed power line pole (related to the DesertXpress train) located approximately 3226 feet west of the threshold of Runway 1L at McCarron International Airport (LAS). The location of this structure is in the path of the primary departure runway at LAS. [...] The proposed height of this structure will interfere with normal operations at LAS Runway 25 because the structure will interfere with one engine inoperative requirements, impacting takeoff weights and effectively reducing the usable length of this runway. [...] We would hope a compromise to lower the height of the power line on either side of the centerline of runway & L-25R could be reached, to enable the full use of Runway 25R while still allowing the project to be constructed.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS also amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-110	General - Project Attributes	Allegiant Air	To ensure safe operations, we must maintain clearance from any obstacles in the event of one engine failure (one-engine-inoperative, or OEI, procedures). As proposed, the project would penetrate OEI surfaces for LAS Runway 25R, the primary departure runway for Allegiant's operations. This would effectively reduce the useable length of Runway 25R for departures, reducing gross takeoff weight capacity, and restricting the number of usable seats on departing aircraft. Allegiant urges the DesertXpress project be lowered by 35 feet within the corridor spanning 1500 feet centered on the extended Runway 25R centerline (750 feet on either side of the extended runway centerline).	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-111	General - Project Attributes	Allen, Mark	I didn't hear any talk about putting a station in Primm, Jean, Sloan, places like that. There are thousands of people who are employed in those towns that would use this railroad if they live in Vegas going back and forth to these towns.	Please see Final EIS Section 1.6.8 which acknowledges the opportunity for a potential future connection/station in the vicinity of the proposed Southern Nevada Supplemental Airport. In southern Clark County, the DesertXpress rail alignment would be on the east side of the I-15 corridor, in close proximity to the site proposed for the SNSA, allowing for a potential future connection to occur.
S-112	General - Project Attributes	Allen, Mark	The MGM has 160 acres in Jean and are planning on building a development there...if you had a stop at a place like that, you would increase your ridership.	Final EIS Section 3.16.2.2 acknowledges the potential Mixed Use Development that is being considered for the Jean area. However, no specific project has been proposed to date and there is no certainty any such project would be constructed. In the event such development occurs in the future, a possible station could be studied by the Applicant and would be the subject of a separate environmental review process.
S-113	General - Project Attributes	Anderson, Kevin (Ironworkers Local 433)	There is no environmental impact that should be acceptable unless the developers themselves are to be responsible for tearing down this train and returning the environment to its original state.	Please refer to Final EIS Section 1.5.2, which addresses conditions that may be included in an agreement granting the Applicant use of the right of way, which may include financial responsibility for removal of infrastructure in the event of financial default.
S-114	General - Project Attributes	Anderson, Kevin (Ironworkers Local 433)	Also, I see almost no mention of the Maglev train in the EIS documents. Isn't one of the stated purposes of an EIS to compare all alternatives? Why hasn't the DesertXpress been made to comply with the same rules as its competitors? [...] This is not only a Dangerous Precedent, it is outside the scope of the of the three-person STB's authority to give them the same rights as a freight carrier, or to grant them any exceptions to State law. There are no existing freight lines being used and there is no plan to carry anything but passengers ... which are not freight.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Final EIS Section 2.2.3.3, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.
S-115	General - Project Attributes	Borgman, Karin	...am opposed to the installation of the Desert Express as proposed. The installation of the raised track down Dean Martin/Industrial is detrimental to the quality of life of seniors living in the area. If you are going to elevate the track, consider Frank Sinatra Drive or I-15.	The comment is noted. Draft EIS Section 2.4.6 examined three alternative alignments for the Las Vegas Area - Segment 6A (in the median of the I-15 freeway), Segment 6B (on the west side of the I-15 freeway), and Segment 6C (following the Union Pacific Railroad Corridor from Sloan). As discussed in Supplemental Draft EIS Section 2.2.7, specifically Table S-2-2, Segment 6B was shifted about 40 feet further west, placing it in the Dean Martin Drive corridor. Segments 6A and 6B would be elevated throughout the Las Vegas area. The Supplemental Draft EIS examined impacts of the shift of Segment 6B, including visual, noise, and vibration impacts. The shift in Segment 6B was suggested to FRA and the Applicant by the Nevada Department of Transportation as a means of avoiding conflicts with future planned improvements to the I-15 corridor. Segment 6B is included as part the Preferred Alternative, as discussed in Final EIS Section 2.4.1.
S-116	General - Project Attributes	Brown, Charles	Another thing is stopping in Primm, stopping in Jean. The airport hopefully will be in Jean and you have nothing, nothing there. You have nothing stopping in Primm	Please see Final EIS Section 1.6.8 which acknowledges the opportunity for a potential future connection/station in the vicinity of the proposed Southern Nevada Supplemental Airport. In southern Clark County, the DesertXpress rail alignment would be on the east side of the I-15 corridor, in close proximity to the site proposed for the SNSA, allowing for a potential future connection to occur.
S-117	General - Project Attributes	Brown, Charles	[...] plus you want to burrow through mountains somewhere. I am a construction worker. How many lives is that going to cost getting that tunnel through that mountain? They can't say it is not going to cause no lives.	The Segment 4C rail alignment includes tunnels, as noted by the commenter. Safety issues during construction will be managed by the Applicant. The Applicant will be required to comply with all relevant Federal and State laws and regulations regarding the safety of construction workers.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-118	General - Project Attributes	Brown, Charles	Why in Victorville? Why don't your train go into Los Angeles, Anaheim, Orange County, somewhere in there. Why does it have to stop off in the middle of the desert and people have to commute to Victorville by car. That does not help the environment none.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007). See also Figure D of the Final EIS Project Background and Executive Summary chapter.
S-119	General - Project Attributes	Brown, Charles	Why do you want to do 120 miles an hour, that is only 40 miles an hour you are doing in a car coming from Vegas. That will not give you that much more time.	The Preferred Alternative EMU technology option would operate at an average speed of approximately 130 mph with a top speed of 150 mph. The one-way travel time would range from 84 to 100 minutes. This compares to the auto trip time that ranges from 3 hours in no traffic (180 minutes) to much longer, depending on traffic and/or collision activity. For speed profiles of the Preferred Alternative along the corridor, see Figure E in the Final EIS Project Background and Executive Summary chapter. Please see Final EIS Section 2.3.2.4 for further discussion.
S-120	General - Project Attributes	Caldwell, Terry (City of Victorville Council Member)	I'm here as a councilman representing the City of Victorville. Victorville City Council has unanimously endorsed this project from its inception. [...] It's our view that the changes that were made, the modifications are appropriate. We support it we continue to believe that this is the right project.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-121	General - Project Attributes	City of Barstow (Meyers Nave)	For the reasons set forth above, the City requests that the EIR [sic] be revised in compliance with NEPA, and recirculated for further public review prior to an agency decision on the DesertXpress Project.	In accordance with the provisions set forth in 40 CFR 1502.9, FRA published a Supplemental Draft EIS to provide information and analysis on substantial changes to the project in the form of modifications and additions promulgated following publication of the Draft EIS in response to comments and to minimize environmental impacts. All public comments have been fully considered in the Final EIS and comment responses are provided consistent with NEPA regulations.
S-122	General - Project Attributes	CCDOA	Thus, FRA's NEPA process still lacks a full examination of the potential aviation hazards for each alternative. [...] Therefore, CCDOA recommends that FRA: (1) require the project applicant to complete the necessary Part 77 filings for proposed structures (e.g., power line poles, elevated crossings, etc.) near all potentially affected aviation facilities; (2) review FAA's ensuing decision on whether or not those proposed structures would constitute hazards to air navigation before taking any final action on this EIS; and (3) include appropriate discussion of any environmental impacts triggered by any lighting and/or marking requirements required by FAA as a condition of any determination.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to and the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-123	General - Project Attributes	CCDOA	The 2000 Ivanpah Valley Airport Lands Transfer Act (Public Law 106-362). In this Act, Congress directed the BLM to convey to Clark County approximately 6,000 acres of land in the Ivanpah Valley between the towns of Jean and Primm, Nevada and immediately east of interstate highway I-15 for the purpose of developing the SNSA and related infrastructure. This land was conveyed to Clark County in 2004. To that end, Figure 3.1-10 should be updated accordingly to reflect County ownership of the Airport Site.	Draft EIS Figure 3.1-10 has been updated to amend the ownership status as noted by the commenter. See Final EIS Figure F-3.1-5. This change does not result in any additional physical environmental impact.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-124	General - Project Attributes	CCDOA	CCDOA has learned that two of the power line poles proposed by DesertXpress in Segment 6B (one of the modified alignment areas in the Supplemental Draft EIS) would penetrate OEI surfaces at McCarran Airport. [...] The height and location of these poles would effectively reduce the useable length of Runway 25R for departures, reducing gross takeoff weight capacity or forcing aircraft to use other runways for departure. [...] CCDOA recommends lowering the entire DesertXpress project and infrastructure by 35 feet for a length of 1500 feet between S. Dean Martin Drive and I-15. This would enable the full use of Runway 25R without significant adverse effect on domestic or international carriers.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-125	General - Project Attributes	CCDOA	Re: FAA issued determinations on 8/30/10: It is not immediately apparent whether DesertXpress filed notices for each alternative alignment near McCarran or just for the preferred alignment. FRA should coordinate with DesertXpress to understand which alignment(s) is/are covered by FAA's Determinations.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-126	General - Project Attributes	CCDOA	However, even with the revised 4C alignment, the DesertXpress project would still intrude into the northern RPZ for SNSA. As already noted by CCDOA in its comments on the Draft EIS, an alignment that remains in the existing right-of-way on the western side of I-15 past the northern RPZ would avoid this serious conflict.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned aviation uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-127	General - Project Attributes	CCDOA	To that end, CCDOA advises the project proponent to modify its alignment to avoid intruding on the RPZs associated with Runway 18R- 36L. CCDOA also recommends that FRA actively consult with the FAA Project Manager for the SNSA, Mr. Dave Kessler, regarding the significant safety implications of construction within an RPZ.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazards to air navigation.
S-128	General - Project Attributes	CCDOA	While DesertXpress received Determinations of No Hazard for those structures for which it filed notices under Part 77 (i.e., for the proposed power line poles near McCarran Airport), the FAA Determinations nevertheless indicate that each of the power line poles will still constitute "obstructions" under the Part 77 regulations and will require lighting and marking. The effects of these lighting requirements for these structures should be fully examined in the EIS.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-129	General - Project Attributes	CCDOA	DesertXpress appears to have filed notices only for power line poles near McCarran Airport - but not for any of the structures that may potentially affect other CCDOA facilities, namely the Jean Sport Aviation Center, the Heliport, and the SNSA. It is critical that FRA understand that the Part 77 process applies equally to planned airports on file with FAA, including the SNSA and Heliport, whether or not construction has yet begun. The proposed DesertXpress alignments alongside the Airport Site and the Heliport are close enough to trigger notice obligations under Part 77. For that reason, DesertXpress is obligated to file notice under Part 77 and receive determinations from FAA as to whether the proposed power poles (and any other infrastructure) near the SNSA or the Heliport would be hazards to air navigation.	This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned aviation uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazards to air navigation.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-130	General - Project Attributes	Conway, Robert	But if we had a great rail system that actually got people from the lower basin up to here or from up here down to the lower basin or all the way to Vegas, we'd have folks living in Vegas working here, living in Vegas working in L.A., living in L.A. or working in Vegas. We need a high-speed railway.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-131	General - Project Attributes	Conway, Robert	And a project labor agreement in regards to this, so that it guarantees that local labor would be included on any of the construction for this work, whether it's on the lower basin, whether it's up here in the high desert, or whether it's in Vegas.	Draft EIS Section 3.2, Growth, describes the temporary and permanent jobs expected to be created by the Action Alternatives in the Victorville, Baker and Las Vegas areas. Also see Final EIS Section 3.2, Growth, which provides updated jobs projections associated with the project, including jobs anticipated in the Barstow area. The employment and economic impact report prepared for the DesertXpress project is included as Final EIS Appendix F-F. The economic impact study specific to Barstow is included as Final EIS Appendix F-E. The NEPA analysis does not distinguish whether the jobs were created through collective bargaining agreements or other means.
S-132	General - Project Attributes	Conway, Robert (Ironworkers Local 433)	[...] I am kind of wondering between the information that is provided by DesertXpress as being a private enterprise and then when I hear Harry today who [...] mentioned there is a Federal loan guarantee for the whole project.	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may be eligible to apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-133	General - Project Attributes	Conway, Robert (Ironworkers Local 433)	I would also like to know how slow is it going to go when it has to deal with some of the grades.	The Preferred Alternative EMU technology option would operate at an average speed of approximately 130 mph with a top speed of 150 mph. For speed profiles of the Preferred Alternative along the corridor, see Figure E in the Final EIS Project Background and Executive Summary chapter.
S-134	General - Project Attributes	Dale, Lawrence	I am specifically concerned about the California/Nevada interstate Maglev Project, which would be derailed if approved, the DesertXpress. [...] ...the Maglev has a potential of really transforming the I-15 corridor. [...] Plus the federally designated corridor extends all the way between Los Angeles and Las Vegas, and so it should be occupied by a system that serves the entire route not just the easiest part.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Final EIS Section 2.2.3.3 of the Draft EIS, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology. The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. The ridership study (and independent review thereof) is included as Final EIS Appendix F- D.
S-135	General - Project Attributes	Dale, Lawrence	...publicly owned rights of way needs to be identified and made available for systems that serve the whole corridor not just an isolated segment. [...] If a transportation does not serve the 40 million people in the area, it shouldn't be allowed to make that space available.	Final EIS Section 3.17, Irretrievable and Irreversible Commitments of Public Resources, recognizes that approval of the project constitutes an irretrievable and irreversible commitment of public lands. Notwithstanding, please refer to Final EIS Section 1.5.2, which addresses conditions that may be included in an agreement granting the Applicant use of the right of way, which may include financial responsibility for removal of infrastructure in the event of financial default. In addition, please see the ridership study in Appendix F-D of this Final EIS which has been independently reviewed by FRA and substantiates the economic feasibility of the project as summarized in Final EIS Section 2.2.1.
S-136	General - Project Attributes	Dew, Lionel	A speed rail system such as DesertXpress is -- it's not something that's only wanted, it's not something that's only needed, in fact, it can be said that is something that's essential	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-137	General - Project Attributes	Dieleman, Crystal	I want to say that I am completely angered by the revised Environmental Impact Statement of the Desert Express group. Not only do they want to build an elevated guideway from Blue Diamond to Flamingo Road along Dean Martin Drive, but we only have three days to voice our concerns??	The comment is noted. FRA has provided numerous opportunities for public comment on both the Draft and Supplemental Draft EIS documents. Please see Final EIS Section 4.2, Public Involvement, for more information regarding the 45 day public review period for the Supplemental Draft EIS and the 56 day public review period that had been established for the Draft EIS.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-138	General - Project Attributes	Elwis, Charles	[...] it doesn't make any economic sense to me to build this thing. [...] To stop in Victorville just absolutely doesn't make any economic sense.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007). See also Figure D of the Final EIS Project Background and Executive Summary chapter.
S-139	General - Project Attributes	Fancy, Bryan J.	[supports project]	The comment in support of the project is noted and does not request nor require response through analysis of specific environmental impact of the proposed action.
S-140	General - Project Attributes	Farmer, Steven	I wish to express strong support for the DesertXpress. The Victorville station 3A/3B option looks great.	The comment in support of the project is noted and does not request nor require response through analysis of specific environmental impact of the proposed action.
S-143	General - Project Attributes	Fierro, Mark	I never once heard one person stand in support [...] of the DesertXpress simply because it goes nowhere.	The comment is noted and does not request nor require response through analysis of specific environmental impact of the proposed action. However, please see responses to comments S-97, S-98, S-120, S-136, S-139, S-140 and others from individuals and groups that support the project.
S-144	General - Project Attributes	Guest, Jeff	If this project, where it is raised parallel to the I-15 west of McCarran Airport, breaks through that plane, there will be a negative impact to air traffic. The higher the protrusion, the greater the impact. The EIS needs to capture the expected reduction in capacity for air carriers.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-145	General - Project Attributes	Hall, Charles (Clark County Dept. of Aviation)	Re: Track Section 16: [...] there are obstructions that interfere with the capacity of the airport because of the height of the structures, as well as the attached catenaries. There is some room to reduce the height of either structures and/or catenaries that would alleviate the problem.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-146	General - Project Attributes	Jenkins, Howard	[...] I cannot fathom Victorville as a termination [...] It just seems to me that Victorville is not going to generate any kind of revenue for a return on investment that some other competing systems might.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007). See also Figure D of the Final EIS Project Background and Executive Summary chapter.
S-147	General - Project Attributes	Lee Tran Truong, Robert	I'm so happy about the train -- high-speed train.	The comment in support of the project is noted and does not request response through additional or modified analysis of specific environmental impact of the proposed action.
S-148	General - Project Attributes	Lee, Brian	[...] have you looked at bringing it farther in to southern California, towards Los Angeles? I don't understand why you are dropping everybody in Victorville.	The comment is noted. Please see response to comment S-146 above.
S-149	General - Project Attributes	Lisha, Eric	This is a letter of objection to the Secretary's [of Business, Transportation and Housing] proposed action to grant rights of way to DesertXpress.	The comment in opposition of the project is noted and does not request nor require response through analysis of specific environmental impact of the proposed action.
S-150	General - Project Attributes	Luchterhand, Al	...we have to forged ahead with full steam and get these projects underway, one to create jobs, another to reduce the parking lot on our highways every weekend to and from Las Vegas to So. Cal. Lets bring America to the future.	The comment in support of the project is noted and does not request nor require response through analysis of specific environmental impact of the proposed action.
S-151	General - Project Attributes	Martini, Alfred G.	We oppose the approval of the EIS that will impact the viewing capacity of any billboard structure that fronts along Interstate 15 where DesertXpress proposes to construct a railway along, above or within the existing Caltrans right of way from Victorville to Primm.	The comment is noted. The potential for the Preferred Alternative to interfere with the viewing of billboards is not considered to be adverse physical environmental impact.
S-152	General - Project Attributes	Martini, Alfred G.	I suggest you allow a continuance on the comment period, so local residents and businesses can have additional time to review the full impact of this project.	The comment is noted. FRA has provided numerous opportunities for public comment on both the Draft and Supplemental Draft EIS documents. Please see Final EIS Section 4.2, Public Involvement, for more information regarding the 45 day public review period for the Supplemental Draft EIS and the 56 day public review period that had been established for the Draft EIS.
S-153	General - Project Attributes	National Air Carrier Association	We understand two proposed power poles to support the catenary structure for DesertXpress, to be located in Segment 6B at McCarron, will penetrate the one-engine inoperative departure surface for Runway 25R. These poles, if installed, will affect the usable length of 25R by reducing allowable gross take-off weights for Allegiant's aircraft. [...] NACA urges the Federal Railway Administration to compel DesertXpress to lower the subject poles in Segment 6B by thirty-five feet so as to permit airlines to operate in compliance with applicable rules promulgated by the International civil Aviation Organization in Annex 6 and the U.S. Federal Aviation Administration in Advisory Circular 120-91.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-154	General - Project Attributes	NDOT	Plans contained in the Draft EIS and Supplement Draft for alternative 5B and 6B have not been updated since 2008 along Interstate 15, south of I-215 (C 231 - C-271), these drawings should be updated. NDOT will also like to see as part of the Final Environmental Impact Statement (Final EIS) the updates of profile changes already completed north of I-215 to stateline (C271 -C 278). (It is understood through meetings that changes have taken place, but clarification is needed. However, south of I-215 there has been no feedback provided from the applicant. Some changes were shown in the June 25, 2010 plan provided to NDOT, but not shown in Supplemental Draft EIS	Final EIS Appendix F-B contains a complete set of plan and profile drawings depicting the Preferred Alternative.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-155	General - Project Attributes	NDOT	Sheet C 269, profile at Blue Diamond does not account for a future interchange flyover.	Please see Final EIS Appendix F-C, which includes the revised Plan and Profile drawings for the Preferred Alternative. The latest project design plans (see Sheet 169) include a future interchange flyover at the I-15/Blue Diamond Road interchange. In addition, FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-156	General - Project Attributes	Nevada Department of Transportation (NDOT)	Sheet C 264, profile at Cactus Avenue does not account for the Cactus Interchange. (This is part of the 1-15 South EA/FONSI document that has been completed and right-of-way is being acquired.)	Please see Final EIS Appendix F-C, which includes the revised Plan and Profile drawings for the Preferred Alternative. The latest project design plans (see Sheet 164) include a future interchange at Cactus Avenue. In addition, FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-157	General - Project Attributes	NDOT	Sheet C 262, profile at Starr Avenue does not account for the Starr Interchange. (This is part of the 1-15 South EA/FONSI document that has been completed and right-of-way is being acquired.)	FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-158	General - Project Attributes	NDOT	Sheet C 257 profile at Bermuda does not account for the Bermuda Interchange	Please see Final EIS Appendix F-C, which includes the revised Plan and Profile drawings for the Preferred Alternative. The latest project design plans (see Sheet 157) include a future interchange flyover at the I-15/Blue Diamond Road interchange. In addition, FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-159	General - Project Attributes	NDOT	Provide exhibits for the Alignment Adjustment Areas (AAA) in a scale that can be clearly understood. Updates Drawings C 271 - C 278.	Final EIS Appendix F-C contains a complete set of plan and profile drawings depicting the Preferred Alternative.
S-160	General - Project Attributes	NDOT	Sheet C276: The alignment appears to go over the top of the Tropicana Wash. This is a major drainage facility that will be revised in the Design Build south project. The current alignment shown may not be feasible and an additional AAA may be required.	FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-161	General - Project Attributes	NDOT	The skew over 1-15 as DXE crosses from east to west and back again is critical. Pier locations going over 1-15, and their relationship with travel lanes, future freeway widening, and other future freeway improvements must be understood and not preclude NDOT from its future plans.	FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-162	General - Project Attributes	NDOT	Sheet C259: It is not clear that the vertical clearance for a railroad structure is being maintained over the entire width of the St. Rose Single Point Urban Interchange (SPUI). The existing bridge profile does not appear to be correct and should be checked.	The design-build process for the DesertXpress project will include provision for adequate ventilation systems and maintenance access in all subway and tunnel structures. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-163	General - Project Attributes	NDOT	Sheet C503: The subway box for the tunnel may need to be deeper if ventilation systems are needed. The box section does not allow for maintenance access or walkways in case of emergency.	The design-build process for the DesertXpress project will address slight distance and column locations to accommodate planned improvements within the I-15 freeway corridor. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-164	General - Project Attributes	NDOT	Sheet C502: Section D: The single column bents may be massive. Have sight distances, etc. been checked? The alignment is also being shown to be in direct conflict with the alignments of the C-D roads proposed on the Design Build Project. In this case outrigger piers may be necessary.	The design-build process for the DesertXpress project will include provision for adequate clearances at all roadway and freeway overcrossings. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-165	General - Project Attributes	NDOT	In several instances, the vertical clearances appear to be low and since the top of rail profile (rather than the bottom of the structure) is shown, we were unable to comment on the vertical clearances. Structure depth must be considered in these locations. Looking at the profiles, it does not appear that there will be room for false work over existing travel lanes and existing and/or future interchanges and ramps. Ensure that DXEs proposal does not increase costs or add construction challenges to future highway improvements.	The design-build process for the DesertXpress project will include provision for adequate clearances at all roadway and freeway overcrossings. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-166	General - Project Attributes	NDOT	NDOT has not seen a Conceptual Access Justification Report for the use off-15. Submit for review prior to advancing Draft EIS to a Final EIS or alternatively submit a letter from FHWA that such a report is not necessary.	There are no new proposed access points to the I-15, therefore no such reporting is anticipated. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1. Coordination will continue after the RODs during the design process to ensure any necessary approvals by Caltrans and NDOT.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-167	General - Project Attributes	Newberry Springs Harvard Real Property Owners Association	WHEREAS, we believe that the DesertXpress ridership expectations are highly inflated; and WHEREAS, to be profitable, we believe that a rail line operation requires a large ridership demand at both ends of the line; and WHEREAS, our said Association does not see a ridership base in Las Vegas desirous of traveling DesertXpress to Victorville; and	The Ridership Study, included as Final EIS Appendix F-D, supports the viability of the DesertXpress project. Final EIS Chapter 1.0, Purpose and Need, describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. (SDG at 6; Cambridge at 2.) The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the Desert Xpress ridership for future analyses, at least until better forecasting information is obtained." (Cambridge at 25.) The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
S-168	General - Project Attributes	Newberry Springs Harvard Real Property Owners Association	WHEREAS, we believe that the operational expenses are grossly understated; and WHEREAS, we believe that the project will be financially unprofitable to operate, ultimately causing a demand for costly public subsidies costing taxpayers many millions of dollars; and WHEREAS, the DesertXpress will consume private and state public land; and	The comment in opposition of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action. As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-169	General - Project Attributes	Price, Michael	I am just bamboozled at how people think anyone is going to want to go to Victorville. [...] Why Victorville?	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007). See also Figure D of the Final EIS Project Background and Executive Summary chapter.
S-170	General - Project Attributes	Randall, Carol	They came out as a private project, but they have insisted that they have no interest in competing for \$8 million in federal money. Although, recently, the backers say they may seek federal loans to help finance the \$5 million, so it looks like the privatization for this project has gone right out the window.	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-171	General - Project Attributes	Randall, Carol	...no one has much to lose on this project as the City of Barstow. Not only the loss of revenue, also, it's like dropping a stone in a pond. There is a ripple effect. We lose the revenue; we lose jobs; we start the disintegration of our neighborhoods.	Final EIS Section 3.2.2.3 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow as they relate to the Preferred Alternative. Final EIS Appendix F-E includes FRA's economic impact study for Barstow (Barstow Study), completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc.
S-172	General - Project Attributes	Robertson, James S.	Why would anyone allow a private company access to a public right away and loan them publicly guaranteed, low-interest loans when no one from the public would ever be silly enough to ride this thing?	The comment expressing concern regarding anticipated ridership projections is noted. As discussed in Final EIS Section 2.2.2, FRA conducted an extensive independent review of the ridership study conducted by the Applicant. FRA's review concluded that the ridership estimates should be adjusted downwards by a factor of 10 percent overall to represent a conservative estimate of potential ridership. Please see the ridership study in Final EIS Appendix F-D, which has been independently reviewed by FRA and substantiates the economic feasibility of the project as summarized in Final EIS Section 2.2.2.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-173	General - Project Attributes	Rothschild, Mike	I'm here to speak on behalf of the -- support of the project. [...] ...take a 40,000 average job, 100 jobs is worth 4 million a year over the construction period alone. [...] That's a significant -- a significant economic impact just from the revenue of the construction alone.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-174	General - Project Attributes	Rothschild, Mike	So you talk about jobs, it's just not 50,000 or even the 500 for the permanent station, it's the potential that we could kick off an industry that isn't even being recognized yet but just barely begun in the mindset of both Sacramento and Washington, D.C. So what better place to do that. The first interstate transport-- high-speed rail system in the entire United States from Las Vegas to Victorville... What an incredible start for the next decade here to get this thing going.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-175	General - Project Attributes	Rowe, Richard (City of Barstow City Manager)	The DesertXpress is going to be costly to the federal government, contrary to the representation that the project will be privately funded. The total cost of funding the project is \$5 billion, and 4 billion of that cost will come from federal loans.	As described in Final EIS Section 1.5.1, DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-176	General - Project Attributes	Sielski, Mark	So I'm trying to figure out how someone would want to drive an hour and a half from L.A. to Victorville to catch a train to go to Vegas, and then still not have a car, might end up closer to a hotel or they might have a bus that picks you up and all that stuff, but then you're trapped. So it sort of defeats the purpose.	The Ridership Study, included as Final EIS Appendix F-D, supports the viability of the DesertXpress project. Final EIS Chapter 1.0, Purpose and Need, describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. (SDG at 6; Cambridge at 2.) The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the Desert Xpress ridership for future analyses, at least until better forecasting information is obtained." (Cambridge at 25.) The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
S-177	General - Project Attributes	Southern California Edison	SCE formally requests to be included on the list of interested parties to be contacted for any subsequent NEPA environmental review or actions relative to the DesertXpress High-Speed Train Project. As indicated above, we would like the Final SEIS to address the two prior referenced comment letters that we are formally resubmitting along with this comment letter, and we request a copy of the Final SEIS be routed to SCE for review.	Comment noted. SCE's comments on the Draft EIS have been addressed in Final EIS Chapter 4.0, Comments and Coordination, specifically in Final EIS Table F-4-1.
S-178	General - Project Attributes	Southwest Airlines	In order to eliminate the impacts on air carrier service and airspace/airport efficiency, we strongly urge the FRA to lower the track and/or to move it further westward. This portion of the DesertXpress track (assuming an Alternative B routing for Segment 7) would have to be recessed by 35' for a length of 700' (350' either side of the Runway 25R centerline to comply with the obstacle accountability area defined in FAA Advisory Circular 120-91, including a 50' buffer). [...] Utilizing the Alternative C routing for Segment 7 would completely eliminate any impact to long haul air carrier services from LAS and associated air traffic management issues. This would enable the continued full use of Runway 25R without significant impact while still allowing the DesertXpress line to be constructed.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to and the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-179	General - Project Attributes	Stimpfel, Ted (Newberry Springs/Harvard Real Properties Association)	the DesertXpress ridership expectations are highly inflated and whereas we believe the operational expenses are grossly understated.	The Ridership Study, included as Final EIS Appendix F-D, supports the viability of the DesertXpress project. Final EIS Chapter 1.0, Purpose and Need, describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. (SDG at 6; Cambridge at 2.) The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the Desert Xpress ridership for future analyses, at least until better forecasting information is obtained." (Cambridge at 25.) The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
S-180	General - Project Attributes	Stimpfel, Ted (Newberry Springs/Harvard Real Properties Association)	...and whereas to be profitable, we believe that the rail line operation requires a large ridership demand at both ends of the line; and whereas our said association does not see a ridership base in Las Vegas desirous of traveling DesertXpress to Victorville	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
S-181	General - Project Attributes	Torres, Tamara (High Desert Hispanic Chamber of Commerce)	I'm here representing the high desert Hispanic chamber of commerce and the number of businesses that we represent. And I'm here in support of the project.	The comment in support of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-182	General - Project Attributes	Von, Larry	This system to Victorville is a waste of time and money	The comment in opposition of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action. Nonetheless, the technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007).
S-183	General - Project Attributes	Warren, Elizabeth	One of them is that at Jean and at Primm, are you going west of the freeway? I don't have any idea where you are going to find the room at Primm at all. At Jean, we already have major problems with I-15 because on Sundays or the end of any holiday season, everybody gets off the freeway at Jean to get gas and they come out on to Goodsprings Road which is State Highway 161 and it is only two lanes wide.	Through Jean, the Preferred Alternative rail alignment (Segment 5B) will remain within the existing I-15 freeway ROW and will not interfere with any local roadways. Please see Final EIS Section 2.3.2.1.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-184	General - Project Attributes	Waybright, Charles	As we know, a lot of public transportation is heavily subsidized by tax payers. So are we going to have an ongoing tax break on this project?	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-185	General - Project Attributes	Waybright, Charles	Because there is a provision in the eminent domain laws that states, "the right of eminent domain may also be assigned to public or private corporations engaging in activities regarding benefits to the public such as the development of a port facility, buildings, canals or railroads." So if the DesertXpress decides to build over your house, they could take your house.	As proposed, the Preferred Alternative would not involve the need to take (through purchase) any residence. In addition, the approval of the EIS does not convey eminent domain authority to DesertXpress.
S-186	General - Project Attributes	Zannis, Mark	Re: the track: We would like to know if it is going to be raised throughout the entire stretch of the route or if it actually -- if there are areas where it is at ground level. And where it is at ground level, how will you be protecting the track from trespassing, et cetera.	The project will be on a mixture of elevated structures, embankments, retained cuts, and at-grade tracks over the distance from Victorville to Las Vegas. Plan and profile drawings of the Preferred Alternative (please see Final EIS Appendix F-C) show specific proposed track layouts for specific locations. Also, please see Final EIS Section 2.4.9.1, which describes operating and safety plans in detail. The project incorporates numerous safety features to protect against trespass or intrusion onto the tracks.
S-187	General - Project Attributes	Zannis, Mark	I think that it would be helpful if you would also supply a map related to the speed of travel the train is being conducted in and where at certain points speed exists.	The comment is noted. Please see the plan and profile drawings included as Final EIS Appendix F-C, which included proposed rail speeds at various points along the alignment. FRA has also prepared a conceptual graphic showing this information on a single page. This has been included as Final EIS Figure E in the Project Background and Executive Summary chapter.
S-188	General - Project Attributes	Ziska, Alinka Woyton	Maglev uses superior technology, has much less impact on the environment and the protected land and wildlife, will cost passengers much less per mile in ticket prices and they have more private funding and a stronger financial plan than DesertXpress.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Final EIS Section 2.2.3.3, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.
S-189	General - Project Attributes	Ziska, Alinka Woyton	If the DesertXpress cannot connect to Anaheim or Los Angeles directly, we do not want it and do not think that it is capable of sustaining the ridership needed to stay in business.	The Ridership Study, included as Final EIS Appendix F-D, supports the viability of the DesertXpress project. Final EIS Chapter 1.0, Purpose and Need, describes an estimated 2.7 million automobile trips being diverted from I-15 to DesertXpress in the opening year. The Ridership Study was developed by URS Corporation in 2005, reviewed by Steer Davies Gleave in 2007, and independently reviewed by Cambridge Systematics, Inc., in 2008. Both reviews found that the URS study used appropriate methods. (SDG at 6; Cambridge at 2.) The 2008 review noted uncertainties in the forecast and concluded that "a reasonable point estimate forecast of about 10 percent lower than the initial URS estimate would be a reasonable estimate of the Desert Xpress ridership for future analyses, at least until better forecasting information is obtained." (Cambridge at 25.) The Ridership Study reflects that trips would originate in California with Las Vegas as the destination.
S-190	General - Project Attributes	Ziska, Alinka Woyton	I have attached statements and additional signatures from our students and their parents and other community members stating that we support Maglev and would like to see it built, not the DesertXpress, because only Maglev can go to Disneyland in 81 minutes.	The comment in opposition of the project is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-191	General - Project Attributes; Cumulative	NDOT	Address Federal Aviation Administration (FAA) and the Airport comments and describe impacts and cumulative to I-15. One of the comments by Clark County Department of Aviation at the public hearing on October 13, 2010 indicated that all of the aviation concerns had not yet been addressed. It is understood that this approval and coordination is with the aviation agencies.	Please see Final EIS Section 3.1.3, which includes a new mitigation measure that would address this identified effect. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS also amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-192	General/Project Attributes	EPA	Coordinate with EPA to ensure that commitments to "green" construction practices are incorporated into specifications and other project development documents. For example, for the construction of new infrastructure, EPA recommends industrial materials recycling, or the reusing or recycling of byproduct materials generated from industrial processes. Contact Jeff Dhont, EPA Region 9, (415-972-3020 or dhont.jeff@epa.gov) regarding information about reuse of industrial materials.	The comment is noted. The Applicant has apprised FRA of its willingness to consider green construction practices for the project. The Applicant is duly encouraged to consider such practices during the design-build phase of the project.
S-193	General/Project Attributes	EPA	Include in the FEIS a discussion of how the proposed project will support the principles of the BUD/DOT/EPA Partnership for Sustainable Communities. Relevant topics include station siting decisions, connections with other public transportation systems, and coordination of other federal policies and investments with the project.	The comment is noted. The Applicant has apprised FRA of its willingness to consider principles of the BUD/DOT/EPA Partnership for Sustainable Communities for the project. The Applicant is duly encouraged to consider such practices during the design-build phase of the project.
S-194	General; Traffic and Transportation	Allen, Mark	The other thing is stay off the 15...We've had enough construction on the 15. If you go down the Strip, behind the Strip on the 15, not only is it going to be a nightmare, another year or two of construction for the people of Las Vegas and blocking up traffic...	Please see Final EIS Section 2.4.1, which describes the Preferred Alternative rail alignment. In the metropolitan Las Vegas area, this is Segment 6B, which would be within the I-15 corridor from Sloan toward Blue Diamond, but would then shift to the west to the Dean Martin Drive/Industrial Road corridor, thereby limiting the extent of further construction in the I-15 corridor.
S-195	Growth	City of Barstow (Meyers Nave)	The local and regional impact of this project in population growth, economic vitality and alterations in land use patterns for the area between Victorville and Las Vegas will be negative and immense and these impacts are not addressed at all in either the DEIS or the Supplemental Draft EIS. In fact, the SDEIS and DEIS both ignore these impacts in concluding that the proposed project "would result in beneficial environmental consequences on growth in the surrounding community by increasing economic vitality, employment opportunities, and the potential for transit oriented development." (SDEIS, p. 3-2-5.)	In response to comments from the City of Barstow, FRA caused an independent evaluation o be conducted focusing on the of the economic impacts, both positive and negative, to the City of Barstow as a result of the DesertXpress Project. An analysis these potential impacts are contained in Final EIS Section 3.2.2.3 and Final EIS Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economic and Politics, Inc.
S-196	Growth	City of Barstow (Meyers Nave)	The City has commissioned an economic impact analysis by Ron Barbieri, Ph.D., an expert in real estate and urban land economics. [Report titled: Economic Impact of the DesertXpress Project on the City Barstow, California...attached to letter] Dr. Barbieri's report notes that the current economy of the City and surrounding areas is heavily dependent on road traffic traveling between southern California and Las Vegas. The report, which is based on detailed analysis and factual evidence, concludes that, if the DesertXpress Project were approved and constructed, the Barstow economy would suffer a drastic economic blow.	Final EIS Section 3.2.2.3 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-C includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc. In part, this study evaluates the Barbieri analysis and notes several problems with that report's methodology. Conclusions of the Barbieri analysis are specifically refuted in the Husing report (Final EIS Appendix F-E).
S-197	Growth	City of Barstow (Meyers Nave)	Dr. Barbieri further forecasts that the DesertXpress Project could result in a catastrophic rate of vacant housing in, and outmigration from, the City. These conditions would not only drastically reduce property tax revenues, but would also likely result in substantial and potentially irreversible physical deterioration of the urban environment in and around the City. [...] Since, at present, neither the Draft EIS nor the Supplemental Draft EIS devotes any detailed attention to these potentially significant impacts, the EIS must be revised and recirculated to provide this analysis prior to approval of the DesertXpress Project or any Project alternative.	Final EIS Section 3.2.2.3 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc. In part, this study evaluates the Barbieri analysis and notes several problems with that report's methodology. Conclusions of the Barbieri analysis are specifically refuted in the Husing report (Final EIS Appendix F-E). Among the conclusions refuted include the claim that catastrophic or even substantial adverse economic impacts would occur in the City of Barstow as a result of DesertXpress.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-198	Growth	City of Barstow (Meyers Nave)	The Supplemental Draft EIS does not contain any updated data on the impacts of the devastating recession on the areas impacted by the proposed project. [...] This omission renders any conclusions regarding the impacts of the proposed project on local and regional population growth and economic vitality meaningless.	The Supplemental Draft EIS contained updated information relevant to the impact of the recession. Specifically, Supplemental Draft EIS Section 3.2, Growth, included, where available, population and employment projections that had been updated since the March 2009 publication of the Draft EIS. Many of these projections were updated specifically to address changed local and regional economic conditions in the face of the global economic downturn that began in 2008. Final EIS Section 3.2.2.3 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc.
S-199	Growth	City of Barstow (Richard D. Rowe)	The train will divert 33.33% of those individuals from Barstow that travel by car and bus to Las Vegas. [...] Consequently, DesertXpress will significantly decrease the amount of taxable goods and services that travelers purchase in Barstow. This decrease will reduce the City of Barstow's taxable sales by \$143.2 million, resulting in a \$1,432,342 decrease in annual taxable sales revenue to the City. Lost tax revenue is not just a loss to the City of Barstow, but also to San Bernardino County, our school districts, and special districts.	Final EIS Section 2.2.2 evaluates the Ridership study prepared by the Applicant. This study had anticipated a maximum mode shift of 25 percent with the use of EMU technology. Final EIS Section 2.2.2 further noted that FRA's independent review of the Ridership study led to the conclusion that the estimated diversion rate needed to be adjusted downward by approximately 10 percent. The independent review of the ridership study is included as Final EIS Appendix F-D. Final EIS Section 3.2.2.3 also includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc.
S-200	Growth	City of Barstow (Richard D. Rowe)	The DesertXpress will result in a combined loss of 2,295 jobs, which represents 14.4% of the currently employed population. The DesertXpress will reduce retail jobs by 1,275 or 20.6% of the Barstow's taxable sales employment. [...] The loss of 1,275 retail jobs could cause real estate values in the City of Barstow to decline by 50-55%, reducing the net taxable value of properties in the City by \$470 million, resulting in a \$1.9 million decline in annual property tax revenue. [...] The loss of jobs would cause people to leave the City of Barstow to find jobs elsewhere, which will create more residential and commercial vacancies, thereby less tax income to fund essential City services, such as police, fire, and maintenance of our roads.	Final EIS Section 3.2.2.3 includes findings from FRA's independent evaluation of the possibility of economic impacts to the City of Barstow. Final EIS Appendix F-E includes FRA's study, completed in December 2010 by local economic expert John Husing of Economics and Politics, Inc (Barstow Study). In part, this study specifically evaluates the Barbieri analysis and notes several problems with that report's methodology. Conclusions of the Barbieri analysis are specifically refuted in the Husing report. Among the conclusions refuted include the claims of 2,295 jobs lost and \$1.9 million annual decrease in property tax revenue. The Barstow Study notes that DesertXpress would have a negative economic impact on the City of Barstow during operation of the project, specifically in regards to overall economic activity, income, sales taxes, property taxes, and jobs. Over time, the share of Barstow's economy affected by the project will slowly grow since the high-speed passenger train ridership is expected to increase over time. Final EIS Table F-3.2-2 summarizes the anticipated long-term negative economic impacts on Barstow as a result of operation of the high-speed passenger train for Year 1, Year 3, and Year 18 operation. The negative economic effects would not be at a level that would reasonably be expected to result in the urban decay/blighting impacts cited by the commenter.
S-201	Growth	Dieleman, Crystal	I don't think you will find a single person who owns property along Dean Martin Drive that will support this proposal because it will decimate our property value (which has already taken a pretty large hit).	The comment expressing opposition to the Segment 6B alignment is noted. The placement of Segment 6B in the median of Dean Martin Drive was developed at the request of the NDOT such that future freeway expansion projects could be more easily accommodated.
S-202	Growth	Doulton, R.	...my company is developing a major parcel located on Dean Martin Drive whose components encompass three new industries and would produce 7400 jobs (direct, indirect and tertiary) within 4 years. The presence of the DesertXpress on this route is wholly unrealistic and would severely impact upon our projects funding potential ability proceed .	Final EIS Section 3.2.2.3 includes a discussion of the economic growth effects relative to the Preferred Alternative. Construction of the Preferred Alternative could result in beneficial indirect employment and economic growth effects to Clark County during the three- to four-year construction period (see Final EIS Appendix F-F). Additionally, the DesertXpress project would not alter the existing access along Dean Martin Drive.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-203	Growth	Martini, Alfred G.	I don't understand why our state officials are so anxious to bypass the generations of family-owned businesses that have served the millions of travelers along the highway. But I have a solution for you. A very simple one. It's called ridership bypass tax, \$10 per ticket. That will be a fund of \$50 million the first year. It will be divided up among the business owners along the corridor for the loss of revenues that starts after the first year.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action. Refer to Final EIS Section 3.2.2.3 for a discussion of the economic effects of the Preferred Alternative to communities along the proposed rail alignment.
S-204	Growth	McIntyre, Julie Hackbrath (Mayor ProTem of Barstow)	The economic impact of DesertXpress will significantly take off the number of travelers off of the I-15 to the tune of 33 percent.	Please see the response to comment S-200. Final EIS Appendix F-D clarifies the actual expected diversion rate of DesertXpress in terms of ridership and is further analyzed in Final EIS Appendix F-E relative to economic effects.
S-205	Growth	McIntyre, Julie Hackbrath (Mayor ProTem of Barstow)	Consequently DesertXpress will significantly decrease the amount of taxable goods and services that travelers purchase in Barstow. A combination loss of 2,295 jobs, which represents 14 percent of the currently working employment of this City.	Please see the response to comment S-200.
S-206	Growth	McIntyre, Julie Hackbrath (Mayor ProTem of Barstow)	The expected loss of retail sales and jobs will have also have a tremendous impact on real estate values and property tax values of Barstow's properties. The loss of 1,200 retail jobs could cause real estate values in the City of Barstow to decline by 50 to 55 percent resulting in a \$1.9 million decline in annual property taxes.	Please see the response to comment S-200.
S-207	Growth	Newberry Springs Harvard Real Property Owners Association	WHEREAS, upon study, the said "Association" finds that the DesertXpress proposal will have a negative social and economic impact upon the city of Barstow and our rural communities; and WHEREAS, the before said negative social and economic impact will likely foster blight and urban decay upon our communities; and WHEREAS, the DesertXpress project is not expected contribute to an overall economic stimulus of the High Desert economy; and the communities of and surrounding Barstow and Baker, will be negatively impacted;	Please see the response to comment S-200.
S-208	Growth	Perez, Alejandro	...if we want to bring this train to the town, we need to bring in some more industry	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-209	Growth	Perez, Alejandro	And the impact that it is going to have in the local economy is devastating. If you look at the statistics Ms. Mayor pro-tem said that is about 17 percent unemployment in Barstow. I think it's probably more than that.	Please see the response to comment S-200.
S-210	Growth	Ross, Carl	If this train goes in front of my buildings, the 140,000 automobiles a day that drive up the freeway will not be able to see the front of my building or companies like Lamborghini and companies like Bank of America and companies like Richmond Homes. They wouldn't be able to see their signs. These people will end up leaving because they don't have the frontage.	The comment is noted. No federal or state agency can guarantee in perpetuity that any specific building that is viewable from a freeway corridor will remain so. Freeway corridors are inherently dynamic; in fulfillment of their transportation purposes, various signs, overpasses, and - as with the present project - additional transportation modes are all suitable uses for a designated transportation corridor. Any potential loss of visibility is not considered a significant adverse environmental impact.
S-211	Growth	Rothschild, Mike	Support project - jobs creation (both temp & permanent) potential to have manufacturing for California system.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-212	Growth	Rowe, Richard (City of Barstow City Manager)	Travelers stop in our city and eat at all our business establishments to purchase gas, eat, and shop. [...] the decrease will reduce the City of Barstow's taxable sales by \$143.2 million resulting in a 1,432,000 decrease in the City's annual taxable sales revenue to the City.	Please see the response to comment S-200.
S-213	Growth	Rowe, Richard (City of Barstow City Manager)	The DesertXpress will result in a combines loss of 2,295 jobs, which represent 14.4 percent of the currently employed population in the Barstow area. The DesertXpress will reduce retail jobs by 1,275 or 20.6 percent of Barstow's taxable sales employment.	Please see the response to comment S-200.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-214	Growth	Rowe, Richard (City of Barstow City Manager)	The loss of 1,275 retail jobs will cause real estate values in the City of Barstow to decline. Our economist has estimated as the Mayor ProTem has said, 50 to 55 reducing the net taxable value of properties in the City by \$470 million resulting in a 1.9 million decline in annual property tax revenue.	Please see the response to comment S-200.
S-215	Growth	Seitz, Greg	But if we're going to build something like this desert train here, I believe we need to replace what we take. And if we're going to take jobs, and if we're going to impact the cars that bring all the economy and the economic value to Barstow, we need to have a system that brings industry here. And if we're going to spend \$5 billion on this train, why can't we take, let's say, 500 million and put it to industry in Barstow.	Please see the response to comment S-200.
S-216	Growth	Seitz, Greg	Also, the jobs that are going to be created, I think the majority of them are actually going to be for the Nevada residents because that's where the station is going to be. [...] We need to have the jobs that are going to impact everybody and maybe more jobs in California, instead of Nevada.	Please see Final EIS Table F-3.2-3, which identifies projected employment at opening and buildout years. DesertXpress anticipates having approximately twice as many permanent employees based in Victorville relative to those that would be based in Las Vegas. Final EIS Section 3.2.2.3 includes a discussion of the construction employment. Please see Final EIS Section 3.2.2.3 for a discussion regarding the project's potential employment growth.
S-217	Growth	Stimpfel, Ted (Newberry Springs/Harvard Real Properties Association)	[A Resolution of the Newberry Springs/Harvard Real Properties Owners Association in Opposition to the DesertXpress Proposed Rail Service]...upon study the said association finds that the DesertXpress proposal will have a negative social and economic impact within the City of Barstow in our rural communities; and whereas before the said negative social and economic impact will likely foster in blight and urban decay upon our communities.	Please see the response to comment S-200.
S-218	Growth	Stimson, David A.	Third, in an already depressed real estate market, the proposed high speed train, in our opinion, will depress the market further, making it harder, if not impossible, to sell houses within the proposed I-15 route. Once constructed, it will be obvious, but prior to construction, sellers would have to disclose the possibility of the train being a few hundred feet away, not a good selling point.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-219	Growth	Martini, Alfred G.	There is a major economic impact that hits the community of Barstow. I can only imagine what it will do to Baker businesses that depend on the highway travelers to support their livelihood. What is being done to compensate the local communities for this loss of revenue? How can they participate in the development of this venture?	Please see the response to comment S-200.
S-220	Growth/Socioeconomic Impacts	Chavez, Remijio A.	Its going to cost 4 to 6 billion dollars! We are unsure if the funding is private or federal monies or some sort of combination of the two. The document is not clear about this. The adverse impacts to the economies of both Barstow and Baker have not been fully disclosed! The only communities that economically benefit from this are in Victor Valley where the station would be. They would provide most of the construction and station labor and would not be impacted by any reduction in I-15 commerce. The socio-economic section in Chapter 3 doesn't fully reflect these facts!	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1 DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program. Please also see the response to comment S-200.
S-221	Growth/Socioeconomics	Barstow Community Hospital	Barstow Community Hospital opposes the proposed DesertXpress high-speed rail line from Victorville to Las Vegas due to its devastating impact on the Barstow-area economy. This project has the potential to cause the loss of nearly 2,300 local jobs and millions of tax dollars which support the community's police, fire, parks, infrastructure and other critical services. ... DesertXpress will cause tremendous economic distress for the Barstow community.	Please see the response to comment S-200.
S-222	Hydrology	California Regional Water Quality Control Board-Lahontan Region	We request that the final environmental document reference the Basin Plan in the hydrology and water quality analyses and require that the project proponent comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.	Draft EIS Section 3.8.1.2 references the Lahontan Regional Basin Plan. Final EIS Section 3.8.1.1 amends Draft EIS Section 3.8.1.2 to include additional clarifying text regarding the Lahontan Regional Basin Plan.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-223	Hydrology	California Regional Water Quality Control Board-Lahontan Region	A number of activities associated with project implementation may require permits issued by either the State Water Board or Lahontan Water Board because they appear to impact waters of the State. The Project proponent is urged to consult with either the State Water Board or Lahontan Water Board prior to project implementation. The required permits may include: Land disturbance of more than 1 acre may require a CWA, section 402(p) stormwater permits, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit or General Industrial Stormwater Permit, both obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board; and Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WOC) for impacts to federal waters (waters of the U.S.), or dredge and fill Waste Discharge Requirements (WDRs) for impacts to non-federal waters. [...] We request that appropriate sections of the Supplemental Draft EIS be revised to reflect the potential permitting requirements as outlined above.	Draft EIS Section 3.8.1.2 indicates applicable regulations: the Lahontan Water Board is responsible for implementing CWA, Sections 401, 402, and 303(d).
S-224	Hydrology	California Regional Water Quality Control Board-Lahontan Region	The Supplemental Draft EIS does not provide specific information regarding potential impacts to surface waters, particularly impacts to in-channel areas of the Mojave River (Segment C), Bell Mountain Wash (Operation and Maintenance Site Facility 2 [OMSF 2] and Victorville Station Site 3A13B [VV3A1B]), or other surface waters (Segment 4C). For example, Section 3.8.3 states that construction of alternative W3A would permanently impact 2,257 linear feet of Bell Mountain Wash, yet the Supplemental Draft EIS fails to describe what those impacts would be [...]. If impacts to surface waters are unavoidable, then we request that the project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible.	The project has been designed to minimize impacts on water resources to the extent feasible. Mitigation measures have been included to minimize impacts. Mitigation Measures HYD-1 through HYD-11 are included in Final EIS Section 3.8.3 of this Final EIS. Specifically, Mitigation Measure HYD-9 is included to minimize the impacts of OMSF 2 on water resources. Final EIS Section 3.8.2.3 includes additional information related to these impacts.
S-225	Hydrology	California Regional Water Quality Control Board-Lahontan Region	Be advised that the project must be designed such that post-construction hydrologic conditions match pre-construction conditions to avoid erosion due to constrictions restricting the passage of peak flows or the retention of flows that may adversely affect downstream vegetation.	The project rail alignment will bridge over the drainages and water crossings that would be crossed. Based on preliminary design information from the Applicant, the crossings of these water resources would not permanently alter the course or flows of these water resources. Final EIS Section 3.8.1.3 includes text regarding maintaining the natural washes in their present location and natural form as practicable and feasible.
S-226	Hydrology	California Regional Water Quality Control Board-Lahontan Region	The Supplemental Draft EIS fails to identify the beneficial uses of surface waters within the project area. The Supplemental Draft EIS must evaluate the project's potential impacts to water quality with respect to beneficial uses and provide alternative to avoid those impacts or describe mitigation measures that, when implemented, will minimize unavoidable impacts to a less than significant level.	Draft EIS Section 3.14.4.5, under the heading "Direct and Indirect Impacts to Wetlands/Waters of the United States" provides a discussion of project impacts to surface waters. The Draft EIS states that construction of the project could cause soil and vegetation disturbance, including permanent disturbance from the placement of culverts, and erosion effects. Draft EIS Section 3.14.4.5 and Supplemental Draft EIS Section 3.14.3 document the number of stream crossings that would be impacted by the Action Alternatives. Draft EIS Section 3.8.3.3 has been revised to include a discussion of the beneficial uses of the waters, indicating that the waters could support habitat necessary for the survival of sensitive species, allow for recharge of groundwater, and support wildlife habitat. This change is shown in Final EIS Section 3.8.1.1.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-227	Hydrology	California Regional Water Quality Control Board-Lahontan Region	...the Supplemental Draft EIS does not adequately discuss post-construction stormwater management. Of particular concern is the collection of stormwater runoff from paved areas and the discharge of that stormwater to natural drainage channels. [...] The Supplemental Draft EIS must evaluate all potential stormwater impacts, particularly potential post-construction hydrologic impacts, and describe specific best management practices that, when implemented, will reduce those potential impacts to a less than significant level.	This Final EIS amends Mitigation Measure HYD-6 to include additional information relative to the proper design of drainage systems. Refer to Final EIS Section 3.8.1.3 for the specific revisions. The design of the facilities will include detailed runoff calculations and necessary drainage basins or capture and treatment designs will be planned accordingly. In regards to the rail alignment, the rail segments would not result in large amounts of impervious surface as they would be constructed on ballast. The Preferred Alternative rail alignment would also connect with and mirror the existing culverts along the I-15 freeway, which would channel any runoff from the alignment. Please refer to Final EIS Chapter 1.0, Purpose and Need, for a discussion regarding the project purpose.
S-228	Hydrology	City of Barstow (Meyers Nave)	...implementation of measure HYD-8 does not appear feasible, since that measure, by its own description, would "prohibit the presence of construction equipment or construction materials within the designated 100-year floodplain." The Supplemental Draft EIS should be revised to evaluate the potential for significant impacts in the absence of Mitigation Measure HYD-8.	Mitigation Measure HYD-8 within Final EIS Section 3.8.3 states that the contractor will not store construction equipment or materials within the limits of influence that are located in areas of the 100-year floodplain, so as to avoid redirecting 100-year flood flows that could cause structural damage or pose a safety risk to workers.
S-229	Hydrology	EPA	Include a discussion of measures to avoid, minimize, and mitigate impacts to hydrology, water quality, and other resources resulting from the increase in impervious surface at the Victorville Station Site, including consideration of structured parking.	Supplemental Draft EIS Section 3.8.3 documents that Victorville Station Site 3 (VV3) would result in greater stormwater runoff than VV1 and VV2 due to the increase in impervious surfaces. Structured parking at VV3 has limited environmental benefit given the relatively low precipitation in the Victorville area. Additionally, best management practices would be incorporated into project design to reduce water quality impacts from runoff from the surface parking areas. Mitigation Measure HYD-6 in Draft EIS Section 3.8.5 and Supplemental Draft EIS Section 3.8.4 requires the proper design of station and maintenance facility drainage systems. The design of the facilities will include detailed runoff calculations and necessary drainage basins or capture and treatment designs will be planned accordingly. This Final EIS amends Mitigation Measure HYD-6 to include additional clarifying text regarding the proper design of drainage facilities. Refer to Final EIS Section 3.8.1.3 for these specific revisions.
S-230	Hydrology	EPA	Once the delineation of the extent of waters, including wetlands, on the Project site has been verified by the USACE, FRA should update the information regarding estimated impacts to waters and provide this information in the Final EIS. A jurisdictional determination by USACE should be performed prior to publication of the Final EIS in order to provide a determination of potential significant impacts and identify mitigation and avoidance measures in the design of the Project.	Draft EIS Section 1.4.1 states that the Applicant will be responsible for a Section 404 permit from the U.S. Army Corps of Engineers to ensure compliance with the Clean Water Act. The NEPA process also requires analysis of water resources that are not under the jurisdiction of the U.S. Army Corps of Engineers (USACE). The project proponent submitted a formal jurisdictional determination request to USACE in July 2010. The project proponent is currently responding to USACE requests for additional information. No wetlands will be affected, but the Preferred Alternative is expected to temporarily impact an estimated 0.2 acres and permanently impact 5.96 acres of ephemeral drainages (other "waters of the U.S.") subject to USACE Jurisdiction. The Applicant has incorporated a number of measures into the project design to avoid and minimize these impacts. The project proponent also will (1) either create new ephemeral drainage, or (2) restore, where feasible, through reestablishment of former ephemeral drainage, 9.10 acres of ephemeral drainage within the alluvial fan system where the project impact is located to compensate for unavoidable impacts to "waters of the U.S." With the incorporation of these mitigation measures, the proposed project will not result in more than minimal adverse effects to the aquatic environment. Final EIS Section 3.8.1.3 includes this information and Final EIS Section 3.8.2.3 also incorporates this information. Final EIS Section 3.8.1 also includes a description of the Section 404 process as of publication of this Final EIS.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-231	Hydrology	EPA	Update the information provided in the Final EIS so that estimated impacts are provided in acreage estimates. Identify and quantify both 1) permanent and temporary impacts to waters, and 2) direct, indirect, and cumulative impacts to waters.	As described in response to comment S-230, the Preferred Alternative is expected to temporarily impact 0.2 acres and permanently impact 5.96 acres of ephemeral drainages (other "waters of the U.S."). The Applicant has proposed a number of measures to minimize these impacts. Ephemeral drainages impacted by the project are unvegetated and have limited habitat value, but provide important hydrologic functions (e.g., water conveyance and storage). Ephemeral drainages restored as part of the compensatory mitigation program will have similar functions and values to existing drainages. With the inclusion of compensatory mitigation, it is believed the proposed project will have minimal indirect and cumulative impacts to waters of the U.S. Any additional impact avoidance, minimization and compensation required to ensure that direct, indirect and cumulative impacts to waters of the U.S. are minimal will be incorporated into the project design during the CWA Section 404 permitting process. Final EIS Section 3.8.2.3 incorporates this information.
S-232	Hydrology	EPA	If it is to be used to justify a Clean Water Act Section 404 permit, the Final EIS should include an evaluation of the project alternatives in order to demonstrate the project's compliance with Section 404(b)(1) and authorization of LEDPA. The alternatives analysis should include a reasonable range of alternatives that meet the Project purpose while avoiding and minimizing damage to waters. If, under the proposed Project, dredged or fill material would be discharged into waters of the U.S., the Final EIS should discuss alternatives to avoid those discharges.	As described in Supplemental Draft EIS Section 2.2, the Applicant has proposed a series of modifications to the alignment of the railway and siting of associated facilities to avoid and minimize adverse environmental effects, including impacts to "waters of the U.S." Specific modifications to the original project design that have been incorporated into the preferred project alternative, resulting in avoidance and minimization of impacts to "waters of the U.S." include the following: <ul style="list-style-type: none"> • Revised location for Victorville Station, which will eliminate potential impacts to riparian vegetation along the Mojave River. • Revised alignment for Segment 1, alternative B which will directly impact 0.74 acres of other "waters of the U.S." compared to previous Segments 1 and 2, which would have directly impacted 2.57 acres of other "waters of the U.S." Impacts to "waters of the U.S." have been avoided and minimized for ephemeral drainages equal or greater than 4 feet in width through the use of at- or above- grade over crossings. • Revised alignment for Segment 4, alternative C which will directly impact 0.58 acres of other "waters of the U.S." compared to previous Segment 4a, which would have directly impacted 1.81 acres of other "waters of the U.S." The footprint of Segment 4, alternative C contains less "waters of the U.S." than previous Segment 4a. Impacts to "waters of the U.S." have been further avoided and minimized for ephemeral drainages equal or greater than 4 feet in width through the use of at- or above- grade over crossings and tunneling. • Revised alignment for Segment 6, alternative B which will directly impact 0.38 acres of other "waters of the U.S." compared to previous Segment 6 Alternative C Central A and B, Segment 7 Alternatives A, B and C, which would have directly impacted 2.5 acres of other "waters of the U.S." Impacts to "waters of the U.S." have been avoided and minimized for ephemeral drainages equal or greater than 4 feet in width through the use of at- or above- grade over crossings.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-232, <i>continued</i>	Hydrology	EPA		Final EIS Section 3.8.2.4 provides a comparative discussion of the hydrology impacts related to the Preferred Alternative and the other Action Alternatives. As a result of the these modifications, the Preferred Alternative will have less impacts on "waters of the U.S." than previously proposed railway alignments and facility locations and will have no impact on wetlands. The project proponent began consultations with USACE regarding CWA Section 404 authorization in May 2010. The project proponent submitted a formal CWA Section 404 authorization request to USACE in July 2010. The project proponent is currently responding to USACE requests for additional information. According to CWA Section 404 regulations, permitted activities must be designed and constructed to avoid and minimize adverse effects to "waters of the U.S." to the maximum extent practicable. If an individual permit is required, the project proponent is required to complete a 404(b)(1) alternatives analysis and demonstrate that the proposed project represents the least damaging practicable alternative (LEDPA). The Applicant already has adopted a significant number of measures into the project design to avoid and minimize adverse effects to "waters of the U.S." Compared to previously proposed railway alignments and facility locations, the current preferred alternative represents the LEDPA and therefore complies with the 404(b)(1) guidelines. This finding will be further evaluated and validated during the CWA Section 404 permitting process. Final EIS Section 3.8.1 includes a description of the Section 404 and Section 401 process as of publication of this Final EIS.
S-233	Hydrology	EPA	The Final EIS should include mitigation commitments for impacts to waters, including compensation if waters will be filled.	According to CWA Section 404 regulations, permitted activities must be designed and constructed to avoid and minimize adverse effects to "waters of the U.S." to the maximum extent practicable. If an individual permit is required, the project proponent is required to complete a 404(b)(1) alternatives analysis and demonstrate that the proposed project represents the least damaging practicable alternative (LEDPA). The Applicant already has adopted a significant number of measures into the project design to avoid and minimize adverse effects to "waters of the U.S." Compared to previously proposed railway alignments and facility locations, the current preferred alternative represents the LEDPA and therefore complies with the 404(b)(1) guidelines. This finding will be further evaluated and validated during the CWA Section 404 permitting process. Final EIS Section 3.8.1 includes a description of the Section 404 and Section 401 process as of publication of this Final EIS.
S-234	Hydrology	EPA	The Final EIS should include more specific information about the design of the channel, stream, and wash crossings and should commit to mitigation of impacts to these water features, including the use of natural washes, in their present location and natural form, to the maximum extent practicable with the placement of adequate natural buffers for flood control.	To minimize potential adverse impacts to the aquatic environment, the project will install clear span crossings for all ephemeral drainages equal or greater than 4 feet in width (as measured by the distance between the ordinary high water mark on each side of the drainage). These crossings will retain natural, earthen bottoms to minimize changes to natural flow, erosion and sedimentation patterns. Final EIS Section 3.8.1.3 amends Draft EIS Section 3.8.4.3 to include additional information related to maintaining the natural washes in their present location and natural form as practicable and feasible. Design of the drainage crossings would be developed as part of the design-build process after this Final EIS and Record of Decision. The Record of Decision will incorporate all mitigation measures from the Final EIS, making them conditions of project approval and thus conditions of the various federal permits and licenses needed to construct and operate the preferred alternative. This would include any mitigation commitments to water resources.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-302	Hydrology/Utilities	California Regional Water Quality Control Board-Lahontan Region	The evaluation in Section 3.4 is vague and does not provide adequate details to properly evaluate the potential impacts the proposed project may have on environmental resources with respect to stormwater management. [...] Without having preliminary designs for stormwater conveyance, systems and structures, there is no justification to support the findings the hydrology and water quality analyses of the Supplemental Draft EIS, particularly with respect to "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." Please revise the Supplemental Draft EIS to address these concerns.	Mitigation Measure HYD-6 in the Draft EIS and Supplemental Draft EIS requires the proper design of station and maintenance facility drainage systems. The design of the facilities will include detailed runoff calculations and necessary drainage basins or capture and treatment designs will be planned accordingly. Final EIS Section 3.8.1.3 amends Mitigation Measure HYD-6 to clarify that where necessary, the Applicant shall redesign and resize the existing drainage facilities to accommodate the potential increase in runoff along the rail alignment. In regards to the rail alignment, the rail segments would not result in large amounts of impervious surface as they would be constructed on ballast. The rail alignments would also connect with and mirror the existing culverts along the I-15 freeway, which would channel any runoff from the alignment. The Preferred Alternative rail alignment would install drainage features under the rail alignment that match existing I-15 freeway culverts and would integrate into the existing I-15 drainage system. Where the Preferred Alternative rail alignment would deviate from existing transportation facilities, the Applicant would install culverts at natural drainage features. Please refer to Final EIS Sections 3.8.1.3 and 3.8.2.3.
S-235	Irretrievable & Irreversible Commitment	NDOT	Draft EIS and Supplemental Draft EIS Section 3.17 discuss Irretrievable and Irreversible Commitment of Public Resources. It is NDOT opinion that this section needs more coordination and clarification. The Interstate right-of-way is a Public Resource already acquired with Federal and Tax Payers funds, or granted by BLM. It cannot be turned over to a private corporation in perpetuity with conditions of Irretrievable and Irreversible commitments to be use for profit and gain, especially with the commitment of the State of Nevada to their citizens in regards to past actions of planning, revenue stream from the community, condemnation and sovereignty. NDOT does not concur with the Irretrievable and Irreversible Commitment section specifically the conversion to other uses.	Final EIS Section 3.17, Irretrievable and Irreversible Commitments of Public Resources, has been updated to reflect this comment.
S-236	Irretrievable & Irreversible Commitment	NDOT	This right-of-way was designated for transportation purposes only.	The comment is noted and does not request nor require response through additional or modified analysis of a specific environmental impact of the proposed action.
S-237	Land Use	City of Barstow (Meyers Nave)	The Draft EIS and Supplemental Draft EIS fail to actually analyze land use or growth impacts associated with the proposed DesertXpress project as mandated by NEPA. [...] The Land Use Chapter (3.1) contains statements and conclusions that the proposed project is incompatible with certain land uses along the route such as residential areas and sensitive BLM lands, yet there is no discussion of the nature or extent of the incompatibility. (DesertXpress Supplemental Draft EIS, pp. 3.1-10-3.1 -11, Draft EIS pp. 3.1-52-3.1-58.) Simple conclusory statements are not adequate under NEPA which requires a discussion for each of the alternatives of all direct and indirect environmental impacts, and cumulative impacts, and their significance. (40 C.F.R. 1502.16; see also Davis v. Mineta, 302 F.3d 1104, 1123-1124 (9 the Cir. 2002).)	Final EIS Section 3.1.1 reflects revisions to Draft EIS and Supplemental Draft EIS Sections 3.1, Land Use and Community Impacts, clarifying the basis for FRA's conclusions regarding land use compatibility
S-238	Land Use	City of Barstow (Meyers Nave)	There is also no conclusion regarding the land use impacts after mitigation. (Supplemental Draft EIS, p. 3.1-16.)	Mitigation related to land use and community impacts is discussed in Final EIS Section 3.1.3. Conclusions regarding land use impacts after mitigation are presented in Final EIS Section 3.1.4. After mitigation, the Action Alternatives would result in the permanent conversion of certain lands to transportation uses.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-239	Land Use	City of Barstow (Meyers Nave)	Further, the discussion of land use impacts on the City of Barstow and adjacent areas is out of date. The City submitted comments on the Draft EIS, in which the City commented that the land use policy information in that document appeared to originate in 2005 data, and that updated land use policy information for the City was available at the City's website. However, the Supplemental Draft EIS appears to ignore the City's comment entirely. The EIS therefore appears to rely on inaccurate information in its analysis of the land use impacts of the project on the City and surrounding areas.	FRA notes that, as stated in Supplemental Draft EIS Section 2.2.3, further analysis and discussion of the feasibility and impacts of Segment 2C as an alternative rail alignment was in response to the City of Barstow's comments on the Draft EIS. The City stated that the previous proposal of Segment 2A/2B would have traversed an area intended for industrial/warehouse use and stated that the proposed DesertXpress routing was incompatible and requested consideration of other routing alternatives. Segment 2C was therefore evaluated in the Supplemental Draft EIS as a way to keep the proposed rail alignment within an existing transportation corridor, thereby reducing the potential for land use conflicts in the City of Barstow. However, environmental consequences related to land use and community impacts are discussed in Final EIS Section 3.1.2.3. The nature of each land use or community impact is discussed and the compatibility of the alternative with each land use designation is measured. Where a feature of the alternative is considered to have "low" compatibility with a land use, such compatibility is explained.
S-240	Land Use	CCDOA	FRA cannot yet assume that the DesertXpress project has "high" compatibility with airports, as the Supplemental Draft EIS summarily concludes in Table S-3.1-2 (Supplemental Draft EIS at p. 3.1-7). Instead, FRA cannot reach any defensible conclusions as to whether or not the proposed alignments would be compatible with local land uses until it reviews the final determinations from FAA - the federal agency with expertise in matters of aviation safety.	Please see Final EIS Sections 3.1.1.2 and 3.1.1.3, which include revisions and clarifications regarding land use compatibility conclusions. Mitigation Measure LU-1 would require the Applicant to coordinate with the FAA, CCDOA, and airlines operating at the airport to develop and agree to a rail alignment design that avoids impacts to the one-engine inoperative zones and departure conditions under FAA standards. This Final EIS also amends Draft EIS Section 3.1.5 and Supplemental Draft EIS Section 3.1.4 to include an additional mitigation measure related to the compatibility with existing and planned airport uses and established Runway Protection Zones. Mitigation Measure LU-2 in Final EIS Section 3.1.3 requires the Applicant to obtain a Part 77 determination from the FAA to confirm that the project does not present a hazard to air navigation.
S-241	Land Use	CCDOA	Fig. S-3.1-3 and Fig. S-3.1-4 incorrectly depict the Airport Site as owned by the BLM. In fact, the Airport Site is owned by Clark County. See BLM Patent 27-2004-0104.	The Final EIS has been revised to reflect this requested change in ownership. Supplemental Draft EIS Figures S-3.1-3 and S-3.1-4 have been revised to show the Airport site as owned by Clark County. No physical environmental impact is implicated in making this change. These revised figures are shown as Final EIS Figures F-3.1-6 and F-3.1-7.
S-242	Land Use	CCDOA	Fig. S-3.1-8 correctly depicts the Airport Site as a distinct land use designation, but does not include this designation in the legend. In addition, the legend should not restrict land use designations to California only. Fig. S-3.1-8 incorrectly depicts land use to the west of I-15 and north of Primm as being "residential". This land is designated as "open lands." See South County Land Use Plan (http://gisgate.co.clark.nv.us/gismolcpmapprod.htm).	The Final EIS has been revised to address this comment. Supplemental Draft EIS Figures S-3.1-8 through S-3.1-10 of the Supplemental Draft EIS have been revised to incorporate the South County Land Use Map. No physical environmental impact is implicated in making this change. These revised figures are shown as Final EIS Figures F-3.1-1 through F-3.1-5.
S-243	Land Use	CCDOA	Section 3.1 discussion should include the following: The 2002 Clark County Conservation of Public Lands and Natural Resources Act (Public Law 107-282). In this Act, Congress directed that an additional 17,000-acre Airport Environs Overlay District be transferred to the County upon final approval of the airport. Congress also directed BLM to establish a half-mile wide "Transportation and Utility Corridor" between the Airport Site and the Las Vegas Valley for the placement, on a non-exclusive basis, of utilities and transportation. BLM formally identified the boundaries of that corridor in July 2007.	The commenter requests a change to the regulatory requirements discussion. The requested additional clarifying information has been added to Final EIS Section 3.1.1.3. The additional language does not result in any new physical environmental impact.
S-244	Land Use	CCDOA	Section 3.1 discussion should include the following: The Heliport Transfer Act (Public Law 109-115, § 180). The Heliport Transfer Act directs the BLM to convey 229 acres to Clark County for the purpose of operating a heliport facility. FAA issued a FONSI/ROD on the Heliport in early 2009 and the Department of Interior transferred title to the Heliport in late 2009 (see BLM Patent No. 27-2010-01).	The commenter requests a change to the regulatory requirements discussion. The requested additional clarifying information has been added to Final EIS Section 3.1.1.3. The additional language does not result in any new physical environmental impact.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-245	Land Use	CCDOA	Section 3.1 discussion should include the following: Clark County, South County Land Use Plan (2008). The DEIS should be revised to recognize the County's position with regard to development within the Transportation and Utility Corridor established pursuant to Public Law 107-282. Specifically, the Plan states: [...]	The commenter requests a change to the regulatory requirements discussion. The requested additional clarifying information has been added to Final EIS Section 3.1.1.3. Supplemental Draft EIS Figures S-3.1-6 through S-3.1-10 have been revised to incorporate the most current land use plans and land use designations, including the South County Land Use Plan. The additional language does not result in any new physical environmental impact. No physical environmental impact is implicated in making this change. These revised figures are shown as Final EIS Figures F-3.1-1 through F-3.1-5.
S-246	Land Use	Kubacki, Joseph	As a resident of Enterprise Township living in a rural environment why would the residents living here with horses want a high speed train traveling through here over 100 times -a-day? Do you understand that this land in Enterprise is zoned Rural Residential and as such we all like it that way.	Throughout the Enterprise Regional Plan Area, the Preferred Alternative rail alignment would be located within the I-15 ROW. Please also refer to Draft EIS Section 2.4.9.1, which provides an anticipated operations schedule.
S-247	Land Use	Marks, Philip H.	I live in Las Vegas approximately 2 miles from the alternate location of the proposed rail line along Dean Martin/Industrial Road. A large portion of the surrounding neighborhood is zoned Rural Preservation Neighborhood with an emphasis on rare animals and horses. All of the homes in this area are on 1/2 to 1 acre lots. No EIS has been performed for this area including but not limited to Noise and family living impact.	The Supplemental Draft EIS evaluates land use effects within a one-mile radius of the proposed rail alignment. All residential land use designations have been consolidated into one "Residential" land use category due to the large scale of the project and the specific residential densities have not been identified. Supplemental Draft EIS Figure S-3.1-10 accurately depicts the residential land use designations surrounding the proposed rail alignments in Las Vegas. These residential land use designations include the Rural Preservation Neighborhood noted in the comment. These rural residential land use designations would be located farther than one mile from the Preferred Alternative rail alignment and would not be considered to experience any adverse effects related to land use conflicts, noise, air quality, or visual resources.
S-248	Land Use	Misiura, Walter and Charlotte	Re: New alternate route segment 2b: Despite what the consultant (your speaker) said, the route runs right across the southern end of our property a) blocking the actual entrance and b) affecting the market value of our property.	Please note that Segment 2B is not part of the Preferred Alternative, discussed at further length in Final EIS Section 2.4, Preferred Alternative. In the Barstow area, Segment 2C, within the I-15 freeway ROW, is part of the Preferred Alternative. The impacts described by the commenter are not associated with Segment 2C.
S-249	Noise	EPA	Commit to mitigation of all adverse noise effects, through the mitigation measures listed in the Supplemental Draft EIS.	Mitigation measures for noise impacts have been identified in the Final EIS Section 3.12.3 based on the FRA guidance to eliminate all noise impacts due to the proposed project. The Record of Decision will incorporate all mitigation measures from the Final EIS, making them conditions of project approval and thus conditions of the various federal permits and licenses needed to construct and operate the Preferred Alternative.
S-250	Noise	EPA	Consider relative noise impacts in choosing between the "side running" or "median" options for Segment 2C.	Comment regarding the consideration of noise impacts is noted. While the median alignment was identified in Final EIS Section 2.5, Environmentally Preferable Alternative, as an environmentally preferable alternative, numerous technical and operational factors led the Federal cooperating agencies to identify side-running segments as the Preferred Alternative rail alignment. Segment 2C that has been included in the Preferred Alternative would run along the side of the I-15 freeway through central Barstow with the existing I-15 freeway. Please refer to Final EIS Section 2.4.1 for a discussion regarding the selection of Segment 2C as part of the Preferred Alternative. The project would include appropriate noise mitigation (in the form of sound barriers) to reduce noise impacts on adjacent residences and sensitive land uses. Please see Final EIS Figure F-3.12-1 in this Final EIS for the noise mitigation locations along Segment 2C. Final EIS Table F-3.12-4 summarizes the comparison of the noise and vibration effects for the No Action Alternative and the Action Alternatives, highlighting the components of the Preferred Alternative.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-253	Noise	Richter, Doug	I live within 1000 feet of the proposed alignment in Enterprise Township (Las Vegas). I am very concerned about noise.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where an impact is projected, mitigation measures have been recommended to eliminate all noise impacts due to the proposed project. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3. At a distance of 1,000 feet, there would be no impact from project noise.
S-254	Noise and Vibration	Chavez, Remijio A.	(Re Segment 2C) Even in the median, we suspect that the noise and vibration would further erode our quality of life, lead to accelerate deterioration of our late 1950's built homes and further reduce 2 our property values!	The noise impact assessment takes into account the existing noise levels and the change in noise levels due to the proposed project. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. In locations with high existing noise levels, less project noise is allowed under FRA guidance. At all locations with noise impact, mitigation measures have been recommended to eliminate all noise impacts due to the proposed project. See Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3. Final EIS Section 3.12.2.3 and Section 3.12.3 demonstrates that there are no substantial vibration impacts along the Preferred Alternative.
S-255	Noise and Vibration	City of Barstow (Meyers Nave)	The Supplemental Draft EIS simply states that "if feasible, most effective location for the noise barriers would be on the elevated structure" of Segment 2C, except where the segment would be at-grade, at which points "noise barriers should be located on the wayside of the rail alignment where feasible." The Supplemental Draft EIS conducts no analysis of whether such mitigation actually would be feasible in the areas in which it is needed to reduce or avoid significant noise impacts. [...] It is not clear that this assumption about the effectiveness of a 4-foot barrier is justified in fact, particularly since the Supplemental Draft EIS does not disclose anticipated noise levels after implementation of recommended mitigation. The Supplemental Draft EIS should be revised to explain, based on substantial evidence, its conclusions regarding the effectiveness of mitigation measures to reduce or avoid the significant noise impacts of Segment 2C, and other project features discussed in the EIS.	Final EIS Section 3.12, Noise and Vibration, discusses noise and vibration conditions and potential impacts from the Preferred Alternative, which includes Segment 2C. Supplemental Draft EIS Appendix S-D provides a detailed noise and vibration evaluation for the Segment 2C alignment options. Mitigation measures for reducing noise impacts are discussed in Final EIS Section 3.12.3. Final EIS Section 3.12.4 discusses "Residual Impacts Following Mitigation." Specifically, with regard to Segment 2C, noise impacts would be fully mitigated with implementation of noise barriers. Technical information concerning noise impacts and mitigation for Segment 2C are presented in Supplemental Draft EIS Appendix S-D at pages S-D-1 through S-D-34. Mitigation measures utilize proven noise-reduction materials that are described in Final EIS Section 3.12.3.
S-256	Noise and Vibration	Dieleman, Crystal	Building an elevated steel-on-steel guideway might be fine in the middle of the desert where no one will notice the loud noise, but to build that near neighborhoods and in front of local businesses who depend on that freeway visibility is an absolute outrage.	Supplemental Draft EIS Section 3.12.5 notes that with the inclusion of noise barriers, all noise impacts associated with Segment 6B would be reduced to a less than significant level (in other words, noise levels would be beneath the levels set forth by FRA as resulting in a noise impact). Noise impacts along the project alternatives and options have been assessed using FRA's published guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. The visual environment of the I-15 freeway through Las Vegas, particularly north of I-215, is highly disturbed with numerous buildings, signs, and other attractions competing for visual attention. The addition of an elevated section of railroad in this environment would not constitute a substantial adverse visual impact.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-257	Noise and Vibration	Doulton, R.	The proposed route with 228 passing noisy steel on steel trains will all but wipe out the business for five hotels located at Dean Martin and Russell (Marriott, Fairfield, Courtyard, Residence Inn and Staybridge).	Supplemental Draft EIS Section 3.12.5 notes that with the inclusion of noise barriers, all noise impacts associated with Segment 6B would be reduced to a less than significant level (in other words, noise levels would be beneath the levels set forth by FRA as resulting in a noise impact). Noise impacts along the project alternatives and options have been assessed using FRA's published guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. The visual environment of the I-15 freeway through Las Vegas, particularly north of I-215, is highly disturbed with numerous buildings, signs, and other attractions competing for visual attention. The addition of an elevated section of railroad in this environment would not constitute a substantial adverse visual impact.
S-258	Noise and Vibration	Krogh, Didrik	I live on the corner of West Warm Springs and Polaris, one block west of Dean Martin and have several concerns. I am a residential appraiser and the noise from this rapidly traveling steel on steel will certainly have an adverse impact on residential properties in my area.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3. Noise mitigation on elevated structures is typically very effective due to the close proximity of the barrier to the source of the noise. Please see Final EIS Figure F-3.12-2 for noise mitigation locations along the Preferred Alternative Segment 6B.
S-259	Noise and Vibration	Kubacki, Joseph	Owning property near a train even elevated where the noise will have the ability to travel due to no buildings blocking the sound makes matters worse.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3.
S-260	Noise and Vibration	Makar, Steve	If that's not bad enough they plan to place this noisy thing right next to my neighborhood. The route includes "Dean Martin Drive right of way at Blue Diamond" a rural preservation residential zoning	This Final EIS includes revised Supplemental Draft EIS Figures S-3.1-9 and S-3.1-10, included as Final EIS Figures F-3.1-4 and F-3.1-5 in this Final EIS, to clarify the location of the proposed rail alignments relative to areas designated by Clark County as "Rural Preservation." While these figures have been updated accordingly, there is no change in any environmental effect. The proposed rail alignment will run alongside I-15, which contributes substantial noise to the existing environment.
S-261	Noise and Vibration	Stimson, David A.	First, we do not believe the results and assumptions made with respect to noise and vibrations. When I-15 was expanded from 4 lanes to 6, noise levels increased. Even with the construction of a sound barrier, the noise levels are still high. Whether the train is elevated or not, noise will be increased.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3. Noise mitigation on elevated structures is typically very effective due to the close proximity of the barrier to the source of the noise (see Mitigation Measure NV-1).

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-262	Noise and Vibration	Stimson, David A.	Second, there will be vibrations during construction and during operations. Based on our experience with the freeway expansion, the vibrations will be noticeable. Vibrations may decrease overtime as the ground settles, much in the same way it did with the freeway, however, just because we may no longer physically feel it, that doesn't mean the slab, driveway, etc. won't be affected. Pile driving activities in connection with constructing the elevated portion of this project will also impact our home.	A vibration analysis for both operations and construction has been conducted in Draft EIS Section 3.12.6.2 and Supplemental Draft EIS Section 3.12.3. Vibration from operations, while potentially feasible, would be well below the thresholds for even minor damage. In locations with elevated structures, the vibration levels from operations would be even lower than at grade. If piling does need to occur, limits can be placed on pile driving to avoid any adverse effects. These and other construction period noise and vibration mitigation measures are included in Draft EIS Section 3.12.7.3. Final EIS Section 3.12.3 states that the Preferred Alternative would not result in adverse vibration effects and no mitigation would be required. Mitigation Measures NV-5 through NV-9 identified in Draft EIS Section 3.12.7.2 would not be required for the Preferred Alternative.
S-263	Noise and Vibration	Stimson, David A.	Fifth, we really do not want to sit on our porch and watch high speed trains go whizzing by. Proposed mitigation measures (windows, doors, insulation) is probably not sufficient for homes next to I-15 between Barstow Road and the Stater Brothers Shopping Center.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3.
S-264	Noise and Vibration	Ziska, Alinka Woyton	I'm not certain of how loud the Desert Xpress train is supposed to be but I know that European train sound exactly like old freight trains except that they are a bit louder. I would hope that there is some sort of authority that will be able to step in and slow these trains down as they pass through any environmentally sensitive land along the route and that they would also be slowed down when passing through any city center or towns along the way.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3. The types of trains proposed by the project are significantly quieter than freight trains. They are also much shorter than freight trains, and the noise events will not last as long as freight trains. The speed of the trains on the project was incorporated into the impact assessment at all locations.
S-265	Noise and Vibration; General - Project Attributes	NDOT	The use of impact pile driving (page 3.12-29) is unlikely in the hard soil areas. Typically drilled shaft foundations are used. NDOT will need to review/approve the geotechnical data in the areas where there are joint operations or where column footings lie within NDOT right-of-way and the footings have the potential to impact highway facilities. There is concern in the area where DXE is crossing/spanning the highway near the proposed Ivanpah Airport and in the urbanized areas (some areas here are already paved from right-of-way to right-of-way).	The design-build process for the DesertXpress project will determine the appropriate pile construction methodologies based on the most currently available local geotechnical data. FRA, FHWA, and the State DOTs have jointly prepared a Highway Interface Manual that sets forth a framework for how the project will be safely constructed, operated, and maintained within existing freeway ROW areas and that will allow for greater compatibility between the Preferred Alternative and planned and programmed improvements to the I-15 corridor. Final EIS Appendix F-B includes the manual, which is further discussed at Final EIS Section 3.5.1.
S-266	Noise and Vibration; Visual Resources	Conway, Robert (Ironworkers Local 433)	[...] I haven't heard any comments in regards to just how much noise this thing makes when it comes through at 150.	Noise impacts along the project alternatives and options have been assessed using FRA guidance. Please refer to Draft EIS Section 3.12.4 and Final EIS Section 3.12.2.1 for a discussion regarding the method of evaluation for the project's noise impacts. At locations where impact is expected as the result of the project, mitigation measures have been recommended to eliminate all noise impacts. Please see Mitigation Measures NV-1 through NV-4 in Final EIS Section 3.12.3.
S-267	Noise and Vibration; Visual Resources	Zannis, Mark	First of all, we would like to know how you have calculated visual and noise impacts for those properties that are going to be running or where this track is going to be running along those private properties. We would like to know what studies have been conducted on noise and visual impact.	The approach to visual impact analysis is discussed in Final EIS Section 3.6.2.1 and Draft EIS Section 3.6.3. For the noise and vibration study methodology, please see Final EIS Section 3.12.2.1 and Draft EIS Section 3.12.4.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-268	Purpose and Need	Atilano, Lucy (Ironworkers Local 433)	On that same theme, stop interfering with the State-sponsored Maglev project. Release the money that is owed to our state immediately! You have received letters from our elected Attorney General and our Governor, former Governors Guinn and Miller before him and by the Nevada Legislature, not to mention Caltrans, Anaheim, Orange County, San Bernardino County, Ontario and Barstow Follow the law and release the SAFETEA-LU funds so that Maglev can continue to deploy. I believe that what FRA is doing by interfering with a State-sponsored project that has the full support of Congress and the voters is wrong.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-269	Purpose and Need	Chavez, Remigio A.	...we have real doubts on the validity of the "purpose and need" for this project. As written, it's weak to say the least. Who the hell would drive all the way from the LA basin, park their car at the Victorville Station, spend an hour on the train and get to Las Vegas with no way of getting around. Most folks on the west coast haven't fully embraced mass transit yet. Look at mass transit statistics from LA and you will discover that the vast majority of people taking mass transit are low income, inner-city dwellers. So, using mass transit in Vegas won't be popular. Unless this train starts from the LA basin I strongly suspect ridership would be much lower than stated in the document.	The technical reports evaluating ridership and connectivity to existing transportation facilities explained the selection and viability of the Victorville terminus. For example, the Cambridge Systematics report states that "the location of the Victorville terminal would be passed by virtually every auto traveler going between Southern California and Las Vegas." Ridership Forecast Review at 5 (Feb. 2008). Similarly, the report prepared by Steer Davies Gleave provides: "The DesertXpress High Speed Train is to run from Victorville, CA to Las Vegas, NV. Victorville is 80 miles northeast of downtown Los Angeles and located on the existing I-15 highway running between LA and Las Vegas. All drivers travelling from Southern California to Las Vegas must pass Victorville" DesertXpress Ridership & Audit Ridership & Revenue Audit Technical Memorandum: FRA Summary at 2 (Sept. 2007). The independently reviewed ridership study is included as Final EIS Appendix F-D. Please also see response to comment S-17 above.
S-270	Purpose and Need	Chavez, Remigio A.	Overall, we believe that this project is not the right project to relieve I-15 car traffic, benefit air quality or affect air traffic from the LA Basin to Las Vegas. These notions are poorly supported in the Supplemental Draft EIS! The direct, negative impacts to the economy of Barstow and the potential negative impacts to Mr. Love and I are much more apparent. We both believe that some form of mass transit is needed to connect the LA Basin to Las Vegas for future growth just not this project as currently proposed. We are opposed to the Desert Express Project for the reasons stated above.	The comment is noted. The analysis in the Draft EIS, Supplemental Draft EIS, and this Final EIS document establishes that the DesertXpress project would have several beneficial effects related to freeway congestion and air quality. Adverse effects of the project are also extensively described in specific chapters. These are summarized in the Final EIS Executive Summary, which contains references to specific impact discussions elsewhere in the Final EIS. Please also see response to comment S-200 regarding potential economic impacts to the City of Barstow.
S-271	Purpose and Need	City of Barstow (Meyers Nave)	This statement of purpose and need is drafted very narrowly to meet specific private objectives of the project applicant, independent of the Federal Railroad Administration's ("FRA's") objectives. By focusing on the "privately financed" aspect of the proposed project - an element which has absolutely no environmental implications - the EIS excludes any comparison of the project with any alternative that is not privately financed by the applicant, include an existing, detailed proposal for a similar project being pursued by the California-Nevada Super Speed Train Commission that would employ a magnetic levitation ("maglev") train between Anaheim, CA and Las Vegas, NV.	Final EIS Chapter 1.0, Purpose and Need, describes the objectives of the DesertXpress project which is to improve safety along the I-15 corridor and address the worsening congestion of existing transportation modes between southern California and Nevada by developing a dedicated passenger rail system using proven rail technology. In addition, please refer to Final EIS Section 1.6.1, for an updated discussion of the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-272	Purpose and Need	City of Barstow (Meyers Nave)	Most egregiously, the EIS describes - but deliberately excludes from comparison with the proposed project -- the maglev project. With the single exception that the maglev project would not be "privately financed" (a quality which is entirely unrelated to environmental impacts), the maglev project would plainly fulfill the purpose and need stated in the DesertXpress EIS.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process.
S-273	Purpose and Need	CCDOA	CCDOA owns and operates a system of airports which, collectively, accommodates the commercial service, general aviation, sport aviation, and air cargo demands within Southern Nevada. For that reason, it is incorrect to refer to the SNSA as a "secondary" airport, as the Supplemental Draft EIS does on p. 1-3. Instead, the Supplemental Draft EIS should clarify that the SNSA will serve as a supplemental commercial service airport.	The Final EIS will reflect this requested change in language. No physical environmental impact is implicated in making this change. Please refer to Final EIS Section 3.16.2.2 of this Final EIS for a clarification regarding the Southern Nevada Supplemental Airport (SNSA).

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-275	Purpose and Need	Manas, Joe	I really hope this Desert Xpress train is not truly going to be built using public land. The mainstream media keeps reporting that the Desert Xpress is a privately funded train. [...]	The Applicant remains a private entity (DesertXpress Enterprises LLC). As described in Final EIS Section 1.5.1 DesertXpress Enterprises LLC may become eligible to for apply for financing from the federal government through a federal loan program, the Railroad Rehabilitation and Improvement Financing (RRIF) program.
S-277	Safety	NDOT	The Supplemental Draft EIS notes changes to 6B, and adds 4C (which is outside the I-15 ROW). Safety analysis is ongoing and there still may be additional alignment adjustments. The Safety data will show if we have any site specific safety problems within the ROW.	FRA, in coordination with the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), and the Nevada Department of Transportation (NDOT) has conducted additional safety analysis of the Preferred Alternative. The results of the analysis are summarized in Final EIS Section 3.5.2.3.
S-278	Safety	NDOT	The Final EIS shall include a detailed description of the traffic/safety impacts of the DXE to the downstream and upstream interchanges and overpasses due to the termini Rail Passenger Station.	FRA, in coordination with the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), and the Nevada Department of Transportation (NDOT) has conducted additional safety analysis of the Preferred Alternative. The results of the analysis are summarized in Final EIS Section 3.5.2.3.
S-279	Section 4(f)	CALTRANS	Regarding Table S-3.7-1: "Additional Archaeological Resources at Project Modifications and Additions", Section 3.15-4 Cultural Resources appears to indicate that there are two cultural resources that are potential Section 4(f) resources. However, there are numerous archaeological resources listed in Table S-3.7-1 that are assumed eligible/eligible that may also be potential Section 4(f) resources (see CA-SBR-7694H as an example). Why is there no Section 4(f) Evaluation in the Draft Supplemental EIS?	Supplemental EIS Section 3.15, Section 4(f) Evaluation, provided an analysis of potential Section 4(f) uses for the project modifications and additions examined in that document. The Final EIS includes a substantially updated and Final Section 4(f) evaluation in Final EIS Section 3.15, Final Section 4(f) Evaluation. This Final Section 4(f) Evaluation describes FRA's resource identification process and includes documentation of further consultation, coordination, and site record preparation.
S-280	Section 4(f)	Gonzalez, Juan	Environmentalists have certainly met their match in the Desert Xpress. Their leaders that they helped elect are standing by and watching the Mojave Desert Preserve being destroyed by this ill-advised transit option.	The proposed DesertXpress alignment is within a designated transportation corridor along the I-15 highway. Only Segment 4A would traverse the Preserve, for a distance of about 1.55 miles. Segment 4C was proposed and evaluated in the Supplemental Draft EIS as an alternative to avoid the impacts of Segment 4A. Segment 4C would not cross the Preserve. (See page 2-5 of the Supplemental Draft EIS.) If an Action Alternative is selected, the DesertXpress project will be required to comply with applicable laws. The No Action Alternative could also have impacts to the Preserve from highway congestion or the need to widen existing highway to accommodate increasing traffic volumes on the I-15 freeway.
S-281	Section 4(f)	Loffelmacher, Maria	The Desert Xpress not only wants to interfere with a valuable right of way along the I-15 corridor that could be used for something useful, they want to destroy the integrity of the Mojave Preserve. [...] If you can destroy this type of preserve with a train running with overhead wires, its noise, it's destruction of the habitat for an industrial purpose, you can build anything on that land.	Please see Final EIS Section 2.4, Preferred Alternative, which describes the components of the Preferred Alternative. Segment 4A is not identified as part of the Preferred Alternative. Please note, however, Final EIS Section 2.5, Environmentally Preferable Alternative, which identifies Segment 4A as the environmentally preferable alternative, insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C. Final EIS Section 2.5, Environmentally Preferable Alternative, also establishes that Segment 4A is environmentally preferable in its shorter length and relatively close adherence to the I-15 and/or Nipton Road corridors. Notwithstanding, Final EIS Section 2.5, Environmentally Preferable Alternative, notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a ROW through the Mojave National Preserve.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-282	Section 4(f)	National Parks Conservation Association	Avoid incursion into Mojave National Preserve. Protected in perpetuity through the 1994 California Desert Protection Act, Mojave National Preserve is a treasured part of the California Desert. Any incursion into this protected National Parkland should be avoided	Please see Final EIS Section 2.4, Preferred Alternative, which describes the components of the Preferred Alternative. Segment 4A is not identified as part of the Preferred Alternative. Please note, however, Final EIS Section 2.5, Environmentally Preferable Alternative, which identifies Segment 4A as the environmentally preferable alternative, insofar as it would avoid some habitat fragmentation impacts associated with Segment 4C. Final EIS Section 2.5, Environmentally Preferable Alternative, also establishes that Segment 4A is environmentally preferable in its shorter length and relatively close adherence to the I-15 and/or Nipton Road corridors. Notwithstanding, Final EIS Section 2.5, Environmentally Preferable Alternative, notes that FRA and Cooperating Agencies could not choose Segment 4A as the Preferred Alternative as there is presently no mechanism in place for the National Park Service to grant such a ROW through the Mojave National Preserve.
S-283	Section 4(f), Cultural	San Manuel Band of Mission Indians	[At Halloran Springs site] an alternative with a route other than proposed in 3A or 3B should be developed. This route could be on the south I-15 corridor or some other route taking the train line further away from the site. The current proposed 3A and 3B alternatives will significantly impact the Halloran site. 3B will come within 50 feet. There may very well be unacceptable noise and vibration that may physically damage the site and/or unduly disturb the sanctity of the site.	Please see Final EIS Section 2.4, Preferred Alternative, which describes a shift in the Segment 3B alignment in this area - which would relocate the rail alignment from the north side to the south side of the I-15 corridor avoiding the resource described by the commenter.
S-284	Section 4(f), Cultural	San Manuel Band of Mission Indians	The San Manuel Band of Mission Indians believes that the Halloran site should be evaluated under the National Historic Preservation Act section 106 process and the Dept of Transportation Act section 4(f) criteria. prior to the selection of an alternative. The Halloran complex of sites should be evaluated as a traditional cultural property and landscape. Such an evaluation would provide more information about the site on a spiritual and landscape level. It is impossible to meaningfully comment on the effects of alternatives on the site unless the extent of the site as a traditional cultural property is known.	Please see Final EIS Section 3.15, Final Section 4(f) Evaluation, which is the Final Section 4(f) evaluation for the project. This analysis identifies the cited resource as a Section 4(f) resource, but identifies an avoidance alternative that would reduce adverse effects to the resource and thus would not result in a Section 4(f) use of the site. BLM has advised FRA that the resource in question does not meet federal criteria to be evaluated as a traditional cultural property. Therefore, analysis of landscape-level effects is not required.
S-285	Section 4(f), Cultural	San Manuel Band of Mission Indians	In regard to the Cronese site also in segment 3, the San Manuel Band of Indians believes that this complex should also be evaluated under the NHPA section 106 process and section 4(f) as a traditional cultural property prior to the selection of an alternative. Such an evaluation would provide more information about the site on a landscape level and assist with selection of alternatives and mitigation to minimize impacts. The alternative A, median alignment may offer the least impact on cultural resources.	Please see Final EIS Section 3.15, Final Section 4(f) Evaluation, which is the Final Section 4(f) evaluation for the project. The Cronese site noted by the commenter was not identified as a potential Section 4(f) resource. Nor is the site understood to meet the federal criteria to be evaluated as a traditional cultural property. Therefore, landscape level analysis is not required.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-286	Section 4(f), Cultural Resources	Soboba Band of Luiseno Indians	Additional Section 106 Consultation Is Necessary to Comply with Section 4(f) The Draft EIS and Supplemental Draft EIS both state that a final Section 4(f) evaluation will be completed prior to the Final EIS. Yet, the Programmatic Agreement delays the consultation and phased identification of sites until the Final EIS is finished and the project has been approved. Thus, the Final EIS and ROD will be issued without identifying all sites. This is not in accordance with the Section 4(f) mandate, because the Section 4(f) evaluation cannot be completed until the Section 106 process is completed. The agencies must complete the Section 106 process in consultation with tribes that attach cultural and religious significance to the properties. The agencies need to provide notice of particular sites, locations and supply the findings in reports to consulting tribes as needed. The additional consultation and review of findings is necessary to determine whether the sites are eligible for the NRHP and what steps need to be taken to resolve potential adverse effects as required by Section 4(f).	Final EIS Section 3.15.4.5 describes the methodology employed to determine if any of the archaeological resources in the APE had the potential to be Section 4(f) resources. The Area of Potential Effect (APE) was developed for the project in consultation with the BLM, STB, and SHPOs of California and Nevada. Both "Direct" and "Indirect" APEs were developed for the DesertXpress project. The Indirect APE was defined as the area 200 feet on either side of the centerline of the proposed rail alignment (400 feet in total width). The Indirect APE was also defined as 50 feet from the centerline of the center of a proposed utility corridor (100 feet in total width). The Direct APE is defined as the actual width of the finished rail alignment (inclusive of tracks, maintenance/access areas, catenary structures, equipment and other infrastructure). This width is typically 60 feet, narrowing to 40 feet in several locations, where the maintenance road is omitted to ensure highway safety or avoid sensitive resources. For both the direct and indirect APE, a records search of both prehistoric and historic resource files was conducted. In order to achieve a comprehensive resource identification process, FRA engaged third-party contractor archaeologists meeting the Secretary of the Interior's Professional Qualification Standards to carry out pedestrian surveys. These archaeologists consulted with the BLM to develop pedestrian survey criteria for the project. These criteria stipulated that the pedestrian surveys of the APE be conducted for those areas outside the I-15 freeway right-of-way fence, which were determined to have the greatest potential for previously unidentified resources. The freeway right-of-way was determined to be previously disturbed and therefore unlikely to contain unidentified Section 4(f) resources with integrity. FRA's third-party archaeologists made preliminary assessments of the eligibility of the resource identified within the APE for the National Register. After completing the identification process, and consistent with the requirements of Section 4(f), FRA concluded that one archaeological resource in the APE qualified as a Section 4(f) resource. Accordingly, FRA worked with the Cooperating Agencies and identified an avoidance alternative that moved the rail alignment away from the resource to the south side of the I-15 freeway so that the identified resource was no longer within the area of potential affect for the project thus avoiding a Section 4(f) use of that resource.
S-287	Section 4(f), Visual Resources	Sierra Club - CNRCC Desert Committee	As proposed, [Segment 4c] will definitely and negatively change the experience for visitors to the Clark Mountain unit of the Mojave National Preserve. DesertXpress will create a wall across what is now a spectacular view east from Clark Mountain.	Please see Final EIS Section 3.6, Visual Resources, which includes Figure F-3.6-7 depicting a visual simulation of the DesertXpress project along with the approved and under construction ISEGS Bright source solar energy project. The projects individually and collectively will alter the viewshed to the east from Clark Mountain. Final EIS Section 3.6.2.4 also provides a comparative assessment of the visual effects of the different Action Alternatives, including a comparison with Segment 4A. Mitigation Measure VIS-1, included in Final EIS Section 3.6.3, requires rail features of the Preferred Alternative to blend in with or represent the surrounding environment.
S-288	Section 4(f); Land Use	Condon, Jill L.	I am extremely concerned about the industrial look that this will create through or close to the Mojave National Preserve. I thought that when this area was set aside under the Clinton administration, that it would be protected from exactly this type of development. [...] I know the environment will suffer, the animals will suffer and that this preserve status will mean nothing when the integrity of a national preserve is balanced against the profit potential of billionaires behind this train.	Segment 4C, part of the Preferred Alternative rail alignment, is located outside of the Mojave National Preserve. Please refer to Final EIS Section 2.4.1 for a discussion relating to the selection of Segment 4C as part of the Preferred Alternative. Various sections of the EIS (including but not limited to visual resources, biological resources, farmlands/grazing lands, and others) analyze potential impacts to resources on and/or near the Mojave National Preserve. See Final EIS Section 3.1, Land Use; 3.3, Farmlands and Grazing Lands; 3.6, Visual Resources; 3.14, Biological Resources; and 3.15, Final Section 4(f) Evaluation, for a discussion analyzing potential impacts on the Mojave National Preserve. Portions of the Preserve are managed as wildlife areas, while other portions allow multiple uses, including grazing and mining.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-289	Traffic and Transportation	Brown, Charles	[...] there is a lot of traffic congestion between Las Vegas and Primm and on in to California. Unfortunately, the residents of Jean suffer the most headaches from that on a holiday weekend or event happening here in Vegas. Anything that will impact I-15 down there getting on, getting off will hurt us going into Jean because it is one way in, one way out.	As documented in Final EIS Section 3.5, Traffic and Transportation, the project would result in diverting some traffic from the I-15 freeway and reducing congestion. The project as planned would not impact how cars and truck get on and off the freeway in Primm or Jean.
S-290	Traffic and Transportation	Silva, Tim (City of Barstow Council Member)	You mention about safe travel and then you mention going through the power line corridor. Will there ever be a tower failure within that corridor? Would it be outside the distance of a failure? That doesn't sound like safe travel to me.	As further described in Final EIS Section 3.4, Utilities/Emergency Services, various power lines traverse the project area between California and Nevada. These lines frequently overcross the I-15 freeway and are not seen as posing a substantial safety hazard in doing so.
S-291	Traffic and Transportation	Silva, Tim (City of Barstow Council Member)	You talk about this is to release congestion on the I-15. [...] Actually, the worse congestion is south of Victorville. That is not going to be solved by this project.	As set forth in Final EIS Chapter 1.0, Purpose and Need, the intent of the project is to provide a safe and reliable alternative to freeway travel between southern California and Las Vegas. Please see the response to comment S-135 for further information on why FRA believes there is a rational basis for the selection of Victorville as the southern California terminal site. Please also see the response to Draft EIS comment 405.
S-292	Traffic/ Transportation	Atilano, Lucy (Ironworkers Local 433)	DesertXpress will not help with traffic congestion. It is to be located in the "bottle neck" of the Cajon Pass where traffic often stretches 30 miles without letting up. The infrastructure in the small towns along the way cannot handle the extra influx of cars driving into Victorville.	Please see response to comment S-291.
S-293	Traffic/ Transportation	CALTRANS	Section 3.5: The mitigation measures (2013) recommend signaling the ramp intersections. However, fig 3-5.3-3 does not depict the traffic control. Please clarify.	Intersection geometry figures in Supplemental Draft EIS Section 3.5, Traffic and Transportation, presents the 'unmitigated' configuration. Supplemental Draft EIS Figure S-3.5-3 illustrates the 2013 'unmitigated' lane geometry. Mitigations are not illustrated in any of the figures but only listed in Supplemental Draft EIS Tables S-3.5-7 and S-3.5-8. Mitigation measures are normally not depicted graphically in an EIS.
S-294	Traffic/ Transportation	CALTRANS	Table S-3.5-8: Mitigation (2013) includes dual left turn lanes on the NB off-ramp. However, no corresponding through lanes is identified to accept this traffic. Please rectify – refer to Figure S-3.5-3, for the missing, omitted diagrams.	As discussed in response to comment S-293, Supplemental Draft EIS Figure S-3.5-3 illustrates the 2013 'unmitigated' lane geometry. It does not reflect the mitigation measures proposed in Supplemental Draft EIS Table S-3.5-8.
S-295	Traffic/ Transportation	City of Barstow (Meyers Nave)	The Supplemental Draft EIS is entirely lacking in evidentiary support for its conclusion that the identified potentially significant traffic and transportation impacts will be mitigated by the measures discussed in the document. The courts have held that a discussion of mitigation in an EIS is not complete without an analysis of whether recommended mitigation measures will, in fact, be adopted. [...] For this reason, and until the Supplemental Draft EIS can provide assurance, based in substantial evidence, that the needed mitigation measures will successfully be implemented, the Supplemental Draft EIS must conclude that the potentially significant traffic and transportation impacts will remain significant and unavoidable in light of the uncertainty surrounding mitigation.	Mitigation of potential impacts to traffic and transportation is discussed in detail in Draft EIS Section 3.5.5 and Supplemental Draft EIS Section 3.5.4. Mitigation is also discussed more generally Draft EIS and Supplemental Draft EIS Sections 3.5, Traffic and Transportation. The Traffic Impact Study and Supplemental Traffic Impact Analysis, Final EIS Appendix F-G, provide the data and analysis informing the discussion of impacts and associated mitigation presented in those sections. Data on the effectiveness of mitigation is presented and analyzed in the Traffic Impact Analysis and the Supplemental Traffic Impact Analysis. As provided in Draft EIS Section 3.5.5 and Supplemental Draft EIS Section 3.5.4, this data and analysis show that mitigation measures would improve the level of service (LOS) to acceptable conditions at all study intersections, except for the two Stoddard Wells Road Intersections which, due to cumulative growth in the region, would be at unacceptable levels of service by 2030 whether or not the proposed project is built. Adverse cumulative effects to these intersections cannot be feasible.
S-296	Traffic/ Transportation	CCDOA	CCDOA recently met with Marnell Enterprises, the design engineer for the DesertXpress project, at which meeting Marnell provided updated drawings of alignment 4C that depict a slightly different alignment near the SNSA Southern Interchange, which would not conflict with the Interchange. See Exhibit 3 (Alignment 4C, Revision C). Assuming the information CCDOA received from Marnell is correct, CCDOA recommends that FRA update the EIS with the correct alignment information. However, CCDOA reiterates its comment that alignment 5B in the Draft EIS and the alignment 4C depicted in the Supplemental Draft EIS would conflict with the SNSA Southern Interchange.	FRA reviewed the proposal from DesertXpress to shift the transition point between Segment 4C and 5B, as requested by CCDOA. This shift was achievable within the Area of Potential Effect for the project and did not alter any conclusions about the environmental effects of either segment. Accordingly, Final EIS Appendix F-C (Plan and Profile Drawings of the Preferred Alternative) reflects this change.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-298	Traffic/Transportation	NDOT	The alternative presented considers I-15 "as is" today south of I-215, and does not clearly consider the I-15 South design-build project from I-215 to Blue Diamond, which is part of the I-15 South NEPA document (EA/FONSI), and other feasible and foreseeable projects as presented in the 2030 RTP.	The cumulative impacts analysis in Final EIS Section 3.16, Cumulative Impacts, account for the I-15 South Design-Build project from I-215 to Blue Diamond. This project is part of the I-15 South NEPA document (EA/FONSI). Other relevant feasible and foreseeable projects presented in the 2030 RTP are discussed and considered in Final EIS, Section 3.16, Cumulative Impacts.
S-299	Traffic/Transportation	NDOT	Draft EIS Section 3.5.3.2 does not list I-15 mainline section from I-215 to termini station location. Nor is it listed in the Supplement.	Draft EIS Section 3.5.3.2, as well as Supplemental Draft EIS Section 3.5, Traffic and Transportation, have been updated in Final EIS Section 3.5.1 to list and consider the I-15 mainline section from I-215 to termini station location. See Final EIS Section 3.5.2.3 and Figure F-3.5-3.
S-300	Traffic/Transportation	NDOT	In the Final EIS, Section 3.5.3.2 should add the model assumptions between Blue Diamond and Tropicana Design/Build for year 2012. It is not clear if models were updated.	The traffic and transportation impact methodology described in Draft EIS Section 3.5.2 remains applicable to this Final EIS and the evaluation of the Preferred Alternative. Estimated traffic levels for the project were based on projections of expected ridership. These traffic levels were in turn added to existing and expected future traffic levels on freeway segment and at local intersections.
S-301	Traffic/Transportation	San Bernardino County Department of Public Works	Page 167: Two horizon years selected for traffic analysis (selected years 2013 and 2030): 2013 was selected as train operations are expected to begin. Should this year for analysis be reconsidered? This date appears to have been retained from the earlier document without consideration of the procedural timeframes given this Draft EIS.	The Draft EIS, published in March 2009, anticipated an opening year of 2013. In order to provide an equal playing field for the evaluation of project modifications and additions, the 2013 opening year was retained in the Supplemental Draft EIS. Due to a longer than expected environmental review process, 2013 may or may not be the opening year for the project. FRA views this as an artifact of the process and does not believe that substantially different findings regarding traffic impacts would result if all traffic analysis was revised to assume an opening year of 2014 or 2015.
S-304	Utilities	Los Angeles Department of Water and Power	When grading activity affects the Transmission Line Access Roads, the developer shall replace the affected access roads using the LADWP's Access Road Design Criteria. See attached.	When grading activity resulting from the project affects Los Angeles Department of Water and Power (LADWP) transmission line access roads, the developer would work to replace the affected access roads according to LADWP's Access Road Design Criteria. Reference to these criteria have been included with this Final EIS. As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed on the physical facilities of the utility providers (i.e., access roads). These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-305	Utilities	Los Angeles Department of Water and Power	Cathodic protection system, if any, shall have a design that does not cause corrosion to the IPA & LADWP facilities. A detailed design of the cathodic protection system shall be submitted for approval to the LADWP.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-306	Utilities	Los Angeles Department of Water and Power	No grading or structures shall be conducted within the IPA & LADWP Transmission Line Rights-of-Way without prior written approval of the Los Angeles Department of Water & Power.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-307	Utilities	Los Angeles Department of Water and Power	The LADWP prohibits drainage structures or the discharging of drainage onto the Transmission Line Rights-of-Way. Concentrated runoff can cause erosion especially to the transmission line tower footings.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-308	Utilities	Los Angeles Department of Water and Power	The developer shall compact all fill slopes within the IPA & LADWP Transmission Line Rights-of-Way. The compaction shall comply with applicable Building Code requirements.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-309	Utilities	Los Angeles Department of Water and Power	No grading is allowed below the top of tower footing within the transmission line Rights-of-Way, in the immediate vicinity of the towers.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-310	Utilities	Los Angeles Department of Water and Power	Provide plans that illustrate the Intermountain Power Agency (IPA) and the Los Angeles Department of Water & Power (LADWP) Transmission Line Rights-of-Way boundaries within the proposed DesertXpress Project improvements. Include towers and clearances from proposed improvements.	Final EIS Appendix F-C (Plan and Profile Drawings of the Preferred Alternative) show all project improvements relative to existing adjacent structures and buildings, including all existing utility lines. These drawings show existing and planned grades.
S-311	Utilities	Los Angeles Department of Water and Power	Conductor Clearances will be subject to the review and approval of the Transmission Engineering Group. The LADWP will need a copy of the conductor survey illustrating the cross sections showing our existing conductors and proposed improvements. See attached LADWP Conductor Survey Instructions.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-312	Utilities	Los Angeles Department of Water and Power	Provide cross sections of existing and proposed improvements within & adjacent to the IPA & LADWP Transmission Line Rights-of-Way. Note: Cut & till slopes inside the IPA & LADWP Transmission Line Rights-of-Way steeper than 2 horizontal to 1 vertical require retaining structures or geotechnical report approval.	Final EIS Appendix F-C (Plan and Profile Drawings of the Preferred Alternative) show all project improvements relative to existing adjacent structures and buildings, including all existing utility lines. These drawings show existing and planned grades.
S-313	Utilities	Los Angeles Department of Water and Power	Provide the location and elevations (heights) of all above and below ground structures. All ground elevations are to remain unchanged from existing conditions after proposed improvements associated with the DesertXpress Project are completed. Note: Grading activity resulting in a vertical clearance between the ground and the transmission line conductor elevation less than thirty-five (35) feet within the IPA & LADWP Transmission Line Rights-of-Way are unacceptable. Ground cover for all below ground utilities shall not be less than four (4) feet.	Final EIS Appendix F-C (Plan and Profile Drawings of the Preferred Alternative) show all project improvements relative to existing adjacent structures and buildings, including all existing utility lines. These drawings show existing and finished grade. The exact placement of towers within the two utility corridors within the Preferred Alternative (Victorville and Baker) has not yet been determined. Final EIS Section 2.2.3.2 provides additional information about these corridors, including anticipated distance between proposed towers.
S-314	Utilities	Los Angeles Department of Water and Power	All construction activities shall adhere to the LADWP's Standard Conditions for Construction. See attached.	As shown in Final EIS Section 3.4.3, Mitigation Measure UTIL-8 requires the Applicant to "meet any design requirements" set forth by utilities in terms of any development proposed for areas beneath electrical utility lines. These specifics from the commenter would be part of compliance with Mitigation Measure UTIL-8. Mitigation Measures would be incorporated into the Record of Decision issued for the project.
S-315	Utilities	San Bernardino County Department of Public Works	Ensure the [Supplemental Draft EIS] addresses estimated wastes to be generated from construction as well as operation and the planned disposal method of said wastes.	Final EIS Section 3.4.2.3 addresses the potential effects related to solid waste generation from the operation and construction of the Preferred Alternative.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-316	Utilities	Southern California Edison	In addition, the proposed project crosses into the project area for SCE's planned Eldorado-Ivanpah Transmission project (EITP) currently in the licensing phase with the California Public Utilities Commission (CPUC). [...] The maps in the Draft EIS and Supplemental Draft EIS and/or discussion and analysis need additional information in order to determine potential project impacts to the EITP. The Final Supplemental EIS (Final SEIS) should indicate the project's potential to impact the EITP for all Alternative Alignments being considered, including identifying areas of potential utility crossings and longitudinal interfaces. The Final SEIS should further indicate which of the Alternative Alignments has the least potential impact to the EITP and/or how potential impacts will be addressed and any proposed mitigation measures.	The planned Eldorado-Ivanpah Transmission Project (EITP) would cross the DesertXpress project alignment in several locations. The EITP also crosses the I-15 freeway in two locations. Such crossings between transportation infrastructure such as the DesertXpress project and I-15 freeway are not considered significant constraints. The crossings will require detailed design work to ensure all facilities can operate in a safe and efficient manner. FRA believes that these details can be worked out during the detail design phase for both projects after the Record of Decision and final approval of the EITP have occurred. This Final EIS clarifies the title for this project and considers it in the cumulative analysis of the Preferred Alternative. Please see Final EIS Section 3.16.2.2.
S-317	Utilities	Vasseur, Robert A.	During construction, and obviously after this train route is completed, the population of the Victorville area will increase substantially, further deepening their parasitic effect on water supplies. This is essentially committing the populous and environmental infrastructure in our area to a very waterless future.	Please see Draft EIS and Supplemental Draft EIS Sections 3.4, Utilities/Emergency Services, which evaluated water supply impacts of the project. Population growth projections for Victorville are assumed to be largely independent of the DesertXpress project, except for potential opportunities for transit-oriented development in the Victorville area. Please see Final EIS Section 3.16.3.3 for a discussion regarding the potential cumulative impacts on water supply in the Victorville area.
S-318	Utilities	Warren, Elizabeth	Make certain you are not relying on any water coming out of the Colorado River as Las Vegas is discovering is a pretty uncertain supply.	Final EIS Section 3.4.2 includes an assessment of project water demand and sources of supply.
S-319	Utilities	Warren, Elizabeth	That aquifer in Ivanpah dry lake, there are two. 164 A and B have been overdrawn since at least 1970 and declared so by the state engineer. Where is the water to come from not just to build the project but in order to maintain the project wherever you are going to put your facilities?	Final EIS Section 3.4.2 includes an assessment of project water demand and sources of supply.
S-320	Utilities/Energy	Southern California Edison	Please note as indicated in our previous comment letters and reiterated here, the proposed project has the potential to impact critical electrical infrastructure including existing 115 and 220 kilovolt (kV) electrical transmission lines.	Based on the most current project plans for the Preferred Alternative, the Final EIS does not identify the need to impact or otherwise modify any of SCE's existing 115 and 220 kV electrical transmission lines. Please see Final EIS Appendix F-C, which includes the revised Plan and Profile drawings for the Preferred Alternative.
S-321	Utilities/Energy	Southern California Edison	In order to ascertain specific impacts on the EITP to be included in the Final SEIS, SCE requests that DesertXpress provide additional information to SCE. This information would include GIS maps/data files and/or surveyed drawings, elevations and profile details of the proposed DesertXpress High-Speed Rail Alternative Alignments.	Final EIS Section 3.16.2 includes the Eldorado-Ivanpah Transmission Project (EITP) in the list of related project considered in the cumulative analysis. Final EIS Section 3.16.3 describes the cumulative effects of the Preferred Alternative in combination with the related projects, including the EITP. Elevations and profile details have been included in the Draft EIS, Supplemental Draft EIS and this Final EIS (see Final EIS Appendix F-C). During the design-build process for the DesertXpress project, the Applicant will coordinate with SCE to provide more detailed project information, including GIS maps and data files.
S-322	Utilities/Energy	Southern California Edison	In order to determine electrical infrastructure necessary to support the proposed EMU Technology Alternative, the project proponent, DesertXpress Enterprises, LLC, must submit a signed Method of Service (MOS) agreement to SCE and pay engineering fees for an electrical service study to be completed. Infrastructure necessary to support this project is subject to the licensing and permitting authority of the CPUC.	The Applicant has not identified the electrical power source for the DesertXpress project. If SCE is determined to be the electrical power provider to the DesertXpress project, the Applicant will submit a signed Method of Service (MOS) agreement to SCE and pay appropriate engineering fees for an electrical service study to be completed. The DesertXpress project includes all necessary electrical infrastructure for project operation, including electrical transmission lines, substations, autotransformers.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-323	Utilities/Energy	Southern California Edison	In our letter dated June 19, 2009, SCE requested clarification of the federal preemption of state requirements indicated in the Draft EIS. [...] SCE recommends the FRA contact the CPUC Energy Division to ensure an appropriate approach is being taken relative to the assumed federal preemption of CPUC jurisdictional authority to confirm applicable regulatory requirements. Please include in the Final SEIS a conclusive discussion of the assumed federal preemption authority and applicability of any CPUC and CEQA requirements relative to new electric infrastructure necessary to support the project and for any required utility relocations.	In a June 25, 2007 Decision (2007 Decision) in Finance Docket No. 34914, the Surface Transportation Board (Board) issued a declaratory order in which it found that the DesertXpress Project would fall within the Board's exclusive jurisdiction over transportation by rail carriers and thus would receive federal preemption from most state and local laws under 49 U.S.C. Section 10501(b) if it were to seek the Board's authority under 49 U.S.C. Section 10901 to build and operate the new line. Thus, the project would not be subject to state and local environmental review, such as under the California Environmental Quality Act. The Board noted that the project would, however, be subject to Federal environmental laws, such as NEPA, the Clean Air Act, and the Clean Water Act, as well as the regulation of railroad safety under the Federal Railroad Safety Act, and that state and local agencies and concerned citizens would have a full opportunity to participate in the federal environmental review process. The Board explained that the project would be expressly preempted from any state or local permitting requirements that, by their nature, could be used to deny or unreasonably delay the railroad's right to proceed with this rail transportation project. See <i>City of Auburn v. STB</i> , 154 F.3d 1025 (9th Cir. 1998). Other state and local regulation would be preempted only if, as applied, it would have the effect of unreasonably burdening or interfering with transportation by a rail carrier. Moreover, as the Board explained, the Board's jurisdiction over the project would not completely preempt the exercise of states' police powers to ensure health and safety, such as fire and electric codes and inspections. The Board reaffirmed its 2007 Decision in a May 7, 2010 declaratory order responding to a petition filed by the California-Nevada Super High Speed Train Commission. Therefore, in response to an October 15, 2010 comment by the Southern California Edison Company (SCE) in response to the SDEIS, the jurisdiction of the California Public Utility Commission to regulate the existing electric infrastructure that may be impacted or require relocation as a result of the
S-323, continued.				DesertXpress project, or new electric infrastructure that may be necessary to support the DesertXpress project, would depend on whether such regulation is preempted by 49 U.S.C. Section 10501(b). If SCE wants guidance beyond the numerous court and Board decisions interpreting Section 10501(b), in various contexts, SCE may seek a determination on the scope of preemption with regard to the specific facts or circumstances of concern from a court of competent jurisdiction or by seeking a declaratory order from the Board.
S-324	Utilities; Emergency Services	NDOT	If the adjustment or relocation of any existing utility or pipeline or any permitted encroachment is unavoidable, the DXE project shall be responsible for all costs to the utility facility.	Mitigation Measure UTIL-8 in Final EIS Section 3.4.3 has been revised to clarify that the Applicant shall be responsible for all such costs. Mitigation measures would be incorporated into the Record of Decision issued for the project.
S-325	Utilities; Emergency Services	City of Barstow (Meyers Nave)	The Supplemental Draft EIS notes that the Barstow Fire Protection District has indicated that present staffing levels are insufficient to meet demands of the Segment 2C routing option through the City, and that a new facility north of the Mojave River would be necessitated by this alternative. (Supplemental Draft EIS p. 3.4-16.) However, the Supplemental Draft EIS fails to provide any analysis, or even qualitative discussion, of the potential environmental impacts associated with construction or operation of this necessary new facility. The Supplemental Draft EIS must be revised to provide this analysis.	The Preferred Alternative rail alignment through the City of Barstow will be in far closer proximity to the BFPD's existing facilities at 861 Barstow Road and 2600 West Main Street. The former facility is located approximately 3,000 feet from the I-15 corridor; the latter is approximately 1.5 miles driving distance from the L Street/I-15 interchange. Please refer to Final EIS Section 3.4.2.3 for a discussion regarding the Preferred Alternative's Segment 2C impacts on the BFPD. This more centrally located alignment would be more readily served by existing stations than Segment 2A/2B, which had been evaluated in the Draft EIS. Mitigation Measure UTIL-6, included in Final EIS Section 3.4.3, would require the applicant to pay impact fees for the incremental additional needs for fire/emergency services and would still apply to the project.
S-326	Utilities; Emergency Services	NDOT	The Utilities/Emergency Services section shows impacts to NHP and LV Metro police. We would expect more formal documentation in the Final EIS. Where did FRA capture the coordination needed with UPRR for the segments beside 6C?	Please see Supplemental Draft EIS Section 3.4, Utilities/Emergency Services, specifically page 3.4-20 which documents 2010 communications with LV Metro Police and page 3.4-35 of the Draft EIS for information regarding consultation with the Nevada Highway Patrol.

Table F-4-2 Responses to Comments on the Supplemental Draft EIS

Overall Comment Number	Supplemental Draft EIS Section/Topic	Commenter	Comment	Response
S-327	Visual Resources	Allen, Mark	[...] but the aesthetic look of what it is going to do to the strip, both for the locals and for the tourists is going to be a nightmare. It is going to detract from what they built there.	Please see Final EIS Section 2.4.1, which describes the Preferred Alternative rail alignment. In the metropolitan Las Vegas area, this is Segment 6B. In the vicinity of the Las Vegas Strip, this alignment would be on the far (western) side of the I-15 corridor and therefore all but imperceptible along the Strip (Las Vegas Boulevard), except perhaps for major cross streets. Given the distance between the Strip and the proposed rail alignments, in addition to substantial resort construction intervening, the project poses no foreseeable visual detriment to the Las Vegas Strip.
S-329	Visual Resources	NDOT	Section 3.6-10 heading "Portions of AAA 8 within I-15 Freeway Corridor" states that the rail alignment will be immediately adjacent to I-15 South bound travel lanes. Please clarify it seems that is outside C-D roads and not next to the I-15 mainlines.	This Final EIS incorporates clarifying text related to the location of AAA8 along the Segment 6B rail alignment. Supplemental Draft EIS Section 3.6.3 has been revised; the text revisions are shown in Final EIS Section 3.6.1.3.
S-330	Visual Resources	NDOT	The DesertXpress must consider NDOT Landscape and Aesthetics Master Plan (LAMP). The Supplemental Draft EIS does mention some new visual resource impacts but does not reference the LAMP. The limited description of the aerial structure in AAA - 8 does not cover the freeway median crossovers (crossovers for connection to future Ivanpah Airport). Visual impacts did come up at the Supplemental Draft EIS public hearing held on October 13, 2010. The LAMP also requires up to 3% of a project's construction cost to go for aesthetics. This is also enforced on permit work. It should be noted that the Las Vegas Strip is designated as a National Scenic Byway and holds the highest designation of All American Road within that category.	Please see Final EIS Section 3.6.1.2.
S-331	Visual Resources	Pieri, Jim	The rail bed running through a desert area is bad enough but the ugly guide wires that remain in place overhead are an insult to the vistas along the entire length of the system.	The comment is noted. All visual simulations of rail alignments within the Draft EIS and Supplemental Draft EIS include the proposed catenary structures, which are necessary to deliver electrical power to the trains. Draft EIS, Supplemental Draft EIS, and Final EIS Sections 3.6, Visual Resources, fully evaluate the potential visual impacts of the rail alignments within the various visual environments through which the project would travel.
S-332	Visual Resources	Ross, Carl	I don't like the idea of putting a train down I-15 freeway high in the air as it will block view to many businesses from 140,000 cars a day driving north and south on I-15 very bad idea	The visual environment of the I-15 freeway through Las Vegas, particularly north of I-215, is highly disturbed with numerous buildings, signs, and other attractions competing for visual attention. The addition of an elevated section of railroad in this environment would not constitute a substantial adverse physical environmental impact. Please see Final EIS Section 3.6.2.3 for a discussion of the visual effects relative to the Preferred Alternative.
S-333	Visual Resources	Stimson, David A.	Fourth, the EIS makes the assumption that views will not be affected. Wrong. Having an elevated train running down or alongside I-15 will impact our view to the east and north east.	Please see Final EIS Section 3.6.2.3 for a discussion of the visual effects relative to the Preferred Alternative.
S-334		Manas, Joe	I prefer the maglev option because it seems to have the support of the people who would ride it, is more economically feasible and I would personally ride it to Las Vegas as often as I can.	Please refer to Final EIS Section 1.6.1, which discusses the California-Nevada Interstate Maglev Train proposal and its relationship to the DesertXpress project NEPA process. Please also refer to Final EIS Section 2.2.3.3, which notes that magnetic levitation technology was considered but rejected as a technology option for the DesertXpress project due to prohibitive cost and uncertainty regarding the viability of the technology.
S-335		NDOT	If for any reason the rail facilities fail, the property should revert back to its original purpose unless further agreement is reached between the parties.	Please refer to Final EIS Section 1.5.2, which addresses conditions that may be included in an agreement granting the Applicant use of the right of way, including removal of infrastructure in the event of financial default.

Note: All public comments received on the Supplemental Draft EIS are included herein, but some comment numbers have been intentionally omitted.