

# California High-Speed Train Project



## Request for Proposal for Design-Build Services

RFP No.: HSR 11-16

### Book 3, Part D, Subpart 2 Approach for Obtaining ICS Environmental Approvals/Permits

| Revision(s) | Date       | Description       |
|-------------|------------|-------------------|
| 0           | 03/22/2012 | Initial Release   |
| 1           | 10/29/2012 | Addendum 5        |
| 2           | 12/14/2012 | Addendum 7        |
| 3           | 01/08/2013 | Addendum 9        |
| 4           | 07/22/2013 | Execution Version |

**APPROACH FOR OBTAINING ICS ENVIRONMENTAL APPROVALS/PERMITS**

|                               |                                   | Merced to Fresno HST Section   |   | Fresno to Bakersfield HST Section                   |   |            |  |
|-------------------------------|-----------------------------------|--|---|---|---|------------|--|
| Responsible Regulatory Agency | Approval/Permit Needed            | Construction Package #1A   | Construction Package #1B                            | Construction Package #1C                            | Party to Obtain Approval/Permit                     | Comments   |  |
|                               | Project Limits:<br>Env. Document: | See Note Below *<br>Merced to Fresno   | See Note Below *<br>Merced to Fresno                | See Note Below *<br>Fresno to Bakersfield           |   |            |  |
| 1                             | USFWS                             | Section 7 Biological Opinion   | Required for ROD                                    | Required for ROD                                    | Required for ROD                                    | Authority  | Will include construction-related biological mitigation measures.  |
| 2                             | NMFS                              | Section 7 Biological Opinion   | Required for ROD                                    | Required for ROD                                    | N/A   | Authority  | Will include construction-related biological mitigation measures.  |
| 3                             | CA SHPO                           | Section 106 MOA/Treatment Plan   | Required for ROD                                    | Required for ROD                                    | Required for ROD                                    | Authority  | For MF, MOA/Treatment Plan has been signed by Authority, FRA and SHPO. The plans include construction-related mitigation measures to be performed by the Contractor. MOA/Treatment Plans will also be required for FB (to be completed by Authority).  |
| 4                             | FRA                               | Air Quality General Conformity Determination                                       | Required for ROD                                    | Required for ROD                                    | Required for ROD                                    | Authority  | FRA determination was completed for the entire Merced to Fresno section and is still pending for the Fresno to Bakersfield HST section. Requires coordination with FRA, EPA, State air resources board, and air quality district.  |
| 5                             | FRA / USDOJ                       | Section 4(f)/Section 6(f) Determination  | Required for ROD                                    | Required for ROD                                    | Required for ROD                                    | Authority  | Section 4(f) pertains to potential project impacts to parks and recreational lands, wildlife and waterfowl refuges, and historic sites; Section 6(f) pertains to existing parks that utilized Land and Water Conservation funds for property acquisition or park development.  |
| 6                             | SJVAPCD                           | San Joaquin Valley Air Pollution Control District (SJVAPCD) Indirect Source Review | Obtain After ROD                                    | Obtain before ROD                                   | Obtain Before ROD                                   | Authority  | Will include construction-related mitigation measures and compliance with SJVAPCD Rules.   |
| 7                             | CDFG                              | Title 14 Memorandum of Agreement   | Obtain After ROD                                    | N/A   | N/A   | Authority  | Requires agreement with CDFG for impacts to Camp Pashayan from construction of a bridge crossing of the San Joaquin River  |
| 8                             | SWRCB                             | Section 401 - State Water Quality Certification                                    | Obtain After ROD                                    | Obtain After ROD                                    | Obtain After ROD                                    | Authority  | Certification to be issued by State Water Resources Control Board  |
| 9                             | SWRCB                             | Section 402 - NPDES Permit<br><i>Construction General NPDES Permit</i>             | Obtain After ROD and Prior to Ground Disturbance    | Obtain After ROD and Prior to Ground Disturbance    | Obtain After ROD and Prior to Ground Disturbance    | Contractor | Pertains to any activity with ground disturbance greater than one acre. Requires filing a Notice of Intent for Coverage and preparation and filing of a Storm Water Pollution Prevention Plan (SWPPP). Contractor will comply with the post-development provisions of Section XIII of the General Construction Permit as set forth in the entry for the HST Individual MS4 Permit below.   |
| 10                            |                                   | <i>Industrial General NPDES Permit</i>   | N/A   | N/A   | N/A   | N/A        | Pertains to discharges from industrial type activities (e.g., fueling, cleaning, repairing facilities) that would be built under a separate Construction Package at a future date.   |
| 11                            |                                   | <i>Individual HST Municipal Separate Storm Sewer NPDES Permit</i>                  | Obtain After ROD and Prior to Storm Drain Operation | Obtain After ROD and Prior to Storm Drain Operation | Obtain After ROD and Prior to Storm Drain Operation | Authority  | Pertains to post-development discharges of stormwater. The Authority is working with the SWRCB to obtain an Individual HST Permit from the SWRCB prior to completion of the first operational storm drain. The Authority will obtain an Individual MS4 NPDES Permit and will prepare and obtain approval of Storm Water Management Plan (SWMP) pursuant thereto, and Contractor will be responsible for implementing both upon completion of the first operational storm drain. With respect to implementation of storm water control measures and design and construction of post-development BMPs, the Authority anticipates that the Individual HST MS4 Permit post-development storm water management requirements and standards (including those for water quality treatment, low impact development, and hydromodification) will be based upon, and substantially similar to the 2012 Caltrans MS4 Permit. |

HSR13-06 - EXECUTION VERSION

APPROACH FOR OBTAINING ICS ENVIRONMENTAL APPROVALS/PERMITS

|                               |   | Merced to Fresno HST Section   |   | Fresno to Bakersfield HST Section  |                                 |   |
|-------------------------------|---|--|---|--|---------------------------------|---|
| Responsible Regulatory Agency | Approval/Permit Needed  | Construction Package #1A   | Construction Package #1B  | Construction Package #1C   | Party to Obtain Approval/Permit | Comments  |
|                               | Project Limits:<br>Env. Document:   | See Note Below *<br>Merced to Fresno   | See Note Below *<br>Merced to Fresno  | See Note Below *<br>Fresno to Bakersfield  |                                 |   |
|                               |   |  |   |  |                                 | Therefore, the Contractor should design and construct BMPs that comply with the storm water management requirements and standards of the 2012 Caltrans MS4 Permit to comply with the future Individual HST MS4 Permit and Section XIII of the Construction General Permit, except that areas of the Project located within the Fresno Metropolitan Flood Control District's (FMFCD's) Master Plan boundaries may comply instead with the Fresno MS4 Permit, in the Contractor's discretion. For purposes of complying with the 2012 Caltrans MS4 Permit, the Contractor may use the most recent version of the Caltrans Project Planning Design Guide (Caltrans 2010), as it may be amended from time to time, as guidance to select and implement storm water treatment, low impact development, and hydromodification BMPs. The Contractor will not file a Notice of Termination under the Construction General Permit (NOT) until the Individual HST Permit has been issued and the NOT is approved for filing by the Authority. The Contractor will provide written notice to the Authority no later than 90 days before completion of the first operational storm drain. |
| 12                            | USACE<br><br>Section 404 Clean Water Act - Dredge and Fill Permit<br><b>Programmatic Permit</b><br><b>Project Level Consistency Determination</b> | Obtain After ROD<br>Obtain After<br>Programmatic Permit and<br>Prior to Construction | Obtain After ROD<br>Obtain After<br>Programmatic Permit<br>and Prior to<br>Construction | Obtain After ROD<br>Obtain After<br>Programmatic Permit and<br>Prior to Construction | Authority<br>Contractor         | A 404 permit is needed for both the Merced to Fresno and Fresno to Bakersfield HST sections. Permit requires that a ROD and 408 Determination be issued by the USACE, a Biological Opinion be issued by USFWS and NMFS, and a Section 401 Certification from the SWRCB. The 404 permit will include construction-related biological mitigation measures that are different than and in addition to those of the 408 and the Biological Opinion and 401 Certification.   |
| 13                            | CDFG<br><br>Section 1602 Streambed Alteration Agreement<br><b>Programmatic Permit</b><br><b>Project Level Consistency Determination</b>           | Obtain After ROD<br>Obtain After<br>Programmatic Permit and<br>Prior to Construction | Obtain After ROD<br>Obtain After<br>Programmatic Permit<br>and Prior to<br>Construction | Obtain After ROD<br>Obtain After<br>Programmatic Permit and<br>Prior to Construction | Authority<br>Contractor         | Pertains to any activity related to diverting or obstructing the natural flow of any river, stream or lake; change or use of any material from the bed, channel, or bank of any river, stream or lake; deposit or dispose of debris waste or any other material where it may pass into any river, stream or lake. Authority is attempting to obtain final permit so that no Contractor Consistency Determination will be required, but Authority may not be successful. Regardless of whether a programmatic or project level permit is obtained, the final permit will include construction-related biological mitigation measures.  |
| 14                            | CDFG<br><br>Section 2081 Incidental Take Permit   | Obtain After ROD   | Obtain After ROD  | Obtain After ROD   | Authority                       | Will include construction-related biological mitigation measures  |
| 15                            | USACE<br><br>Section 408 Determination  | Obtain After ROD   | N/A   | N/A  | Authority                       | In order to support the issuance of the 404 Permit, the USACE or its delegee will need to issue a 408 Minor Determination acknowledging the proposed project will have little or no impact on Corps' owned/operated/maintained flood control facilities.  |

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|                               |  | Merced to Fresno HST Section         |                                      | Fresno to Bakersfield HST Section         |                                 |  |
|-------------------------------|--|--------------------------------------|--------------------------------------|---|---------------------------------|--|
| Responsible Regulatory Agency | Approval/Permit Needed   | Construction Package #1A             | Construction Package #1B             | Construction Package #1C                  | Party to Obtain Approval/Permit | Comments   |
|                               | Project Limits:<br>Env. Document:  | See Note Below *<br>Merced to Fresno | See Note Below *<br>Merced to Fresno | See Note Below *<br>Fresno to Bakersfield |                                 |  |
| 16                            | CVFPB<br>Encroachment Permits (CA Title 23; USACE Section 208.10; and Local Maintaining Agency Endorsement)                              | Obtain After ROD                     | Obtain After ROD                     | Obtain After ROD                          | Contractor                      | <p>This permit is administered by the CVFPB in two stages and will be obtained by the Contractor on behalf of the Authority. The first stage is a General Permit for all encroachments within the construction package. The application for this permit is based on 60% design drawings provided by the Contractor. The application must also include the Local Maintaining Agency endorsement. The Contractor will present the 60% design to the LMA and may be required to make certain changes necessary to obtain their endorsement prior to submitting a General Permit Application.</p> <p>The second stage is issuance of individual permits for each encroachment. Each individual permit will require the Contractor to submit the 90% and the 100% plans and specifications to the CVFPB. The CVFPB will solicit comments from the USACE. Contractor will prepare the submittal packages and respond to comments from the CVFPB and USACE.</p> |
| 17                            | Local Agency Floodplain Administrators<br>National Flood Insurance Program (NFIP) Compliance   | Obtain After ROD                     | Obtain After ROD                     | Obtain After ROD                          | Contractor                      | A local floodplain building permit is required before construction or development begins within any Special Flood Hazard Area (SFHA) shown on local Flood Insurance Rate Maps (FIRM). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and the community's floodplain management ordinances. This approval is provided by the local agency's floodplain administrator.  |
| 18                            | FEMA<br>Condition Letter of Map Revision (CLOMR)/<br>Letter of Map Revision (LOMR)   | Obtain After ROD                     | Obtain After ROD                     | Obtain After ROD                          | Contractor                      | NFIP regulations require a Conditional Letter of Map Revision (CLOMR) to be obtained from FEMA before a project can be built if the project is located on a stream or river that has been studied using detailed hydrologic and hydraulic analyses to establish Base Flood Elevations. Following construction of the project, a Letter of Map Revision (LOMR) application is required to obtain a Letter of Determination from FEMA.   |
| 19                            | Caltrans<br>Right-of-Way Encroachment Permits  | Obtain After ROD                     | Obtain After ROD                     | Obtain After ROD                          | Contractor                      | Required for any construction-related activity within the Caltrans right-of-way.   |
| 20                            | State Lands Commission<br>Long-Term Lease  | Obtain After ROD                     | N/A                                  | N/A                                       | Authority                       | Required for building upon or otherwise occupying sovereign and/or school lands. Sovereign lands include beds of navigable rivers such as the San Joaquin River, lakes and streams and submerged tidal lands.  |
| 21                            | CPUC<br>CA Public Utilities Commission Approvals/Permits<br><b>Programmatic Permit</b><br><b>Project Level Consistency Determination</b> | Obtain After ROD<br>Obtain After ROD | Obtain After ROD<br>Obtain After ROD | Obtain After ROD<br>Obtain After ROD      | Authority<br>Contractor         | CPUC General Order No. 95 requires approval for overhead electric line construction, including overhead catenary construction and the location of power systems. Also, CPUC has approval for closure of existing or construction of new railroad grade crossings.  |

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|                                  |                                   | Merced to Fresno<br>HST Section      |                                      | Fresno to Bakersfield<br>HST Section      |                                    |          |
|----------------------------------|-----------------------------------|--------------------------------------|--------------------------------------|---|------------------------------------|----------|
| Responsible<br>Regulatory Agency | Approval/Permit Needed            | Construction Package<br>#1A          | Construction Package<br>#1B          | Construction Package<br>#1C               | Party to Obtain<br>Approval/Permit | Comments |
|                                  | Project Limits:<br>Env. Document: | See Note Below *<br>Merced to Fresno | See Note Below *<br>Merced to Fresno | See Note Below *<br>Fresno to Bakersfield |                                    |          |

NOTE: All permits for Construction Packages 1A and 1B other than the Belmont/Olive Work to be obtained by the Authority, except the HST Individual MS4 Permit, will be issued by the later of (a) 90 days after issuance of Notice to Proceed - 1, or (b) the latest deadline for providing access to all parcels subject to the permit as set forth in the ROW Acquisition Plan. All permits for the Belmont/Olive Work to be obtained by the Authority, except the HST Individual MS4 Permit, will be obtained by the later of (a) 90 days after issuance of Notice to Proceed - 2, or (b) the latest deadline for providing access to all parcels subject to the permit as set forth in the ROW Acquisition Plan. All permits for Construction Package 1C to be obtained by the Authority, except the HST Individual MS4 Permit, will be obtained by the later of (a) 90 days after issuance of Notice to Proceed - 3 for Construction Package 1C, or (b) the latest deadline for providing access to all parcels subject to the permit as set forth in the ROW Acquisition Plan. Project level consistency determinations will be based on the program level permit obtained by the Authority. The HST Individual MS4 Permit shall be obtained prior to Contractor completion of the first operational storm drain, and upon delivery to the Contractor, the Contractor shall comply with the SWMP as noted above.

\* For a definition of CP1A, CP1B, and CP1C refer to the Scope of Work, Attachment 1 - Limits of Work Table.

**Legend:**

Authority - California High-Speed Rail Authority  
 Caltrans - California Department of Transportation  
 CA SHPO - California State Historic Preservation Officer  
 CDFG - California Department of Fish and Game  
 CPUC - California Public Utilities Commission  
 CVFPB - Central Valley Flood Protection Board  
 FRA - Federal Railroad Administration

NMFS - National Marine Fisheries Service  
 SJVAPCD - San Joaquin Valley Air Pollution Control District  
 SWRCB - California State Water Resources Control Board  
 USACE - United States Army Corps of Engineers  
 USDO I - United States Department of Interior  
 USEPA - United States Environmental Protection Agency  
 USFWS - United States Fish and Wildlife Service

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