Submission F001 (Michael Jewell, Department of the Army, United States Army Engineering District, Sacramento, Corps of Engineers, October 22, 2012)

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

RECEIVED
10/22/12

REPLY TO
ATTENTION OF

October 18, 2012

Regulatory Division (SPK-2009-01482)

Mark McLoughlin
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Dear Mr. McLoughlin:

This letter is in response to the July 2012, *Fresno to Bakersfield Section Revised Draft EIR/ Supplemental Draft EIS* (SDEIS) for the proposed Fresno to Bakersfield section of the California High-Speed Train Project. As a cooperating agency for preparation of the Environmental Impact Statement and in accordance with our *National Environmental Policy Act/Clean Water Act Section 404/Rivers and Harbors Act Section 14 Integration Process for the California High-Speed Train Program Memorandum of Understanding* dated November 2010 (NEPA/404/408 MOU), this letter is the U.S. Army Corps of Engineers' (Corps) formal response and contains comments that must be addressed prior to issuing the Final EIS. We also request a formal letter response to all comments contained herein.

The following comments address specific areas where additional information is required and/or corrections should to be made to meet our needs as a cooperating agency.

F001-1

1. You have not submitted a final delineating map of all potential waters of the United States, including wetlands, for the Fresno to Bakersfield Section. The estimated impacts to waters of the U.S. discussed in the SDEIS are based on draft delineation data, which may change based on a final delineation map. The Corps will need to approve the final delineation map before it can determine which alternative is the preliminary least environmentally damaging practicable alternative (LEDPA) under the 404(b)(1) guidelines, per Checkpoint C of the NEPA/404/408 MOU.

F001-2

2. The summary table (Table S-2, pages S-33 to S-48) consists of 72 distinct alternative combinations, spread across two pages, displaying impact information for each possible combination. This format is very difficult to follow and does not allow the reader to understand the impacts within each portion of the alignment. Many readers are not interested in the total numbers for the entire Fresno to Bakersfield section or all of the various permutations involving their area of interest. The general public has shown interest in specific location where they may be a stakeholder or have other interests. The purpose of the summary table is for readers to gain a general knowledge of the project and decisions on the alternatives without having to analyze all specific chapters and tables. The summary table should be revised to depict the actual decision points between each alternative and bypass as they are being shown within the document, in order for the reader to gain an understanding of the document from the summary.

F001-3

3. Bio-MM#20 (Page 3.7-169) – This mitigation measures considers temporary impacts to vernal pools and recommends mitigation through soil storage. As described on page 3.7-13, all impacts on vernal pools and swales are considered permanent. It is recognized that certain circumstances may arise that a vernal pool must be impacted for a very short duration, such as vehicular access during a defined period within the dry season. The Corps does not agree that all impacts that take more than one full wet-

F001-3

dry season are temporary and request that this mitigation measure be changed. The second sentence in the second paragraph regarding longer impacts should read, "If unanticipated temporary impacts take more than one full wet-dry season cycle, offsite mitigation will be implemented." In addition, this mitigation measure should be changed to require that any temporary impacts must be approved by the Corps prior to occurrence and the implementation of mitigation measures. Mitigation measures for approved temporary impacts may include soil storage.

F001-4

4. Bio-MM#63 (Page 3.7-187) – The third bullet in this mitigation measure must be modified to include permittee-responsible mitigation through the establishment, re-establishment, restoration, enhancement, or preservation of aquatic resources as well as the establishment of a conservation easement protecting the offsite mitigation. The current condition indicates that the permittee-responsible mitigation of aquatic resources could be met solely through the purchase of a conservation easement.

F001-5

5. The same indirect impacts are discussed in both the construction period (temporary) and the project impacts (permanent). Pages 3.7-13 and 3.7-74 state that the indirect impacts presented in the impact tables is the sum of both construction period and the project impacts and are discussed in both sections. Page 3.7-74 continues to state that, "project indirect impacts on jurisdictional waters are more extensive than and tend to encompass the construction period impacts." Based on the proceeding statement, the indirect impacts are adequately addressed in the project impacts section and should not be included in the construction period analysis or the construction period impact tables.

F001-6

6. An additional category for vernal pools was introduced in this SDEIS. The indirect bisected category is presented on pages 3.7-13 and 3.7-74. Coordination was not conducted with the Corps on this classification as stated on page 3.7-13 and it should be clarified in the report that the Corps considers the entire feature as directly impacted and shall be mitigated accordingly.

We appreciate the opportunity to provide comments on the SDEIS. If you have any questions, please contact Zachary Simmons in our California South Regulatory Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, email *Zachary.M.Simmons@usace.army.mil*, or telephone 916-557-6746.

Sincerely,

Michael S. Jewell
Chief, Regulatory Division

Copy furnished

Mr. David Valenstein, Federal Railroad Adminstration, 1200 New Jersey Avenue SE- Mail Stop 20, Washington, D.C. 20590-0001
Ms. Connell Dunning, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105
Mr. Jason Brush, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105
Mr. Bryan Porter, Parsons Brinckerhoff, 770 L Street, Suite 800, Sacramento, California 95814-3704

Submission F001 (Michael Jewell, Department of the Army, United States Army Engineering District, Sacramento, Corps of Engineers, October 22, 2012) - Continued

Mark McLoughlin
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

US ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
1325 J STREET, ROOM 1350
SACRAMENTO, CALIFORNIA
95814-2922

Response to Submission F001 (Michael Jewell, Department of the Army, United States Army Engineering District, Sacramento, Corps of Engineers, October 22, 2012)

F001-1

On January 18, 2013, the Authority submitted to the USACE a response to the request for additional information that includes maps delineating the extent and identifying the type of all potential waters of the U.S., including wetlands, for the Fresno to Bakersfield Section. The Authority requested a preliminary jurisdictional determination from the USACE. On February 5, 2013, the USACE responded that they concurred with the amount and location of potentially jurisdictional waters of the U.S. shown on the map. The delineated waters of the U.S. have been used as the basis for estimating impacts on jurisdictional waters in the Final EIR/EIS.

F001-2

NEPA requires a comparison of all alternatives carried through the environmental document. Because there are in fact 72 alternatives, it is necessary to have at least a summary table comparing each of these complete alternatives from Fresno to Bakersfield. The EIR/EIS Summary is the correct place to provide this comparison. The text and tables of the Summary, as well as the sections of Chapter 3, provides specific differences between alternative alignment segments.

F001-3

The text for Mitigation Measure BIO-20 (Section 3.7.7), Biological Resources and Wetlands, of the Final EIR/EIS has been revised in response to your comment. The mitigation measure now states that “Although all temporary impacts to vernal pools are considered to be permanent and will be mitigated through offsite compensatory mitigation (see Mitigation Measure BIO-63), vernal pool(s) within the temporary construction will be protected by erecting exclusion fencing footprint if they can be avoided.”

F001-4

Thank you for your comment. The text of the Final EIR/EIS has been revised to include re-establishment, restoration, enhancement, or preservation, in response to your comment in Section 3.7, Biological Resources and Wetlands.

F001-5

The text in Section 3.7, Biological Resources and Wetlands, of the Final EIR/EIS, has been revised in response to your comment. Discussions of indirect impacts on jurisdictional waters have been removed from the discussion of construction period impacts. As suggested by the commenter, Section 3.7.3.4, Method for Evaluating Impacts, now states that “These indirect impacts and their combined acreages are discussed collectively under Project Impacts.”

Furthermore, the construction period impacts on jurisdictional waters (Indirect [BIO #3] Impacts during Construction Period) have been revised to state “Project indirect impacts on jurisdictional waters are more extensive than and tend to encompass the construction period impacts. Therefore, the construction period indirect impacts are included in the discussion of project impacts in Section 3.7.5.3, High-Speed Train Alternatives, Project Impacts, Habitats of Concern.”

F001-6

Thank you for your comment. The text in Section 3.7, Biological Resources and Wetlands, of the Final EIR/EIS, has been revised to clarify that impacts categorized as indirect bisected will be mitigated as direct impacts, per guidance from the U.S. Army Corps of Engineers.

Submission F002 (Patricia Sanderson Port, United States Department of the Interior, Office of Environmental Policy & Compliance, October 19, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #369 DETAIL

Status :	Unread
Record Date :	10/19/2012
Response Requested :	No
Stakeholder Type :	Government
Affiliation Type :	Federal Agency
Interest As :	Federal Agency
Submission Date :	10/19/2012
Submission Method :	Project Email
First Name :	Pedro
Last Name :	Hernandez
Professional Title :	Environmental Intern, Region IX
Business/Organization :	United States Department of the Interior, Office of Environmental Policy & Compliance
Address :	333 Bush Street, Suite 515
Apt./Suite No. :	
City :	San Francisco
State :	CA
Zip Code :	94104
Telephone :	215-296-3350
Email :	Pedro_Hernandez@ios.doi.gov
Email Subscription :	
Cell Phone :	
Add to Mailing List :	
Stakeholder Comments/Issues :	Hello all, Please find attached the Final No Comment Letter for ER 12-509 - Federal Railroad Administration (FRA) Draft Supplemental Environmental Impact Statement (DSEIS), California High-Speed Train (HST): Fresno to Bakersfield Section High-Speed Train, Proposes to Construct, Operate, and Maintain an Electric-Powered High-Speed Train (HST), Fresno, Kings, Tulare and Kern Counties, CA. Thank you, Pedro Hernandez III Environmental Intern, Region IX United States Department of the Interior Office of Environmental Policy & Compliance 333 Bush Street, Suite 515 San Francisco, CA 94104 415-296-3350
EIR/EIS Comment :	
Official Comment Period :	Yes

F002-1

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 12/509)

Filed Electronically

19 October 2012

David Valenstein
Federal Railroad Administration
70 L Street, Suite 800
Sacramento, CA 95814

Subject: Federal Railroad Administration (FRA) Draft Supplemental Environmental Impact Statement (DSEIS), California High-Speed Train (HST): Fresno to Bakersfield Section High-Speed Train, Proposes to Construct, Operate, and Maintain an Electric-Powered High-Speed Train (HST), Fresno, Kings, Tulare and Kern Counties, CA

Dear Mr. Valenstein:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
Lisa Chetnik Treichel, OEPC-Staff Contact

Response to Submission F002 (Patricia Sanderson Port, United States Department of the Interior, Office of Environmental Policy & Compliance, October 19, 2012)

F002-1

The Authority and FRA appreciate your review of the EIR/EIS for the Fresno to Bakersfield Section of the HST System.

Submission F003 (Vincent Mammano, United States Department of Transportation, September 18, 2012)

U.S.Department of Transportation
Federal Highway Administration

California Division

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

September 18, 2012

In Reply Refer To:
Fresno to Bakersfield CHST

Mr. Jeff Abercrombie
Area Program Manager
Central Valley California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comment

Dear Mr. Abercrombie:

We have taken a cursory review of the above-mentioned environmental document. The document is a revision of a Tier II DEIR/EIS for the first portion of the California High-Speed Train located in the San Joaquin Valley.

The Federal Highway Administration's primary concern is the effects that the project would have on the State and Interstate highway systems. The document indicates that all crossings will be grade-separated, which will be essential for efficient functionality and retaining the integrity of surface transportation modes. As available, FHWA requests that the following items be addressed:

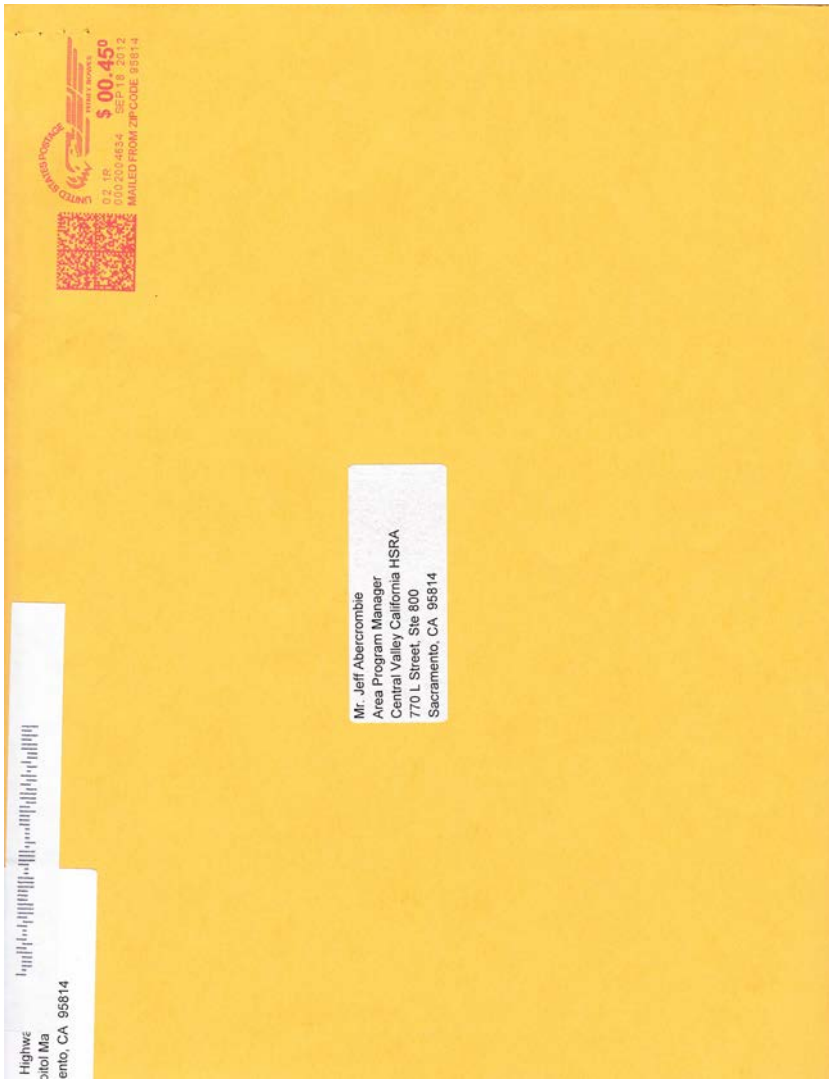
F003-1 1. Provide information on the distance of any barriers (protecting rails from errant vehicles) from the traveled way if the tracks are at-grade within the right-of-way;
F003-2 2. Ensure that proposed or future widening/improvements to the highway are not compromised if tracts or columns are located within the highway right-of-way (this includes assurance of adequate vertical clearance);
F003-3 3. Identify locations and methods for maintenance access;
F003-4 4. Specific highway interchange impacts, including, but not limited to, locations of high-speed rail parking lots/garages, columns for grade separation, frontage roads, etc.; and
F003-5 5. Location of potential high-speed rail highway/interstate crossovers with individual diagrams provided.

We appreciate the opportunity to comment on this environmental document and look forward to the production and receipt of the final document.

If you have any questions, please contact Larry Vinzant at (916) 498-5040 or email larry.vinzant@dot.gov.

Sincerely,

For
Vincent P. Mammano
Division Administrator



Response to Submission F003 (Vincent Mammano, United States Department of Transportation, September 18, 2012)

F003-1

Refer to Standard Response FB-Response-GENERAL-08.

The locations of proposed roadside barriers are shown on the typical sections. These locations and types of treatment are per the Highway Design Manual (Caltrans 2012a) and coordination with local agencies. The Authority will continue to coordinate with the California Department of Transportation (Caltrans) and local agencies on the location and types of roadside barriers as the project progresses.

F003-2

Coordination with public agencies will continue through the design and procurement process.

Encroachment or use of the Federal Interstate or State highway rights-of-way would require agreements, including review of design plans. Per Section 3.2.2.2 of the Final EIR/EIS, the resulting layout of the highway or other roadways would comply with design standards in the California Streets and Highway Code, which would ensure adequate clearances, sight distances, etc. that would ensure general public safety.

F003-3

Volume 3, Alignments and Other Plans, of the Final EIR/EIS for the Fresno to Bakersfield Section contains roadway and grade separation plans for all roadways affected by project alternatives, including the state and interstate highway systems. These drawings show where roadway maintenance access for those systems can be facilitated.

F003-4

Volume 3, Alignments and Other Plans, of the Final EIR/EIS for the Fresno to Bakersfield Section shows designs for roadway modifications associated with the project and preliminary designs for structures crossing roadways. These designs were used in evaluating project-related traffic impacts, which are discussed in Section 3.2, Transportation, of the Final EIR/EIS.

F003-5

The designs will continue to be developed and coordinated with the Federal Highway Administration.

Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

RECEIVED

OCT 19 2012

David Valenstein
Federal Railroad Administration
1200 New Jersey Avenue, SE
Mail Stop 20, W38-219
Washington, DC 20590

Jeff Morales
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Supplemental Draft Environmental Impact Statement for the California High-Speed Rail System, Fresno to Bakersfield Section (CEQ# 20120235)

Dear Mr. Valenstein and Mr. Morales:

F004-1

Thank you for the opportunity to review the Supplemental Draft Environmental Impact Statement (SDEIS) for the Fresno to Bakersfield Section of the High-Speed Rail (HSR) System in California, which was shared with U.S. Environmental Protection Agency (EPA) on July 23, 2012. We completed our review pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

EPA has worked closely with Federal Railroad Administration (FRA) and California High-Speed Rail Authority (CHSRA) through the programmatic environmental analysis, as well as through intensive early coordination at the project level. Project level coordination was guided by specific decision checkpoints, which are defined in an agreement signed between EPA, U.S. Army Corps of Engineers, FRA, and CHSRA (*Integrated National Environmental Policy Act and Clean Water Act Section 404 Memorandum of Understanding (NEPA/404 MOU)*). We appreciate the opportunity to engage in early coordination, and we believe that it will continue to lead to efficient resolution of potential issues and strengthened environmental documents as the environmental analysis of the statewide HSR system continues.

EPA recognizes the potential benefits, including reduced vehicle emissions, an alternative transportation choice like HSR can provide if planned well. We note that in September 2011 FRA and CHSRA signed the *Memorandum of Understanding for Achieving an Environmentally Sustainable High-Speed Train System in California* with EPA and other federal and state partners, committing to collaboratively promote environmental sustainability of the HSR system. EPA commends FRA and CHSRA for committing, through the MOU, to "plan, site, design, construct, operate, and maintain a high-speed train system in California using environmentally preferable practices in order to protect the health of California's residents, preserve California's natural resources, and minimize air and water pollution, energy usage, and other environmental impacts". We also appreciate CHSRA's actions to implement the goals of the MOU over the last year.

F004-1

For the Fresno to Bakersfield portion of the HSR system, EPA provided recommendations through an October 13, 2011 comment letter following our review of the Draft Environmental Impact Statement (DEIS). We again provided recommendations via a May 16, 2012 comment letter following our review of the Administrative SDEIS. We appreciate the responsiveness to many recommendations provided by our agency throughout the coordination and commenting process. In particular, we commend FRA and CHSRA for updating the analysis of growth-inducing impacts and for acknowledging that the project will affect the timing and location of growth patterns. Through this letter, we identify our agency's remaining concerns that can be addressed in the Final Environmental Impact Statement (FEIS). Following review of the DEIS, we rated this Project *Environmental Concerns – Insufficient Information (EC-2)*. Following review of the SDEIS, we again rate the Project EC-2. Please see the enclosed Summary of EPA Rating Definitions.

EPA's continuing concerns are based on, in part, air quality, aquatic resource, and growth-related impacts. The enclosure provides a full description of the following recommendations and other comments to be addressed in the FEIS.

F004-2

Air Quality Impacts
The project will require a lengthy construction window in an area containing some of the nation's worst air quality. Please continue to work with the San Joaquin Valley Air District and EPA to finalize the general conformity determination for the San Joaquin Valley Air Basin portion of the project. The FEIS should include details on the Voluntary Emissions Reduction Agreement (VERA), including specific incentives and strategies for focusing emission reductions proximate to actual impact locations in order to focus mitigation measures on those communities most impacted.

F004-3

Aquatic Resource Impacts
Intensive early coordination and synchronizing CWA permitting and NEPA has benefited the environmental review process by addressing outstanding aquatic resource issues as early as possible. We commend FRA and CHSRA for efforts to date to reduce impacts of this project on jurisdictional waters of the United States. We recommend that FRA and CHSRA commit to avoidance and minimization measures identified during the NEPA/404 MOU process. Further, FRA and CHSRA should ensure that the FEIS, Checkpoint C package, and CWA Section 404 permit application include values consistent with those in the Corps' finalized preliminary jurisdictional determination. Additionally, we recommend that FRA and CHSRA commit to low impact development measures to retain, infiltrate, and treat stormwater runoff from all features of the HSR project.

F004-4

Planning and Growth Related Impacts
A new HSR system can improve air quality by reducing automobile emissions, offering a cleaner transportation option, and shifting development patterns to be more transit and pedestrian oriented. HSR can also serve as a catalyst for advancing the sustainability principles of the HUD-DOT-EPA Partnership for Sustainable Communities. We recommend that FRA and CHSRA identify all measures within their control to minimize potentially adverse impacts from HSR induced changes to growth patterns.

- For station-cities, include commitments for partnerships and for providing grant funding to promote comprehensive station area planning, so that local stakeholders have the tools to maximize economic, community and environmental benefits from the project.
- For the urban edges of station-cities and neighboring communities, identify measures to prevent unplanned HSR induced growth. These could include commitments for partnering with state agencies, regional planning organizations, or local governments to 1) evaluate whether counties

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Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012) - Continued

F004-4

and key non-station cities need technical assistance in planning for HSR and 2) help connect them to available resources and tools.

- For agricultural lands in areas most at risk of experiencing HSR induced development pressures, commit to promote placement of conservation easements.
- To increase transit access to HSR, commit in the FEIS to partner with local and regional transit providers to develop connectivity plans and implement measures to increase transit access to HSR.

We appreciate the opportunity to review the SDEIS and continue to be available to discuss measures to design a sustainable HSR system for California. Please note that as of October 1, 2012, EPA Headquarters no longer accepts paper copies or CDs of EISs for official filing purposes. Submissions after October 1, 2012 must be made through EPA's new electronic EIS submittal tool: *e-NEPA*. To begin using *e-NEPA*, you must first register with EPA's electronic reporting site at: https://cdx.epa.gov/epa_home.asp. Electronic filing with EPA Headquarters does not change the requirement to submit hard copies to the EPA Regional office for review. When the FEIS is released for public review, please send two hard copies and two electronic copies (on CD) to the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3843 or Connell Dunning, the lead reviewer for this project at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

Enrique Manzanilla, Director
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
EPA's Detailed Comments

Cc via email:
Mark A. McLoughlin, ICF International
Colonel Michael C. Wehr, U.S. Army Corps of Engineers
Leslie Rogers, Federal Transit Administration
Ophelia B. Basgal, U.S. Department of Housing and Urban Development
Dan Russell, U.S. Fish and Wildlife Service
Robert Tse, U.S. Department of Agriculture
Michelle Banonis, U.S. Bureau of Reclamation
Ken Alex, Governor's Office of Planning and Research
Mike McCoy, Strategic Growth Council
Matt Rodriguez, California EPA
Kurt Karperos, California Air Resources Board
Seyed Sadredin, San Joaquin Valley Air Pollution Control District
Traci Stevens, Business Transportation and Housing
Garth Fernandez, California Department of Transportation
Diana Dooley, California Health and Human Services
John Laird, California Natural Resources
Julie Vance, California Department of Fish and Game
Mark Nechodom, California Department of Conservation
Paul Romero, California Department of Water Resources

3

Bill Orme, State Water Resources Control Board
Mayor Ashley Swearengin, City of Fresno
Mayor Sue Sorensen, City of Hanford
Mayor Harvey L. Hall, City of Bakersfield

4

Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012) - Continued

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012) - Continued

EPA'S DETAILED COMMENTS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE CALIFORNIA HIGH-SPEED RAIL SYSTEM, FRESNO TO BAKERSFIELD SECTIONS, OCTOBER 19, 2012

F004-5

1. AIR QUALITY

While the high-speed rail (HSR) could potentially have great long term benefits to air quality in California by reducing vehicle miles traveled and reducing the need to expand airports and highways, the project would also result in increased emissions from construction of the system and operation of the Heavy Maintenance Facility (HMF) and support vehicles. Depending on the energy source used, emissions may also result from the increased electricity demand for powering the train system. Because the San Joaquin Valley Air Basin (SJVAB) has some of the worst 8-hour ozone and PM2.5 problems in the nation, it is important to reduce emissions of ozone precursors and particulate matter from this project to the maximum extent possible.

General Conformity

EPA understands that California High-Speed Rail Authority (CHSRA) is currently coordinating with the San Joaquin Valley Air Pollution Control District (SJVAPCD) and California Air Resources Board (CARB) regarding Clean Air Act general conformity requirements, including a Voluntary Emissions Reduction Agreement (VERA) for the HSR system. The Final Environmental Impact Statement (FEIS) should ensure that direct and indirect emissions from both the construction and the operational phases of the project conform to the approved State Implementation Plan and do not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS).

Recommendations:

- Describe the process for finalizing the general conformity determination in the FEIS, and discuss of how the simultaneous construction of portions of multiple different HSR project sections (assessed in different EISs but all within the SJVAB) will be addressed for purposes of general conformity.
- Revise the list of options for demonstrating compliance with general conformity on p. 3.3-78 so that it clearly states that pollutant emissions that exceed annual general conformity thresholds would be offset to zero (rather than just being offset to below the general conformity thresholds).
- Include details of the VERA in the FEIS, including specific incentives and strategies for focusing emission reductions proximate to actual impact locations in order to focus mitigation measures on those communities most impacted.
- Commit to partner with local governments and the agricultural community to identify opportunities to offset emissions in close proximity to impacted locations, and include a list of potential opportunities. Potential opportunities could include renewable energy production from local farming practices and measures to reduce truck traffic through freight improvements.

Transportation Conformity

The Supplemental Draft Environmental Impact Statement (SDEIS) states, "The Fresno to Bakersfield Section of the HST project is not subject to the transportation conformity rule. However, if the project requires future actions that meet the definition of a project element

1

F004-5

subject to transportation conformity, additional determinations and associated analysis will be completed as may be required" (p. 3.3-79).

Recommendation:

- Confirm the Project of Air Quality Concern determination by documenting that an interagency consultation process has been completed. Caltrans currently leads an interagency consultation process for such determinations in the San Joaquin Valley.

Air Quality Impacts on Health

Sections 3.3 and 3.19 of the SDEIS discuss how project construction and operation will impact local and regional air quality. The San Joaquin Valley has among the worst air quality in the country and high rates of asthma. As a result, new air emissions may exacerbate health impacts in the San Joaquin Valley to a greater degree than they would elsewhere. All available measures should be taken to minimize air emissions and protect human health during construction of the HSR system and operation of the HMF. While EPA recognizes the potential for long-term air quality benefits from the HSR system, the SDEIS does not appear to directly assess how local air quality impacts from construction and operation may impact those with asthma or other respiratory diseases. EPA is supportive of the many project design features and mitigation measures identified in Section 3.3.8 and 3.3.9 of the SDEIS to reduce air quality impacts.

Recommendations:

- Assess how local air quality impacts during construction of stations and operation of the HMF may affect health and exacerbate asthma or other respiratory conditions in children and adults in the FEIS. This discussion should include qualitative as well as quantitative information, and a discussion of mitigation options for those most impacted. Respiratory Hazard Indices should be provided for each alternative.
- Specify control measures that will be used for the concrete batch plants to minimize pollution from these plants. In Section 3.3.8, clearly state that project design features listed also apply to concrete batch plants.
- In the FEIS, commit to continue to partner with SJVAPCD to identify applicable technologies to further reduce and mitigate operational air emissions from the HMF.
- Describe in the FEIS any future health risk analysis that will be conducted prior to selecting a site for the HMF, and describe how this analysis will be made available to the public.

F004-6

2. AQUATIC RESOURCES AND CLEAN WATER ACT SECTION 404

Alternatives Analysis for Clean Water Act Section 404

The SDEIS assesses two new alignment alternatives on the west side of Hanford and a third alignment option through the City of Bakersfield. While EPA does not endorse any particular alternative, we appreciate the consideration of a wider range of alternatives to ensure adverse environmental impacts are minimized. We appreciate that the SDEIS provides a quantitative assessment of each alternative's direct and indirect impacts to aquatic resources, as well as tables to adequately differentiate the types of aquatic resources impacted by each alternative.

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Recommendations:

- For the next milestone of the NEPA/404 MOU process (Checkpoint C- Identification of the LEDPA), apply the California Rapid Assessment Method (CRAM) and a Watershed Evaluation Report (WER) to fully describe location, condition, and context of the impacted aquatic resources within the landscape. In the FEIS, summarize the analysis presented during Checkpoint C to provide a clear comparison of the quality (functional status) of waters impacted by each alternative.
- Provide one summary table (rather than separate tables for direct and indirect impacts) that presents final numbers of impacts to direct temporary, direct permanent and all indirect impacts to waters.
- Provide a comprehensive diagram to more fully illustrate the distinction between direct, indirect, and indirect bisected impacts on vernal pools. Additionally, the FEIS should specify that, although the impacts are defined as indirect in order to illustrate the location of the feature, the mitigation for this type of impact to vernal pools will be based upon the same ratios as those used for direct permanent impacts to vernal pools.
- The FEIS, Checkpoint C package, and CWA Section 404 permit application should include values consistent with those in the Corps' finalized preliminary jurisdictional determination.

F004-7

Water Quality Impacts

The proposed projects may result in unquantified erosion and construction-related impacts to the quality of waters found throughout the study area from what is likely to be a lengthy, multi-phased project build-out. While the SDEIS indicates that the HSR does not require large amounts of lubricants or hazardous materials for operation, the nature and quantities of the materials that will be used are not provided. The SDEIS also lists several waters within the project study area that are impaired pursuant to the CWA Section 303(d).

Recommendations:

- Provide supporting information that illustrates the proposed project will not further impair 303(d)-listed water bodies and will not increase pollutants from stormwater runoff and nuisance flows.
- Commit to a set of low impact development techniques (LID), such as bioretention areas, porous pavement, and vegetated swales, for the construction and post-construction stage of the project to retain, infiltrate, and treat stormwater runoff.
- Describe and confirm the availability of adequate space for mitigation via measures such as LID and clarify how runoff from heavy maintenance facilities will be handled.
- Describe the quantity and content of lubricants and hazardous materials that will be used for operation and illustrate how runoff from the tracks and maintenance yards would be less than a significant source of pollutants. For example, runoff monitoring data from existing similar railroads could be provided along with a description of how ongoing maintenance activities will be implemented to avoid runoff of lubricants and hazardous materials.

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Significant Degradation to Aquatic Resources

Without clear commitments from FRA and CHSRA to minimize and avoid impacts to aquatic resources, and a clear plan to mitigate impacts that cannot be avoided, the proposed project could cause and/or contribute to significant degradation of aquatic resources.

Recommendations:

- Identify specific avoidance and minimization measures for impacts to waters of the U.S. (e.g. complete spanning of waterways, elevating tracks above sensitive wetland areas, use of bottomless arch culverts, etc.).
- Provide a summary of supporting information that demonstrates the project will neither cause nor contribute to significant degradation of waters. Drawing on Checkpoint C watershed data, including the project's potential for both positive and negative impacts on existing water quality and habitat functions, this information should include reliable data on (a) the extent of unavoidable direct and indirect fill impacts, (b) the condition of the aquatic resources in their watershed context, and (c) measures to mitigate the project's adverse impacts.

Mitigation for Impacts to Aquatic Resources

Identifying mitigation opportunities in advance of the FEIS, as identified in the NEPA/404 MOU, should be a key priority for FRA and CHSRA, as it will help to avoid potential delays during project permitting. Checkpoint C, the next milestone in the NEPA/404 MOU, provides an opportunity for EPA agreement on a preliminary LEDPA and draft mitigation plan. EPA anticipates receiving updated estimates for aquatic resource impacts and corresponding practicable avoidance measures commensurate with these regulatory decision points.

Recommendations:

- The Draft Mitigation Plan for Checkpoint C should describe the processes that FRA and CHSRA will use, and commitments they will make, to maximize opportunities for successful mitigation, including: identifying potential mitigation sites; options available for creation, restoration, enhancement and preservation of waters (e.g., land dedication, acquisition of conservation easements, mitigation banks); opportunities to integrate with existing or planned conservation efforts; potential for improvements to existing infrastructure to enhance aquatic system and wildlife use; and instruments for long-term management of mitigation sites (e.g., established maintenance endowments). The FEIS should include a summary of the draft mitigation plan in order to disclose the projects mitigation needs and provide assurance to the public that those mitigation needs will be met.

F004-8

3. REGIONAL AND LOCAL INDUCED GROWTH

EPA appreciates additions to the SDEIS to more fully describe potential induced growth impacts from the proposed HSR project. We also applaud ongoing efforts to support station area planning. Through the *Memorandum of Understanding for Achieving a Sustainable High-Speed Rail System for California*, EPA supports FRA and CHSRA's vision for vibrant, mixed use, multi-modal station areas in urban centers, such as downtown Fresno. Achieving this vision, as described in section 3.13 of the SDEIS, is critical in order to minimize impacts that would likely result without compact, multi-modal station area development (i.e. high vehicle miles traveled to

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and from the station and greenfield development, among other impacts). In order to achieve station area features described in section 3.13 of the DEIS, however, we recommend that FRA and CHSRA identify in the FEIS how existing policies (including Urban Design Guidelines and Station Area Development Policies) will be implemented as planning, construction, operation, and maintenance of the HSR system move forward. In addition, we remain concerned with secondary impacts from siting a HSR station on agricultural lands outside of Hanford, and recommend that additional mitigation measures are needed.

Regional Growth

New information added to the SDEIS on SB375 and Sustainable Communities Strategies provides a more comprehensive understanding of efforts to achieve well-planned, efficient development patterns that best serve communities. We understand that future impacts of HSR on growth patterns will depend on a number of factors, including local, county, and metropolitan planning prganization decision-making, which cannot be fully determined at this time.

Recommendations:

- In the FEIS, identify the role land use decision-making will play in determining the potential location, context, and intensity of future HSR-induced growth scenarios (for example, already urbanized areas, adjacent agriculture land, or other greenfields). Include the range of possible growth outcomes and associated environmental impacts.
- In the FEIS, further describe the potential for growth-related impacts to occur from commuters living in the Central Valley and working in Los Angeles or San Francisco.

Growth-Related Impacts and Station Area Planning

EPA is particularly concerned with the potential for induced growth in the vicinity of the proposed Kings/Tulare Regional station alternatives. Proposed East and West Hanford station alternatives are sited on lands primarily used for agriculture and not planned for immediate development. We note that the SDEIS states that land use impacts are found to have substantial intensity as a result of direct and indirect land conversion (p. 3.13-59), yet the induced growth impacts from Kings/Tulare Regional Station Alternatives are not considered to be significant under NEPA.

Recommendations:

- Clarify in the FEIS why induced growth impacts from the Kings/Tulare Regional Station alternatives and HMF are not considered to be significant under NEPA, with consideration of local context, and clarify how the region's Blueprint Urban Growth Area influenced siting of station area alternatives.
- Include commitments in the FEIS to work with Kings County and other local governments with land use authority in the vicinity of the proposed Kings/Tulare Regional Station options to (1) help minimize the potential for induced growth from the HSR station, (2) ensure that local interests are met to the extent possible, and (3) promote policies to help ensure that infrastructure will not be provided to support development in areas beyond current planned growth areas (aside from the HSR station itself).

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EPA is supportive of FRA and CHSRA's vision for HSR station areas proposed for already urbanized areas to stimulate infill development in city centers, be pedestrian friendly, connect well via multiple transportation options, and provide easy access to goods, services, and jobs. The vision and form of HSR-induced development outlined in the Section 3.13 of the FEIS is only likely to occur if major investments in planning, changes to land uses, and coordination among housing, transportation, business and many other sectors first take place. We recognize FRA and CHSRA's station area planning grant program as a critical step toward achieving this vision. We also applaud FRA and CHSRA's strong partnerships with the City of Fresno on HSR station area planning.

Based on information provided in the SDEIS, however, we strongly suggest that additional commitments are needed from FRA and CHSRA in order to promote and incentivize well-planned growth. While the FEIS includes assumptions that HSR stations will attract well-coordinated, relatively denser, infill development, this assumption should be supported with strong commitments from FRA and CHSRA, documented and memorialized through the environmental planning process..

Recommendations:

- In the FEIS (Section 3.13.6), include commitments to continue coordination with station cities throughout the design and construction phases of the project, and to support efforts to develop planning documents, land use regulations, and municipal development policies that encourage higher density, mixed-use development around Fresno and Bakersfield stations.
- Describe in the FEIS what specific activities will be funded under the existing Station Area Planning Grant Program, what the timeline is for the funded activities, and how communities are being engaged.

Growth-related Impacts Outside of Station areas

We remain concerned that development pressures from HSR at urban fringes and nearby lands could induce changes in zoning codes and the loss of agricultural land through conversion to other uses, such as residential or commercial development. Lower-density development near urban fringes could cause additional impacts to air quality from automobile travel to the HSR station, beyond what is described in the SDEIS. The SDEIS states that FRA and CHSRA will work with the California State Department of Conservation to purchase and establish agricultural conservation easements to mitigate for the loss of agricultural land that will result from miles of tracking throughout farming communities, and EPA recognizes that easements could be strategically placed prevent unplanned growth. In addition, while EPA is supportive of FRA and CHSRA's existing station area planning grant program, we strongly suggest a parallel planning process to promote well planned development at urban edges (i.e. county level) and neighboring communities that are likely to experience HSR induced growth.

Recommendations:

- Augment the criteria for siting conservation easements listed in section 3.17.7 to include vulnerability of farmland parcels to HSR induced growth (based on proximity to all stations and maintenance facilities). A specific commitment to

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promote easements around the Kings/Tulare station should also be included because the SDEIS has already identified the potential for nearby for HSR-induced growth.

- Describe in the FEIS coordination with state entities (such as the Strategic Growth Council), regional, or local governments to 1) evaluate whether local governments need technical assistance in planning for HSR and 2) help connect them to available resources and tools.

F004-9

4. MULTIMODAL CONNECTIVITY AND PARKING POLICY

As stated in our scoping and DEIS comments, a substantial benefit of a proposed HSR corridor connecting Fresno to Bakersfield is the opportunity to generate improved local transit services and to reduce vehicle miles traveled. The SDEIS describes FRA and CHSRA's vision for HSR stations to serve as multimodal hubs with strong transit connectivity. EPA recognizes that transit connectivity is vital to achieving the land use patterns discussed in SDEIS. Achieving strong connectivity with local transit systems requires early and robust coordination with local transit agencies, which is not described in the SDEIS.

The SDEIS states that FRA and CHSRA's goals for both the Kings/Tulare Regional Station West and East alternatives include, "creating a station that serves as a regional transportation hub to provide quick transit connections from the station to the downtown areas of Hanford, Visalia, and Tulare". EPA is aware of an Expanded Light Rail Connectivity Plan for the City of Visalia that is being funded through the Department of Housing and Urban Development's Sustainable Communities Regional Planning Grant to the Smart Valley Places Consortium. The SDEIS does not provide details on how FRA and CHSRA are engaging the local authorities in Visalia to coordinate with this project, or other projects, to connect the proposed Hanford HSR station to Visalia, Tulare, and other cities via transit.

Recommendations:

In the FEIS, describe FRA and CHSRA's strategy for long-term coordination with local transit agencies and cities to develop transit connectivity plans for HSR station areas and for connectivity to neighboring communities where high HSR ridership is expected, and include the following components: .

- Design and construction of stations to be pedestrian and bicycle-friendly by incorporating features such as bike lockers, changing rooms, and showers.
- Coordination with car share organizations and promote use of shared vehicles at HSR stations to provide an additional alternative to car ownership.
- Coordination transit service and/or ride-sharing to connect HMF sites to population centers, to promote an alternative to single-occupant vehicles for employees' commutes.
- Features to facilitate easy transfers between local transit and HSR, such as shared ticketing, wayfinding for local transit within HSR stations, and other features.

Parking Policy & Coordination

EPA acknowledges that the SDEIS was developed to capture the footprint of the maximum parking demand to give FRA and CHSRA flexibility in future decision making. EPA also

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recognizes that decisions made on parking quantity, location, and type (surface, structures, shared) will greatly impact whether station areas are walkable and integrated into surrounding neighborhoods, and will influence surrounding development patterns.

Parking is discussed in several places throughout the SDEIS and in guidance documents created by FRA and CHSRA. EPA supports goals listed in the SDEIS, including, "Limit the amount of parking to that which is essential for system viability," and "place parking in structures with retail and other land uses". In addition, CHSRA's Urban Design Guidelines offers information on best practices. Within the SDEIS, however, the FRA and CHSRA's plan for parking appears inconsistent. For example, the chapter 2 displays an image of a potential layout for the Mariposa Street Station in Fresno with surface parking lots surrounding the station, which is not consistent with the station area vision discussed in Section 3.13. EPA has not seen a clear parking policy in FRA and CHSRA documents, and it is unclear if FRA and CHSRA are coordinating with local jurisdictions to implement parking policies.

Recommendations:

- Include a clear parking policy in the FEIS, containing a clear commitment to work with local jurisdictions and follow the Urban Design Guidelines and best practices.
- Augment project design features in Section 3.13.6 to include commitments to minimize the number of parking spaces to the greatest extent possible at stations in order to facilitate the use of transit, and construct multi-level parking structures as opposed to expansive parking lots to minimize impacts. Specifically, commit to constructing parking structures rather than surface parking at the Kings/Tulare Regional Station, and, to the maximum extent possible, using parking structures in the downtown areas of Hanford, Visalia, and Tulare to accommodate a significant percentage of parking demand from the Kings/Tulare Regional Station.
- In the FEIS, make revisions so that images of stations (such as Figure 2-36, showing Fresno station surrounded by parking lots) are consistent with the vision for vibrant, walkable communities described in section 3.13. Images should be added to the FEIS to clarify the types of station areas that could be created through this project.

F004-10

5. BROWNFIELD REDEVELOPMENT

Brownfields are properties with real or perceived contamination, and due to concerns over liability they can pose a barrier to redevelopment. EPA is aware of underutilized and vacant properties near potential stations in Fresno and Bakersfield. Brownfield sites could potentially pose a risk to successful implementation of station area development plans. Assessing brownfields early can give developers the assurance they need to move forward with projects, or, if needed, assessments can serve as the first step in moving toward cleanup. It is currently unclear if identification, assessment, and reuse of brownfield sites will be addressed through the station area planning assistance FRA and CHSRA are providing to cities.

Recommendations:

- Commit to allow HSR station cities the option of using a portion of FRA and CHSRA station area planning grant funding to identify and assess brownfield sites within .5 mile of stations.

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- In cities where station area planning grants will not include assessment of brownfields and brownfields may potentially be a barrier to redevelopment, commit to separately fund assessment of key brownfield parcels to promote redevelopment consistent with FRA and CHSRA station area planning guidelines.
- Commit to assessment of underutilized and vacant properties if any are present around the selected HMF site and could be developed under HMF induced growth.
- Consider whether station and HMF sites offer the opportunity for beneficial reuse of brownfield sites when selecting preferred locations.
- Commit to partner with the EPA Region 9 Brownfields Office regarding opportunities to provide station-cities with information on funding mechanisms to assess and cleanup brownfield sites. Further, if appropriate, work with EPA to provide information on EPA's Brownfield program to station cities *before* station area planning grants are finalized.

F004-11

6. CHILDREN'S HEALTH

Executive Order 13045 on Protection of Children from Environmental Health Risks and Safety Risks directs each federal agency to make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children, and ensure that its policies, programs, activities, and standards address disproportionate risks to children.

Analysis of Risks to Children

Because children are more susceptible to environmental exposures than adults, analysis of environmental health impacts on children is critical to understanding project impacts and identifying appropriate mitigation. EPA appreciates the addition of Appendix 3.12-C, "Children's Health & Safety Risk Assessment," which provides a qualitative assessment of risks to children from the project.

Recommendations for Appendix 3.12-C:

- Update the introductory language in section 3.1 so it is consistent with conclusions regarding significance of impacts. For example, section 3.1 states that, "no significant impacts on children's health and safety are expected…" while section 3.3.5 concludes, "there would be the potential for significant impacts on children's health and safety…"
- Update text so that the duration of construction activities for a given portion of the project is consistently provided. For example, revise the air quality row of Table 3.12-C6 so that construction emissions accurately account for the 4 year construction duration for stations.
- The far right column in Table 3.12-C6 and Table 3.12-C7 states that impacts are not significant without explaining why. Add language to explain the significance determination, especially for impacts considered "substantial" elsewhere in the SDEIS.
- Clearly identify the project alternatives that have the least impact to children. Information should be provided in a table that displays side-by-side comparisons of portions of alternatives with common endpoints.

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Child Safety During Construction Activities

Construction activities may result in temporary heavy truck traffic as well as altered transportation routes. Safety measures that offer additional protection to children who are walking in areas near construction activities should be included in the Construction Mitigation Plan.

Recommendations:

- Augment Project Design Feature #8 on p. 3.2-126 so that it states that the Construction Transportation Plan will include:
  - Identification and assessment of the potential safety risks of project construction to children, especially in areas where the project is located near homes, schools, daycare centers, and parks.
  - Promotion of child safety within and near the project area. For example, crossing guards could be provided in areas where construction activities are located near schools, daycare centers, and parks.
- Augment Project Design Feature #5 on p. 3.2-125 of the *Transportation* section to commit to establishing truck traffic routes away from schools, daycares, and residences, or at a location with the least impact if those areas are unavoidable.

F004-12

7. ENVIRONMENTAL JUSTICE AND COMMUNITY IMPACTS

EPA appreciates the revisions to the environmental justice analysis which address many of our past comments related to environmental justice and Title VI of the Civil Rights Act. We are also pleased to see a commitment to implement a job training and set-aside program for low income and minority residents. We continue to recommend, however, further disclosure of information and additional commitments in order to more fully address environmental justice and community impacts.

Clarify Analysis and Findings

EPA appreciates the October 18, 2012 call with FRA and CHSRA to clarify how the "reference community" (i.e. four county region) was used in the environment justice analysis, and we suggest that the methodology be more fully described in the FEIS. We would also appreciate additional clarification on how "moderate" or "substantial" impacts translate into "significant" or "not significant" environmental justice impacts under NEPA. Overall, we appreciate revisions to strengthen the environmental justice analysis, and believe that a summary table could help to more clearly display differences in community impacts among alternatives, as suggested below.

Recommendations:

- In the FEIS, verify that the conclusions presented in Table 3.12.7 and subsequent discussion and Table 3.12.8 and subsequent discussion follow from the comparison of the impacted community of concern to the reference community. Further discuss the methodology used to make the comparisons.
- Provide an explanation for why impacts that were noted as "substantial" within the *Environmental Consequences* section for environmental justice (Impact SO#18 – Environmental Justice) were not noted as being "significant" in the *NEPA Impact Summary* section.

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- Augment the list of locations that would experience disproportionately high and adverse impacts on communities of concern on p. 3.12-114 of the *Environmental Justice Effects Conclusion* section so that it also lists the Corcoran Bypass alternative (p.3.12-112 states that the Corcoran Bypass alternative would result in this impact).
- To help clarify impacts that communities would face, and the tradeoffs between alternative alignment options, we recommend that a single table be added to section 3.12 to compare socioeconomic impacts. Information should be provided for portions of alternatives with common endpoints. Use the table to clearly identify the project alternatives that have the least impact to communities of concern, as well as those alternatives that have the least impact on areas most significantly impacted by existing air pollution, high disease rates, and other indicators of social vulnerability.

Minimizing and Mitigating Impacts to Communities of Concern

While EPA supports measures to minimize and mitigate impacts to communities of concern that are already provided in the SDEIS, we believe that the following measures are also necessary in order to ensure that communities of concern are not disproportionately harmed by this project.

Recommendations:

- As a specific project design feature or mitigation measure in Section 3.12, commit to replacement housing options to allow displaced residents to remain in their communities if desired. Offer rehabilitation of existing housing or construction of new housing in those communities when no replacement housing for displaced residents appears to be available.
- As a specific project design feature or mitigation measure in Section 3.12, offer relocation assistance to residents found to be living in motels.
- Widen the scope of Mitigation Measure SO-1 to commit to conducting community workshops in *all* (rural and urban) significantly affected areas to obtain input and identify mitigation measures for residents whose property would not be taken, but whose community would be substantially altered by construction of HSR facilities, including loss of neighbors.

Meaningful Public Involvement during Relocation and Construction

Chapter 7 of the DEISs discusses public and agency involvement; however, it is unclear how public concerns raised during the relocation process and construction period will be addressed.

Recommendations:

- Augment commitments for a Construction Mitigation Plan that are included at the beginning of Section 3.12.6, *Project Design Features*, for socioeconomic impacts, to include a community involvement section in the Construction Mitigation Plan with a phone number for people to call with concerns in English or Spanish.
- Provide more information in the FEIS about how the public will be involved in the development of the mitigation relocation plan and how the plan will be implemented.
- Review environmental justice concerns raised during the public involvement process to facilitate the identification of highest priority concerns and mitigation measures.

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Equitable Development

EPA supports FRA and CHSRA's efforts to promote well-planned, multi-modal, mixed-use station areas. An integral component of station area planning includes plans to avoid the potentially adverse consequences that urban revitalization can have on established communities and low-income residents. Without the appropriate planning, engagement, policies, and programs, urban revitalization efforts risk "pricing-out" historic residents and harming existing cohesion of established communities. FRA and CHSRA should identify specific commitments to help ensure that station areas and HMFs are developed in an equitable manner.

Recommendations:

- Commit to augmenting CHSRA's "HSR Station Area Development: General Principles and Guidelines" document and "Urban Design Guidelines" document so that they include equity as a key principle and include guidelines for promoting equity.
- In Section 3.12.6, as an element of the station area planning grant program, commit to partnering with cities to promote an appropriate percentage of low-income housing within station area developments since development of HSR stations (undertaken by CHSRA) may cause property taxes and values to rise, potentially "pricing out" historic residents.
- As a project design feature in Section 3.12.6, commit to consideration of impacts to low-income and minority communities when selecting the HMF location.

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8. AGRICULTURAL IMPACTS

The SDEIS addresses impacts to agriculture, including direct conversion of agricultural land to transportation uses, severance of parcels, and impacts to onsite utilities (irrigation systems, access roads, and power supplies). The SDEIS does not, however, fully describe the methodology for calculating parcels found to be "non-economic" or the appraised parcel value, although the SDEIS does reference relevant factors, including infrastructure access and proximity issues. In addition, EPA is concerned with the potential impacts to farmers from reduction of transportation access to areas across the proposed HSR right-of-way. The SDEIS indicates that CHSRA would work with each affected property owner to address concerns, attempt to resolve conflicts, and potentially arrange for additional grade-separated crossings; however, no clear commitment is identified in the document. EPA is supportive of efforts to work directly with affected farmers to mitigate impacts to road access and agricultural operations.

Recommendations:

- In the FEIS, include a robust description of the compensation strategy that will be used for farmland, including, 1) how it was developed; 2) how it assesses the decreased efficiency of operations on remaining land (e.g. due to smaller field sizes, etc.); 3) assumptions used regarding land staying in the same cropping system and/or changing to systems more amenable to smaller sites, such as truck farming for local consumption; 4) the specific role and qualifications of agricultural specialists in developing the strategy; and 5) and any local input received.
- In the FEIS, include details on how remnant parcels are accurately determined to be "non-economic". Include 1) assumptions for analysis; 2) source of data used; 3)

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factors considered (in addition to connectivity to other farmland); 4) the specific role and qualifications of agricultural specialists in making determinations; and 5) any local input received.

- As a project design feature in Section 3.14.6, commit to work with each affected property owner to address issues related to loss of road access, attempt to resolve conflicts, and consider input directly from affected farmers in determining placement and quantity of crossings.
- If adjacent land owners do not purchase remainder parcels (as suggested by the SDEIS), then consider providing remainder parcels on a subsidized basis to beginning and disadvantaged farmers willing to use small-farm practices to supply the local market

F004-14

9. SPECIAL STATUS SPECIES AND WILDLIFE MOVEMENT

EPA commends FRA and CHSRA for the commitments made in the SDEIS to accommodate wildlife movement throughout the project corridor. The SDEIS describes specific project elements that would be constructed to enable wildlife connectivity for each alternative, including types of features and approximate locations. The SDEIS further recognizes that known wildlife linkages are essential to the health and viability of natural ecosystems, and provides descriptions of the major wildlife linkage areas that will be impacted by the HSR alternatives. We appreciate the additional qualitative discussion of these linkages within the SDEIS, as well as the detail provided regarding design elements and mitigation measures to avoid these impacts.

Recommendations:

- The FEIS should document coordination with Fish and Wildlife Service and California Department of Fish and Game to provide assurance that all appropriate avoidance and mitigation measures to address impacts to special status species and wildlife movement have been addressed.
- The FEIS should identify specific HSR design commitments that could remove existing barriers to wildlife movement and enhance use of modeled wildlife linkage areas.

F004-15

10. NOISE & VIBRATION

Many of EPA's comments related to noise and vibration have been addressed in the SDEIS, and EPA appreciates updates made to strengthen mitigation measures. EPA recommends additional disclosure of methodologies and clearer descriptions of potential impacts after mitigation.

Recommendations:

- In the FEIS, include tables displaying estimated construction and project noise impacts after mitigation. Include details on type and location of receptors. Information should be provided for portions of alternatives with common endpoints to allow for easy comparison between alternative alignment options.
- In the FEIS, describe how FRA and CHSRA determined that select severely impacted sites were "economically unfeasible" to mitigate via a sound barrier.
- P. 3.4-52 states, "The Authority has developed proposed Noise and Vibration Mitigation Guidelines that identify criteria by which noise and vibration mitigation would be deemed effective. The proposed Noise and Mitigation Guidelines are included as

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Appendix 3.4-A". This information does not appear to be in Appendix 3.4-A, and it should be provided in the FEIS.

- Augment project design features in Section 3.4.6 to indicate exactly which FTA and FRA guidelines for minimizing noise and vibration impacts will be implemented during construction.
- P. 3.4-69 states that the College of the Sequoias along the West Hanford West Bypass 1 and 2 at grade alternatives would experience severe noise impacts and no sound wall is being proposed, and no rationale is provided. Add a rationale to the FEIS to support this decision, and if appropriate consider adding a sound wall.
- Within 3.4.7, Mitigation Measures, clearly indicate thresholds (noise levels) that FRA and CHSRA are committing to mitigate impacts down to, and what the criteria will be (including specific noise level) for FRA and CHSRA to offer building sound insulation or noise easements.

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11. SUSTAINABILITY PARTNERSHIP, POLICIES, AND PRACTICES

In September 2011 FRA and CHSRA signed the *Memorandum of Understanding for Achieving an Environmentally Sustainable High-Speed Train System in California* (Sustainability MOU) with EPA and other federal and state partners, committing to collaboratively promote environmental sustainability of the HSR project. EPA commends FRA and CHSRA for formalizing, through the MOU, the commitment to "plan, site, design, construct, operate, and maintain a high-speed train system in California using environmentally preferable practices in order to protect the health of California's residents, preserve California's natural resources, and minimize air and water pollution, energy usage, and other environmental impacts". EPA also recognizes CHSRA's goal to achieve net-zero HSR stations as a positive step toward a healthier environment.

Recommendations: EPA encourages FRA and CHSRA to highlight efforts to promote sustainability in the FEIS. Because many impact categories discussed throughout chapter 3 would be benefited by CHSRA's sustainability program, describing these sustainability efforts will aid in disclosing project impacts.

General Sustainability Guidelines

- Include a copy of the Sustainability MOU in the FEIS.
- Commit to implement an Environmental Management System (EMS) to assess and improve environmental performance throughout the life of the project.

Green Building

- Commit to incorporate specific language on preferred qualifications and practices in Request for Qualifications and Request for Proposals to help ensure that contractors have the necessary expertise to design, construct, and operate the HSR system in a sustainable manner, in line with CHSRA's stated goals.
- Commit to analyze the strengths and feasibility of obtaining LEED certification at the Platinum Level for HSR facilities, including stations and maintenance facilities. FRA and CHSRA should work with EPA and other partners under the HSR Sustainability MOU to fully identify benefits and address potential challenges of obtaining Platinum Level certification.

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- Add to the list of applicable Laws, Regulations, and Orders in section 3.6, *Public Utilities and Energy*, so that it includes 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11. The Part 11 mandatory green building standards for nonresidential buildings are adopted by the California Building Standards Commission under the authority of section 18930.5 of Health and Safety Code, Division 13, Part 2.5, known as the California Building Standards Law. Information is available at http://www.bsc.ca.gov/default.htm.
- Commit to exceeding CALGreen standards in priority areas by meeting "optional" standards, including: pollutant control, indoor air quality, renewable energy, energy and water conservation, low impact development, and designated parking for fuel efficient/electric vehicles.
- Commit to considering best practices listed in the American Public Transportation Association March 2011 Transit Sustainability Guidelines and adopting relevant recommendations. Guidelines address unique opportunities for green building and overall sustainability in the transit industry. Guidelines are available at http://www.apta.com/resources/hottopics/sustainability/Documents/Transit-Sustainability-Guidelines.pdf
- Commit to provide general information and, when needed, technical assistance on green building practices to local jurisdictions as part of FRA and CHSRA's station area planning grant program. In addition, encourage third party certification (such as LEED for Homes and Build it Green) and goals to exceed CALGreen requirements by meeting "optional" standards.
- As a project design feature in section 3.13, *Land Use*, commit to encourage and assist local jurisdictions in designing for adaptability and reuse in station areas to increase flexibility to meet future community needs. This is especially critical for any parking features which may become unnecessary after transit connectivity is developed. For guidance, see Public Architecture, Design for Reuse Primer, http://www.publicarchitecture.org/reuse/, and Lifecycle Building Challenge Resources, http://www.lifecyclebuilding.org/resources.php.
- As a project design feature in section 3.13, *Land Use*, commit to working with station cities to obtain LEED ND certification for station areas. LEED-ND certification provides independent, third-party verification that a building or neighborhood development project is located and designed to meet high levels of environmentally responsible, sustainable development.

Use of Recycled Materials

- Identify which recycled materials would be used to replace raw materials for particular infrastructure components. Some options include:
  - Use recycled materials to replace carbon-intensive Portland Cement in concrete as "supplementary cementitious material".
  - Use tire-derived aggregate in lightweight embankment fill and retaining wall backfill..
  - Use recycled materials in pavement applications, such as crushed recycled concrete, recycled asphalt pavement, and rubberized asphalt concrete. Also, in some circumstances, on-site asphalt can be re-used (e.g., cold in-place recycling or full depth reclamation).

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  - Limit overdesign and use of excess concrete through admixtures and other techniques.

Renewable Energy

- As a project design feature in section 3.13, *Land Use*, include commitments to promote siting of renewable resources on contaminated and underutilized lands over pristine lands if FRA and CHSRA have a role in influencing where the source of energy for powering the trains will come from. EPA recently released the Renewable Energy Siting Tool (REST), a mapping tool and dataset that helps identify prime contaminated and degraded lands in California for renewable energy development (See: http://www.epa.gov/region9/climatechange/renewcontlands/index.html).
- In section 3.6, clarify if the goal to power HSR operations with 100% renewable energy includes powering stations and heavy maintenance facilities.
- As a project design feature in section 3.6, commit to coordinate with local farming stakeholders to consider linking generation of renewable energy from farming practices with the need to power the project through renewable energy.

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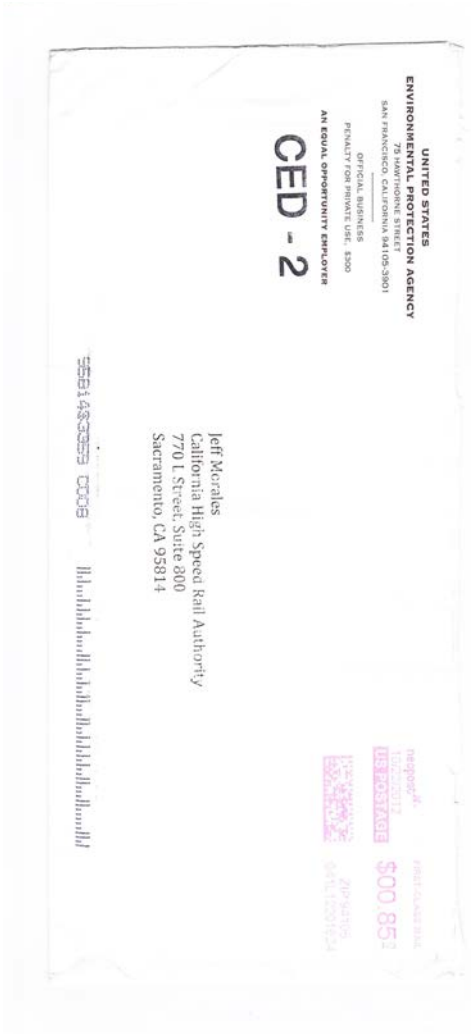

Response to Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012)

F004-1

The Authority and FRA appreciate EPA's collaborative approach in the environmental review process for the California High-Speed Train and, in particular, the Fresno to Bakersfield Section of the High-Speed Train System. Responses to your comments on the Revised DEIR/Supplemental DEIS are provided in Volume V of the Final EIR/EIS. We look forward to continuing our productive relationship throughout the environmental review process.

F004-2

Refer to Standard Response FB-Response-AQ-02.

F004-3

The acreage estimates for impacts on aquatic resources in the Final EIR/EIS, Checkpoint C package, and in the CWA Section 404 permit application are consistent with the U.S. Army Corps of Engineers finalized preliminary jurisdictional determination. In Section 3.8.6 of the Revised DEIR/Supplemental DEIS, under Project Design Features for Stormwater Management and Treatment, the Authority commits to low-impact development techniques to detain runoff onsite and to reduce offsite runoff.

F004-4

Refer to Standard Response FB-Response-GENERAL-03.

Bullet 1: The Authority has offered grants to station cities for station planning. Station planning will incorporate the Authority's March 2011 *Urban Design Guidelines: California High-Speed Train Project*, which promote connectivity with the areas adjoining the stations and compact development within those areas (Authority 2011).

Bullet 2: The Authority has no jurisdiction over the urban edges, so its ability to ensure that cities and counties do not approve unplanned growth in the future is very limited. However, the cities and counties are participating in the regional agencies' ongoing Senate Bill (SB) 375 planning processes. The resultant "sustainable communities strategies" adopted by the council of governments in each county is expected to achieve the objective of reducing additional unplanned growth and sprawl in the region through targeted transportation spending, housing needs allocations, and CEQA streamlining

F004-4

incentives for compact growth.

Bullet 3: The Authority has committed to funding conservation easements through the Department of Conservation's California Farmland Conservancy Program (see Mitigation Measure Ag-MM #1: Preserve the Total Amount of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland in Section 3.14, Agricultural Lands, of the EIR/EIS). The Authority and the California Farmland Conservancy Program will develop guidance for the grant of funds for conservation that will place a higher priority on lands that can serve as urban separators or that are under development pressure.

Bullet 4: The Authority has committed to working with local and regional transit providers through the "blended approach" described in the April 2012 *Revised 2012 Business Plan for the California HST System* (Authority 2012). Further, the HST stations will be designed as multi-modal facilities to include easy connections to local transit service (see Section 2.4.4, Station Alternatives). This commitment is reflected in the March 2011 *Urban Design Guidelines* (Authority 2011), which describe provisions within station area design to connect to local transit.

F004-5

Refer to Standard Response FB-Response-AQ-02.

A preliminary analysis of a generic HMF was completed. Based on preliminary emission estimates, a buffer zone was recommended between the HMF and any sensitive land uses. This analysis will be refined once an HMF location is chosen and the exact layout of the facility is known. Throughout the project's ongoing work through the VERA offset program, the Authority is committed to a continued partnership with SJVAPCD.

The Authority has been investigating biogas from producers in the Central Valley as a potential energy source for a portion of the load for train operations. This was noted in the April 2013 Call to Industry. That planning is ongoing. The Authority is working with the San Joaquin Air Pollution Control Board to develop a voluntary emissions reduction agreement. This enables the Authority to pay for emissions offsets. The Air Board works with farmers and haulers in their air basin to replace outdated equipment or upgrade

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older equipment with filters. The Air Board oversees the emissions program, in their air basin, which is where the project is.

F004-6

In response to comments related to Checkpoint C functional status, a summary of the condition (quality or functional status) of waters of the U.S. impacted by each alternative is provided in the Section 3.7, of the Final EIR/EIS. Based on coordination with the USACE and U.S. EPA, the Authority has prepared a number of reports in support of Checkpoint C (Identification of the Preliminary LEDPA). These reports provide a detailed assessment of conditions present in the watershed and project areas, including an analysis of project impacts based on both quantity and quality and associated compensatory mitigation (see the Watershed Evaluation Report in Appendix 3.7-C). The results of the CRAM analysis, which assigned a numeric score to selected aquatic resources in the study area, are provided in Appendix 3.7-D.

A summary table of direct and indirect impacts on jurisdictional waters is provided in Appendix 3.7-B, Attachment 4, of the Revised DEIR/Supplemental DEIS.

A comprehensive diagram illustrating the distinction between direct, indirect, and indirect-bisected impacts on aquatic resources is included in the Final EIR/EIS (Appendix 3.7-B, Attachment 4). Additionally, text has been added in the Final EIR/EIS to clarify that indirect-bisected impacts on vernal pools will be treated as direct permanent impacts for the purposes of compensatory mitigation.

In the Final EIR/EIS, the Checkpoint C submittal package and the CWA Section 404 permit application include impact acreage values consistent with the U.S. Army Corps of Engineers, February 5, 2013, preliminary jurisdictional determination or with subsequent submittals.

F004-7

Construction impacts on erosion and water quality are discussed in Section 3.8.5.3 of Section 3.8, Hydrology and Water Resources, and hazardous materials that may be present at the construction site are discussed in Section 3.10.5.3 of Section 3.10, Hazardous Materials and Wastes, of the Revised DEIR/Supplemental DEIS.

F004-7

Bullet #1: The pollutants that have impaired waterbodies at or downstream of the HST crossing include chlorpyrifos, toxaphene, molybdenum, EC, and unknown toxicity. Project construction and operation would not discharge these pollutants. Stormwater runoff from HST construction and operation would more likely contain sediment or oil and grease and fuels. Runoff (and nuisance flows) from station parking lots and the heavy maintenance facility (HMF) would be treated, where required, as described in the Post-Construction Stormwater Quality Standards Technical Memorandum developed as part of the 401 Certification.

Bullet #2: Section 3.8.6 describes project design features for stormwater management and treatment. Low-impact development (LID) techniques would be used to detain runoff on site and to reduce offsite runoff. Constructed wetland systems, biofiltration and bioretention systems, wet ponds, organic mulch layers, planting soil beds, and vegetated systems (biofilters) such as vegetated swales and grass filter strips would be used, where appropriate. LID techniques and stormwater treatment measures will also be included in the Clean Water Act Section 401 Water Quality Certification.

Bullet #3: Swales, infiltration/detention basins and other control features included in the project design would be located within the project footprint. For example, portions of the HMF site would be used for onsite infiltration of runoff and/or stormwater detention. Design of the stormwater treatment facilities would follow criteria described in the Clean Water Act Section 401 Water Quality Certification.

Bullet #4: Operation of the HST would require only minor amounts of hazardous materials. Examples of the use of these materials are greases to lubricate switching equipment along the trackway and janitorial supplies at stations. Hazardous materials storage at the HMF could include fuel storage tanks, storage tanks for lubricants and used oils, wash racks, storage tanks for degreasing solvents and for used solvents, paints/coatings and associated solvents, and compressed gases and solder for welding. The quantities of materials used and wastes generated by the HST would be small compared to wastes generated by other transportation services (such as conventional passenger automobiles or air travel, which use petroleum-based vehicle fuel as the primary means of power) and commercial or industrial production facilities. Exact

Response to Submission F004 (Enrique Manzanilla, United States Environmental Protection Agency, Region IX, October 22, 2012) - Continued

F004-7

quantities are not determined at this time. Runoff from station parking lots and the HMF would be treated, where required, following the Post-Construction Stormwater Quality Standards Technical Memorandum developed as part of the 401 Certification. Runoff from the HMF would be subject to the Industrial General Permit, and standard best management practices (BMPs) would be used to reduce or eliminate polluted runoff from discharging from the site. Runoff from the track rights-of-way would be dispersed in a non-erosive fashion, infiltrated on site, conveyed to a nearby stormwater collection system, or as described in the Post-Construction Stormwater Quality Standards Technical Memorandum, developed as part of the 401 Certification. Berkhardt, Rossi, and Boller (2008) estimated the composition and quantity of substances released by the Swiss Federal Railways (SBB) network to the environment, based on composition and use of consumable materials (i.e., brake pads, lubricants, and herbicides). In the case of SBB, the primary substances released from braking were estimated to be iron, copper, manganese, and chromium; zinc was estimated to be released from galvanized poles. A total of about 2,270 tons per year of metals was estimated. Most of the releases are as particulate matter, and only a small amount of metals would be expected to be leached in a dissolved phase. The HST would use regenerative braking technology, which will reduce brake pad wear and the amount of metal particles deposited within the track right-of-way.

Bullet #5: The present design calls for spanning all waterbodies using a clear span, where practicable, and a minimum number of piers in the waterbody otherwise. Also, BMPs will be used to minimize the discharge of storm water directly to any waters of the United States.

Bullet #6: There are presently no plans for fill in any waterbodies except for a small number of bridge piers primarily in the Kern River. Section 3.8 of the Draft EIR and the programmatic EIR describe BMPS that could be used to minimize water quality impacts. The specific BMPS that will be used and where they will be implemented will be determined as part of the final design.

Bullet #7: This is not a question on the contents of the Revised DEIR/Supplemental DEIS. Checkpoint C is part of the process of integrating NEPA and the 404 permitting. The Authority and FRA have been working with the EPA and the USACE on Checkpoint

F004-7

C under the 2010 Memorandum of Understanding. Information provided in Checkpoint C is submitted to the EPA and USACE.

F004-8

Refer to Standard Response FB-Response-GENERAL-03.

Regional Growth

Bullet 1: Counties and cities are responsible for land-use decision-making. The growth induced by the project will be a small portion of the anticipated growth in this region. The growth scenarios are based on current General Plans adopted by the counties and cities. These are the guides for future growth. As described in Standard Response FB-Response-GENERAL-03, no additional scenarios are necessary.

Bullet 2: As discussed in Standard Response FB-Response-GENERAL-03, the potential for commuters living in the Central Valley and working in Los Angeles or San Francisco is expected to be quite small. The HST is not a commuter rail system and its pricing structure will be established in order to compete favorably with airline fares for a comparable trip. The pricing structure would discourage its use by commuters. The commenter offers no evidence to the contrary.

Growth-Related Impacts and Station Area Planning

Bullet 1: The reasons for concluding that induced growth impacts of the Kings/Tulare Regional Station alternatives are not considered significant under the National Environmental Policy Act (NEPA) are discussed in detail in Section 3.13.8, NEPA Impacts Summary. Scenario B+ (preferred scenario) of the San Joaquin Valley Blueprint is a large-scale map illustrating general areas for future urbanization (San Joaquin Valley Regional Policy Council 2010). It does not establish "urban growth areas" per se in that it is solely a regional guide and exerts no power over city and county decisions on land use. The Blueprint identifies a HST station in central Hanford. It does not identify the Hanford East alternative as a station site; and the Hanford West alternative would appear to be on the edge of the urbanizing area illustrated in Scenario B+. Keep in mind that the Blueprint did not take into account the design requirements for an HST

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System, nor did it consider the balance of cost, environmental impact, and social impact that must guide the Authority in its selection of route and station locations. Scenario B+ indicates that HST stations would be built in central Fresno and Bakersfield, so the project is consistent with those locations.

Bullet 2: Land use decisions are solely the responsibility of Kings County in the unincorporated areas. If the county is as concerned over growth-inducement on neighboring lands as it professes to be, it can choose not to approve development on those lands. The Authority will encourage the County to minimize development around the Hanford station, particularly by limiting infrastructure except that necessary to serve the station and by funding the conservation of farmland in the area when available from willing sellers under the California Farmland Conservancy Program. The Authority's March 2011 Urban Design Guidelines will be used in the design of future HST stations (Authority 2011i). The Guidelines include principles of "context sensitive solutions" which encourage the cooperative planning of station areas so that they are sensitive to the physical and social context in which they would be built. The Authority does not intend to install infrastructure beyond that necessary to serve the project. That type of expenditure would divert funds necessary to the project itself and therefore are outside the scope of the project.

Bullet 3: These commitments have already been made in the form of planning grants being made available to station cities. Where station plans are prepared with grant money provided by the Authority, the city and Authority will of course coordinate and collaborate on the plans. This collaboration need not be committed to in the Final EIS.

Bullet 4: The grant program will fund a variety of activities related to station area planning including: development of a station area plan, with vision, goals and objectives for urban design, infill development, and transportation connectivity; development of supporting plans with streamlined development review procedures and implementation and financing plans; supporting environmental review for the plans; public outreach and facilitation; and necessary subcontracts for related studies. The station plan would be required to be consistent with the Authority's station area development policies (e.g., Authority 2010), with the FRA's Station Area Planning Recommendations (e.g., FRA 2011), the regional Sustainable Communities Strategy to be prepared under Senate Bill

F004-8

(SB) 375, the March 2011 Urban Design Guidelines (Authority 2011i), and more. See the March 2011 Application Package for Station Area Planning Funds for a detailed list of activities (Authority 2011j).

Growth-Related Impacts Outside of Station Areas

Bullet 1: The guidelines developed by the Authority and Department of Conservation for the funding of conservation easements on agricultural lands will prioritize farmland that is vulnerable to growth pressures. While this will include prioritizing the conservation of agricultural lands around the prospective Kings/Tulare Regional Station, because the program relies on willing sellers the Authority cannot guarantee that these lands will eventually be protected.

Bullet 2: The Strategic Growth Council and the Authority are signatories to the MOU on Sustainability (Authority et al. 2011). The Authority will coordinate with the Strategic Growth Council on issues relating to that subject, including planning. Chapter 8, Public and Agency Involvement, of the Revised DEIR/Supplemental DEIS describes the Authority's outreach efforts. Coordination will continue on station area planning and to reduce visual impacts from HST infrastructure pursuant to AVR-MM-2a, for example.

F004-9

Refer to Standard Response FB-Response-TR-03.

The Authority may provide a portion of the Kings/Tulare Regional Station Alternative's parking in Downtown Hanford, Visalia, Tulare, or other nearby cities and communities, with transit connectivity to the stations; although no specific site location(s) have been determined. Reducing the number of spaces provided at the station area would allow for more open space areas around the station, discourage growth at the station, encourage revitalization of the downtowns (by providing direct shuttles between downtown and the station), and reduce the development footprint of the station. The FRA's and Authority's goals for the Kings/Tulare Regional Station include creating a station that serves as a regional transportation hub to provide quick transit connections from the station to the downtown areas regionally local cities and communities.

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The Authority prepared and distributed Urban Design Guidelines (Authority 2011i), which is available on the Authority's website, to provide assistance in urban planning for the stations to help achieve great place-making. The guidelines are based on international examples where cities and transit agencies have incorporated sound urban design principles as integrated elements of large-scale transportation systems. The application of sound urban design principles to the HST System will help to maximize the performance of the transportation investment, enhance the livability of the communities it serves, create long-term value, and sensitively integrate the project into the communities along the HST System corridor. The Authority and FRA have also provided planning grants for cities that could have an HST station to assist them in land use planning in the areas surrounding the stations. The stations will be approved by the local jurisdiction through use permits.

As design progresses and refinements are made, additional information will become available. The Authority and FRA will consider whether changes in design, changes in circumstances, or new information will result in a new or more severe environmental impact. In those cases, subsequent or supplemental environmental analyses will be undertaken consistent with California Environmental Quality Act (CEQA) Guidelines Section 15162 to 15164 and FRA Procedures for Considering Environmental Impacts (64 Federal Register 101, page 28545), section 13(c)17. These analyses will result in additional CEQA and National Environmental Policy Act (NEPA) review, as required under those laws.

F004-10

Contaminated sites impacted by the HST project are addressed in Section 3.10 "Hazardous Materials and Wastes." The Station-Area Planning projects that the FRA and Authority are providing funds for are separate projects from the CHST Project. The individual cities are the lead agencies for each station-area planning project. Therefore, the risks that brownfields pose "to successful implementation of station area development plans" is to those separate projects, not the HST project.

The administrative and contractual basis for the station area funds are:

1. The ARRA grant(available on the Authority's website) pages 52-53, for the Federal

F004-10

funds

2. The Authority's High-Speed Rail Station Area Development Guidelines and Board resolution Adopted Board Resolution: Station Area Development Policy (HSRA11-07) for state funds, which derive from Prop 1A funds

The eligible activities for station area planning are further laid out in the Application Package - Station Area Planning Funds pages 3-4.

As discussed in the application package, the Authority "is seeking creative, context-sensitive ideas for how local station area planning efforts can meet local needs, while also supporting the Authority's and FRA'S goals for the HST system and station areas." In this context, if a station city is able to show that using a portion of the their station-area planning funds for brownfields identification and/or assessment is best able to make the objectives of the FRA and Authority laid out in the above referenced documents, then the Authority and FRA would be open to including it in the agreed upon scope of work.

F004-11

Heading "Recommendations for Appendix 3.12-C":

Bullet 1. Section 3.1 describes that although no significant impacts on children's health and safety are expected from the construction or operation of alignment alternatives, there is a potential for air quality and hazardous materials risks from construction and operation of facilities in the proposed station and heavy maintenance (HMF) facility locations.

Bullet 2. The title of Table 3.12-C6 has been amended to reflect the contents, which describe the construction impacts on children's health and safety of alignment alternatives. Table 3.12-C8 describes the station and HMF impacts on children's health and safety. In this table, the air quality impacts detail the effects of a 4-year construction period at stations.

Bullet 3. The significance determinations in Table 3.12-C6 are taken from each of the

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resource area sections in the EIR/EIS (3.2 Transportation, 3.3 Air Quality, etc.) where the methodologies and explanations are presented in detail. This table is meant to provide a summary of the impacts.

Bullet 4. The only significant impacts to children's health and safety would be a result of decreased air quality during station construction, and a hazardous materials spill risk at HMF sites. Therefore, the potential for significant impacts on children's health and safety would occur under any selection of different alternative alignments, as all of those include stations and HMFs.

The recommendations made for the Construction Transportation Plan in Section 3.2, Transportation, have been incorporated into the Final EIR/EIS.

F004-12

Refer to Standard Response FB-Response-SO-07.

Heading "*Clarify Analysis and Findings*":

The methodologies for identifying EJ populations are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012). In general, the socioeconomic conditions of the reference community (four-county region) were used to establish the baseline conditions for the analysis. The analysis followed the Department of Transportation Order 5610.2 on environmental justice which interprets a "disproportionately high and adverse effect on minority and low-income populations" to mean an adverse effect that is predominately borne by a minority population and/or a low-income population, or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Chapter 3.12.5 describes the methodology for evaluating EJ impacts under NEPA regulations. Project effects are categorized as those with negligible intensity, moderate intensity, or substantial intensity.

F004-12

Chapter 3.12.5 describes the methodology for evaluating EJ impacts under CEQA regulations. CEQA defines project impacts on communities that would be considered significant.

The methods to define impacts set forth by NEPA and CEQA are different, and therefore project impacts were evaluated separately under both regulations. Therefore, it is possible that an impact would be substantial under NEPA but less than significant under CEQA.

Heading "Recommendations":

Bullet 1. Yes, the conclusions about environmental justice impacts were made by comparing the impacts to the communities of concern with those to the reference community (four-county region). The methodology used to determine this is described above and detailed in Section 3.12.5. The methodology section was not edited; it states that the EJ analysis determined whether communities of concern would experience disproportionately high and adverse effects using either of the two following criteria: (1) communities of concern would predominantly bear the significant impact; or (2) communities of concern would suffer the significant impact, and this impact would be considerably more severe or greater in magnitude than the impact suffered by the general population.

Bullet 2. Impact SO#18- Environmental Justice identifies the project impacts that would have an impact on EJ communities under both NEPA and CEQA thresholds. These regulations are different, as described above, and therefore an impact can be substantial under NEPA, but less than significant under CEQA. The NEPA Impact Summary, Section 3.12.14, discusses the impacts using NEPA thresholds. The CEQA Significance Conclusions, Section 3.12.15, discusses the impacts using CEQA thresholds.

Bullet 3. The Corcoran Bypass Alternative would result in disproportionately high and adverse impacts on communities of concern and was added to the discussion in the Environmental Justice Effects Conclusion section.

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F004-12

Bullet 4. A comparative table was not added to Section 3.12 because it would not improve the clarity of the presentation of Project impacts. Throughout Section 3.12 and all other sections of Volume I of the EIR/EIS, summary tables of the impacts are provided for the BNSF Alternative, because it is the single continuous alternative that spans the entire project length. Then, each of the alternatives is compared to the corresponding portion of the BNSF Alternative. This presentation style compares the impacts of the alternatives in paragraphs instead of tables and was used achieve brevity in Volume I, while presenting the details of the analysis with more figures and tables in the technical reports in Volume II of the EIR/EIS.

F004-13

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-01, FB-Response-AG-02, FB-Response-AG-03.

Please see Section 3.14.3 in the Final EIR/EIS for more information on the remnant parcel analysis. The identification of remnant parcels that were too small to farm was made by right-of-way experts with experience in acquisition of agricultural lands. The number of remnant parcels and their total acreage are provided in Section 3.14. The analysis used a conservative approach to determine whether or not a parcel was determined to be remnant. All remnant parcels will be re-analyzed once the right-of-way process begins, and the right-of-way agents will work with the farmers to determine whether or not a parcel is farmable.

Compensation is governed by state and federal law, as discussed in Standard Response FB-Response-SO-01. It is an activity undertaken pursuant to the limitations imposed by state and federal law, requiring that the landowner receive just compensation. It is not a "strategy." The amount of compensation will be dependent upon the characteristics of the property being acquired and will be determined on a site-by-site basis. The Authority's right-of-way agents will be individuals who are experienced in the valuation and acquistion of agricultural land. Public acquisition is a property transaction between the Authority and the property owner. Local input by outside parties is not part of that transaction.

The commenter has provided no evidence that the suggested mitigation in bullet 2 of

F004-13

selling to small farmers is feasible. The HST project includes a program intended to consolidate and sell remainder parcels where possible. The property sold must be sold at fair market value and cannot be offered on a subsidized basis. In addition, there is no evidence that (1) there are beginning and disadvantaged farmers in the region who would purchase parcels that are recognized as being too small for economic farming operations; (2) "small-farm" practices would ensure the economic viability of these parcels, particularly in Fresno, Kern, Kings, and Tulare counties where the average size of a farm ranges from 223 acres in Tulare County and 1,116 acres in Kern County (2007 USDA Census of Agriculture, California <http://www.agcensus.usda.gov/Publications/2007/Online_Highlights/County_Profiles/California/>); and (3) there is a "local market" for commodities that could be economically raised on the undersized parcels. Therefore, this measure is not included.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel of 20 acres or less in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

F004-14

The Authority has been coordinating with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife through meetings, project site visits, and permit applications to ensure that proposed mitigation measures are sufficient to address impacts on special-status species and wildlife movement corridors. Comment letters from the California Department of Fish and Wildlife on the Draft EIR/EIS, as well as on the Revised DEIR/Supplemental DEIS, along with the Authority's responses, are

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provided in the Final EIR/EIS.

Improvements to existing transportation infrastructure, including wildlife movement structures, within linkages and corridors in the HST project area would be planned and constructed by other agencies under projects other than the HST project, and would be funded through separate funding sources. The California High-Speed Rail Authority is the state entity responsible for planning, constructing, and operating the HST System. Local municipalities, counties, the California Department of Transportation (Caltrans), and the BNSF Railway are responsible for planning, constructing, and maintaining the roadway and railroad infrastructure that currently limit wildlife movement. The HST project would provide wildlife movement opportunities through a variety of engineered structures (as described in Chapter 2, Alternatives, and Section 3.7, Biological Resources and Wetlands, of the Final EIR/EIS).

F004-15

1. For estimated construction noise impacts after mitigation, we do not have the level of detail at this point to estimate what the level of impact would be at noise-sensitive receivers after the implementation of mitigation measures. We have included mitigation measures that would help reduce noise levels at noise-sensitive receivers to levels that meet the recommended FTA construction noise-level criteria, but these have not been analyzed at every individual potential noise-sensitive receiver.

For project noise impacts after mitigation, additional details and comparisons for alternatives have now been included in Appendix 3.4-A of the EIR/EIS.

2. The economical and physical constraints for a sound barrier are included in the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j), but have now been added to Appendix 3.4-A of the EIR/EIS.

3. The economical and physical constraints for a sound barrier are included in the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j), but have now been added to Appendix 3.4-A of the EIR/EIS.

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4. The project design features to minimize noise and vibration impacts during construction are included in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012j), but have now been added to Appendix 3.4-A of the EIR/EIS.

5. The economical and physical constraints for a sound barrier are included in the *Fresno to Bakersfield: Noise and Vibration Technical Report* (Authority and FRA 2012j), but have now been added to Appendix 3.4-A of the EIR/EIS. Per the details included in the mitigation section, the density of noise-sensitive receivers within the area is not enough to warrant a proposed sound barrier.

6. The construction noise and vibration level thresholds that need to be met during construction can be found in Tables 3.4-1 and 3.4-2, respectively, of the EIR/EIS. Additionally, the thresholds for project-level impacts can be found in Table 3.4-3, Figure 3.4-3, Table 3.4-6 and Table 3.4-7 of the EIR/EIS.

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General Sustainability Guidelines

Sustainability MOU. At the request of EPA, a copy of the Sustainability MOU is included in the Final EIR/EIS. The Authority considers its partnership with the MOU signatories important over the life of the project.

Environmental Management. An Environmental Management System is being developed for the project, particularly to track implementation of mitigation throughout construction. This management system could include a collection and analysis component for relevant data to inform sustainability planning and reporting over the life of the project.

Green Building

Procurement. Currently, RFQs and RFPs contain reference to Authority sustainability policies, procedures, and requirements as well as specific goals and requirements that support the implementation of sustainable infrastructure.

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LEED for HSR Facilities. The Authority is adopting aggressive targets and policies around materials, energy, and water resources used in its facilities, occupant and passenger comfort and health, facilities siting, and construction. Achievement of those targets would be demonstrated using a third-party assessment scheme, such as the Leadership in Energy and Environmental Design (LEED) system, the Living Buildings Challenge, Green Globes, EnergyStar or other appropriate assessment and verification scheme to provide assurance that those targets had been met. The Authority is investigating the targets and strategies that would most cost-effectively deliver appropriate high-performance facilities.

High-performance facilities should examine the use of resources such as water, energy, and materials; incorporation of renewable energy generation into the facility; the health and comfort of the occupants; the siting and policies of a facility to maximize connectivity and minimize single-occupant vehicle trips; operations that promote occupant health and minimize energy and water use; and design that minimizes materials used and considers long-term maintenance as well as deconstruction and adaptability.

These considerations need to be weighed alongside durability and functional requirements for the facility.

CalGreenCode. The 2010 California Green Building Standards has been added to the list of applicable laws, regulations, and orders. The Authority is reviewing and analyzing the relevant and appropriate non-mandatory elements of CalGreenCode and what level of compliance they would require designers to meet.

Sustainable Design for Unique Rail Infrastructure. The Authority is consulting several guidelines and handbooks on sustainable infrastructure, including but not limited to ATPA's Transit Sustainability Guidelines, the Institute for Sustainable Infrastructure, the Zofnass program for sustainable infrastructure, and Civil Engineering Environmental Quality Assessment and Award Scheme (CEEQUAL), as it develops policies and goals for sustainable infrastructure.

Promoting Green Building in Station Areas. The comment identifies several outreach

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activities in which the Authority is encouraged to engage. The Authority recognizes that outreach, information sharing, and planning are critical functions of the delivery of complex infrastructure projects. Below are some areas where the Authority has been engaged with station communities on relevant topics:

The Authority has initiated the station area planning funding support, in cooperation with its federal partners. In the Station Area Planning Grant application package, the Authority provided the following documents:

- California High-Speed Rail Authority 2011 and 2008 Station Area Development Policies
- Federal Railroad Administration Station Area Planning Recommendations

Also, the Authority's Urban Design Guidelines have been distributed to each of the regional consultant teams for use in potential station area planning activities. All of the referenced documents are available to review and download on the Authority's website.

Authority representatives met with City of Fresno staff (28 November 2012) to discuss high-performance building, eco district, and other sustainability-related information for the building and neighborhood scale in respect to the Fresno context.

In addition, as the project continues, throughout subsequent station area planning activities, the Authority can continue to share information with its partners in station area communities. This sharing could include information on adaptation and reuse of partner facilities. If station communities seek to demonstrate the performance of their plans using the Leadership in Energy and Environmental Design: Neighborhood Development (LEED ND) assessment methodology, the Authority would support that effort.

While the Authority appreciates the value of providing information to station communities on sustainable design and sustainability, it would be misleading for the Authority to commit to an action as a project design feature that does not directly fit purpose and need.

Use of Recycled Materials

The Authority continues to investigate appropriate recycled materials that meet specified durability and other performance criteria and would note in specifications and contract documents where contractors should use recycled materials rather than virgin. Contract

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documents and referenced specifications from Caltrans allow the use of supplementary cementitious materials, tire-derived aggregate, recycled concrete and asphalt, and other recycled materials that meet performance criteria.

Without a final design—a document could not come before the issue of a Record of Decision for the environmental document—specific references to recycled materials cannot be provided in the environmental document.

Renewable Energy

Thank you for the reference to EPA's REST tool. The Authority can incorporate that tool into its renewable energy planning activities.

Through EPA funding, the Authority obtained the assistance of the National Renewable Energy Lab (NREL). NREL developed a Strategic Energy Plan for achieving an environmentally sustainable high-speed train system for California. The Strategic Energy Plan laid out specific steps that will enable the Authority to achieve its sustainability, renewable energy, and energy-efficiency goals for the rail system, its stations, and its operations. The plan includes reference to the policy issues included in this comment:

- Use of contaminated land
- Feasibility of renewable energy for stations and facilities
- Coordination with agricultural stakeholders

These and other policy issues related to renewable energy are being analyzed by the Authority and will be clarified in appropriate board-adopted or other policy statements.

It would be inconsistent for the Authority to commit to an action as a project design feature that depends on the cooperation of third parties and that does not directly relate to project purpose and need.