

California High-Speed Train Project



Request for Proposal for Design-Build Services

RFP No.: HSR 11-16

Book 3, Part D, Subpart 3 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

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: Env. Document:	See Note Below * Merced to Fresno	See Note Below * Merced to Fresno	See Note Below * Fresno to Bakersfield			
1	USFWS	Section 7 Biological Opinion	Required for ROD	Required for ROD	Required for ROD	Authority/RC	Will include construction-related biological mitigation measures.
2	NMFS	Section 7 Biological Opinion	Required for ROD	Required for ROD	NA	Authority/RC	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/RC	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 D/B Contractor. MOA/Treatment Plans will also be required for FB (to be completed by Authority/RC).
4	FRA	Air Quality General Conformity Determination	Required for ROD	Required for ROD	Required for ROD	Authority/RC	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 / USDOI	Section 4(f)/Section 6(f) Determination	Required for ROD	Required for ROD	Required for ROD	Authority/RC	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/RC	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/RC	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/RC	Certificate to be issued by State Water Resources Control Board
9	SWRCB	Section 402 - NPDES Permit <i>Construction General Permit</i> Programmatic Permit Project Level Consistency Determination	Obtain After ROD	Obtain After ROD	Obtain After ROD	Authority/RC D/B Contractor	Pertains to any activity with ground disturbance greater than one acre. Requires preparation of a Storm Water Pollution Prevention Plan SWPPP.
10		<i>Industrial General Permit</i> Programmatic Permit Project Level Consistency Determination	N/A	N/A	N/A	Authority/RC D/B Contractor	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>Municipal Separate Storm Sewer Systems Permit (MS4)</i> Programmatic Permit Project Level Consistency Determination	Obtain After ROD	Obtain After ROD	Obtain After ROD	Authority/RC D/B Contractor	A Storm Water Management Plan will be prepared, upon which project features must be designed to comply with. The Storm Water Management Plan will demonstrate compliance with existing MS4 permits.
12	USACE	Section 404 Clean Water Act - Dredge and Fill Permit Programmatic Permit Project Level Consistency Determination	Obtain After ROD Obtain After ROD	Obtain After ROD Obtain After ROD	Obtain After ROD Obtain After ROD	Authority/RC D/B 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 Certificate from the SWRCB.
13	CDFG	Section 1602 Streambed Alteration Agreement Programmatic Permit Project Level Consistency Determination	Obtain After ROD Obtain After ROD	N/A N/A	N/A N/A	Authority/RC D/B 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.
14	CDFG	Section 2081 Incidental Take Permit	Obtain After ROD	Obtain After ROD	Obtain After ROD	Authority/RC	Will include construction-related biological mitigation measures
15	USACE	Section 408 Determination	Obtain After ROD	N/A	Obtain After ROD	Authority/RC	In order to support the ROD for the 404 action, the USACE 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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16	CVFPB Encroachment Permits (CA Title 23; USACE Section 208.10; and Local Maintaining Agency Endorsement)	Obtain After ROD	N/A	Obtain After ROD	DB Contractor	This permit is administered by the CVFPB in two stages and will be obtained by the D/B 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 D/B Contractor. The application must also include the Local Maintaining Agency endorsement. The D/B 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. The second stage is issuance of individual permits for each encroachment. Each individual permit will require the D/B contractor to submit the 90% and the 100% plans and specifications to the CVFPB. The CVFPB will solicit comments from the USACE. D/B Contractor will prepare the submittal packages and respond to comments from the CVFPB and USACE.
17	Local Agency Floodplain Administrators National Flood Insurance Program (NFIP) Compliance	Obtain After ROD	Obtain After ROD	Obtain After ROD	D/B 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 Condition Letter of Map Revision (CLOMR)/ Letter of Map Revision (LOMR)	Obtain After ROD	Obtain After ROD	Obtain After ROD	D/B 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 Right-of-Way Encroachment Permits	Obtain After ROD	Obtain After ROD	Obtain After ROD	D/B Contractor	Required for any construction-related activity within the Caltrans right-of-way.
20	State Lands Commission Long-Term Lease	Obtain After ROD	N/A	N/A	Authority/RC	Required for crossing state lands and the San Joaquin River.
21	CPUC CA Public Utilities Commission Approvals/Permits Programmatic Permit Project Level Consistency Determination	Obtain After ROD Obtain After ROD	Obtain After ROD Obtain After ROD	Obtain After ROD Obtain After ROD	Authority/RC D/B 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.

NOTE: Permits to be obtained by the Authority/RC will be obtained no later than 90 days after issuance of Notice to Proceed – 1 for Construction Packages 1A&B and no later than 90 days after issuance of Notice to Proceed – 2 for Construction Package 1C. Project level consistency determination will be based on the program level permit obtained by the Authority/RC.

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

Legend:

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| Authority - California High-Speed Rail Authority | NMFS - National Marine Fisheries Service |
| Caltrans - California Department of Transportation | SJVAPCD - San Joaquin Valley Air Pollution Control District |
| CA SHPO - California State Historic Preservation Officer | SWRCB - California State Water Resources Control Board |
| CDFG - California Department of Fish and Game | USACE - United States Army Corps of Engineers |
| CPUC - California Public Utilities Commission | USDOI - United States Department of Interior |
| CVFPB - Central Valley Flood Protection Board | USEPA - United States Environmental Protection Agency |
| FRA - Federal Railroad Administration | USFWS - United States Fish and Wildlife Service |

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