Comment Letter O044 Continued

Further, the analysis of the relative aesthetic and visual impacts of the HST alignment alternatives in the Bakersfield to Los Angeles segment (p. 3.9-17) is confusing and the conclusions lack support. The I-5/Wheeler Ridge alignment is identified as having the lowest aesthetics/visual quality impacts of the alignments in the Bakersfield to Sylmar segment, yet the Wheeler Ridge and Union Avenue alignment options are both identified as having high-contrast impacts related to aerial structures. This section also indicates "the landform in the mountainous areas on the Antelope Valley corridor would be largely unaltered," yet the next sentence indicates "visual contrast related to cut and fill in these areas would therefore be greater than along the I-5 corridor"—an apparent contradiction.

O044-20 cont.

Given the high visual quality and sensitivity of the I-5 corridor, particularly within the Grapevine to Santa Clarita section which includes scenic national forest lands within the viewshed, it is difficult to justify the conclusion that either of the I-5 alignment options would be superior to an Antelope Valley alignment. As noted above, the visual impact of a HST construction and operation along an I-5 alignment would likely be visible to more people along non-tunnel segments than with the Antelope Valley alignment. The contradictory nature of the analysis renders the resulting conclusions as being legally unsupportable.

SECTION 3.10, PUBLIC UTILITIES

In analyzing the alternative routes, it is noted that the SR-58 alignment has the potential of impacting the Lancaster Water Reclamation Plant. In discussing this potential impact, however, there is no analysis related to the possible movement of the rail lines to miss this fixed facility. Regardless, the discussion goes on the state that SR-58 alignment would have the fewest utility conflicts, and that the I-5 option would have the most. There is however, absolutely no discussion as to how this particular conclusion was reached. Without supporting data and evidence the conclusion reached is legally unsupportable.

O044-21

SECTION 3.11, HAZARDOUS MATERIALS and WASTES

The analysis included in this section is limited to the topics of hazardous materials and wastes, and does not discuss other hazards listed in *CEQA Guidelines* Appendix G (VII., Hazards and Hazardous Materials) that may result in significant impacts. The EIR/EIS must address all hazards listed in *CEQA Guidelines* Appendix G (VII., Hazards and Hazardous Materials).

The information included in Section 3.11 is so broad and preliminary as to make hazardous materials and wastes considerations insignificant in the selection of a system alternative or selection of the HST alternate alignments. This section should include separate discussions of the alignments so that a reasoned analysis of impacts can be undertaken.

O044-22

The information included in Section 2.3, Hazardous Materials Used in Operation, Maintenance, and Construction of the Alternatives, indicates that a 'qualitative review' of these impacts will be included in the Program EIR/EIS. However, Section 3.11 discusses only the

impacts of existing or potential hazardous materials and wastes sites upon construction, operations, and maintenance activities (page 3.11-3). Hazardous materials used must be identified or characterized in the EIR/EIS.

O044-22 cont.

SECTION 3.12, CULTURAL and PALEONTOLOGICAL RESOURCES

This section presents a potentially insufficient assessment of cultural resources impacts by failing to clearly factor in the percentage of each HST alignment alternative that has not yet been surveyed. In so doing, the estimation of the number of cultural sites potentially impacted can be very misleading. Also, use of a methodology for assessment of historic impacts based primarily upon the percentage of each alternative corridor that passes through areas that originally developed in specific predefined historic time periods is inconsistent with common practice. This provides a poor substitute for preliminary surveys for historic structures and/or quantification of the number of sites listed on the National Register of Historic Places (NRHP) which may be impacted.

The methodology for determining low, medium or high impacts is based on "known" information. Thus, if an area has been subjected to extensive surveys, there is a greater potential that there will be a high impact in that area. This might not be the case in the real world. A more appropriate way to evaluate would be to include a number indicating the percent of the route that has been surveyed. Using this number with the number of sites in an area would be a better method for comparison and must be included within the analysis.

O044-23

The analysis related to historic structures is inconsistent with common practice methodology. The methodology used states that any developed areas might have impacts based on nothing other than being built more than 50 years ago. It specifically states, "Specific structures from the historic period were not identified for this program level analysis. Instead, the percentage based on linear miles of each alternative corridor that passed through areas that originally developed in specific predefined historic time periods (before 1900, 1900 to 1929, and 1930 to 1958) was determined from historical maps, aerial photographs, and local planning documents of the history of the region." (p. 3.12-5).

Again, using a methodology that documents what percentage of a route has been surveyed, what types of sites have been identified and what number of existing NRHP sites are present on a route would be a more reasonable and legally supportable approach to an environmental analysis and should be incorporated into the EIR/EIS.

3.12.2 AFFECTED ENVIRONMENT

There is no reference in the rest of the section on where the Areas of Potential Impacts ("APE") are defined for the routes. Does the I-5 corridor have the same width the entire length? What are the impacts to SR-58/Soledad Canyon? There is no indication that similar areas were examined for each alternative. It may be possible that one route was primarily analyzed at 100 feet and another was done at 500 feet. A consistent approach is necessary in order for any resultant analysis to be to be legally supportable.

O044-24

Comment Letter O044 Continued

Generally, it is difficult, if not impossible to determine what has been studied, what the widths of study are, and whether they are the same width between the two alternative alignments. There is no comparison provided. This limitation, is coupled with the fact that there is no way to determine if the lack of sites on a portion of a given route is due to little or no survey coverage or the true lack of archacological materials. The EIR/EIS must expand this discussion and address which portions of the routes were not analyzed due to a lack of surveys and for comparison purposes in order to be legally supportable.

O044-24 cont.

No where in the document is there a discussion of tunneling impacts on paleontological resources. Nor, is there a comparative evaluation of alignments in this regard. This is one of several issue areas in the EIR/EIS where the subsurface impacts could be more severe than surface impacts. Based on the current information, it is impossible to make a comparative finding of impact, other than the fact that the I-5 Tehachapi Corridor has more miles of tunneling than the SR-58/Antelope Valley/Soledad Canyon Corridor. Consequently, the EIR/EIS must provide this analysis in order to be legally supportable.

SECTION 3.13, GEOLOGY and SOILS

The Ranking System utilized for Comparing Impacts Related to Geology/Soils/Seismicity, page 3.13-2, is misleading and fatally flawed. As an example, with regard to the issue of "Difficult Excavation" the impact rating is high, medium, or low based upon percentage of length. Therefore, if one had to tunnel through solid bedrock for less than 10 percent of an alignment, the resulting impact would be low. Whereas, if an alignment had a longer length of excavation, even with less difficult terrain or soil features, the ranking would be high.

The ranking system places too much emphasis on length, as opposed to the true difficulty of the excavation based upon such determining factors such as soil, geologic formations, slope, etc. As an example, Table 3.13-A-4 concludes that the I-5: Tehachapi Corridor is ranked "L"- for low impact. This conclusion is illogical. Considering the amount of excavation, the type of geological materials and the tunneling that would be necessary for this alignment, the conclusion that impacts would be low defies logic. The analysis tying "difficult excavation" to length of tunneling grossly understates the severity and significance of the impacts. The methodology used is not legally supportable.

O044-25

The ranking system also equates the impacts of slope instability on oil and gas fields with percentage of length. More real determining factors such as topography and soils should be considered when evaluating impacts to slope stability in oil and gas fields. This analysis is completely flawed and ranking system must be reevaluated.

Table 3.13-2, Summary of Geology Potential Impact Rankings by Alternative and Segment, is too vague and combines the High-Speed Train and High-Speed Train Alignment Options into one HST category. Each alignment of the HST must be clearly differentiated in the table. By combining impacts, this table is misleading and does not give the decision makers a sense of the relative impacts on each of the High-Speed Train route alternatives, and does not allow them to make a determination of the environmentally superior alternative. The section is

so unclear as to which improvement locations are associated with each alignment, the necessary evaluation of potential impacts required of the decision makers prior to choosing a preferred alignment will not be possible.

O044-25 cont.

Finally, there is no clear discussion of CEQA significance thresholds for discussion and analysis purposes.

SECTION 3.14, HYDROLOGY

The information that is presented is of little value. The use of the total number of linear feet of streams that may be impacted is an inappropriate measure of impact significance. The text indicates that the I-5 corridor has a potential to impact 30,000 linear feet of streams, while the SR-58 route would impact 60,000 linear feet. The report does not mention anything related to the types of streams, flow rates, and length of downstream impact. It does not contain a description of the methodology used to calculate the impacted areas nor where the impacts are located. An appropriate number for analysis might be stream crossings (perennial vs. intermittent or ephemeral). This impact could be quantified and could result in a number that could be calculated into acres. The section is currently so unclear that the necessary evaluation of potential impacts required of the decision makers prior to choosing a preferred alignment will not be possible.

O044-26

The document goes on to state that it is impossible to determine which potential alignment alternative would affect more groundwater resources. At the Program EIR level, however, the amount of tunneling could be compared and used as an indicator of the potential significance of this impact for each alignment.

SECTION 3.15 - BIOLOGICAL RESOURCES AND WETLANDS

The biological resources study area was 1,000 feet in urbanized areas, 0.25 mile in undeveloped areas, and 0.50 mile in sensitive areas. The criteria for "urbanized", "undeveloped", and "sensitive" is not defined in the EIR/EIS. The EIR/EIS goes on to state that the study area in the Bakersfield to Los Angeles region was 0.5 mile, which was supposed to be used in sensitive areas. The document further states that the broader study area was used due to the Tehachapi mountain crossings. The urbanized area study criteria does not appear to have been used in the highly urbanized area of Los Angeles. The use of each buffer area differed from segment to segment based upon the judgment of the technical report team. This lack of consistency renders any conclusions drawn as being legally unsupportable.

O044-27

It should also be noted that no field verification was conducted related to any of the data used in the report's analysis. The lack of field verification is a major flaw in the biological section as many of the databases relied upon by the authors are unreliable, have data gaps, and do not always represent current habitat conditions. The use of unreliable data combined with unknown or speculative methodology, the failure to field verify data sources, and the failure to use existing/extant data and reports where available, are significant issues, and it is important that the EIR/EIS provide full and accurate information in order to comply with CEQA.

Comment Letter O044 Continued

Because construction of the HST project will involve temporary and permanent fills in waters of the U.S., issuance of a permit under Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers (Corps) will be required. In accordance with the Clean Water Act, the Corps "...cannot permit a discharge of dredged or fill material into waters of the U.S. if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." The Least Environmentally Damaging Practicable Alternative is known as the LEDPA.

O044-27 cont.

When an individual 404 authorization is requested from the Corps, the LEDPA is determined through the preparation of an alternatives analysis. The alternative analysis must "rigorously explore and objectively evaluate" all reasonable and practicable off- and on-site alternatives capable of achieving the purpose of the proposed activity. *Practicable* is defined by *cost*, *technical,* and *logistic factors*. The EIS/EIR should identify alternatives that would ultimately be consistent with the LEDPA that will be required by the Corps.

SECTION 3.17 - CUMULATIVE IMPACTS EVALUATION

This section provides only a superficial discussion of cumulative impacts for the Systems Alternatives, and does not differentiate on the cumulative impacts of the HST alignment alternatives. Appendix 3.17a provides information on cumulative projects for the SR-58 corridor, but nothing for any of the other alignments between Bakersfield and Los Angeles. Consequently, the EIR/EIS is in violation of Section 15130(b)(1)(A) of the CEQA *Guidelines*:

> "(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
>
> (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact."

O044-28

The method utilized within the EIR/EIS is the list method and must delineate which projects should be considered from a cumulative perspective for each segment.

Contrary to the intent of *CEQA Guidelines* 15168(b)(2), the Program EIR does not reflect a thorough consideration of cumulative effects associated with the HST alignment alternatives. The section should clearly delineate the cumulative impacts related to each HST alignment. "Combining" HST cumulative alignment impacts into one discussion provides the decision makers with no real means of identifying potential impacts associated with each of the alternative alignments. Consequently, no valid conclusions can be made with regard to the cumulative impacts of the alternative HST alignments. The cumulative impact analysis as proposed is inadequate and must include all projects that may create combined impacts when considered in conjunction with each of the proposed HST alignment alternatives. This is particularly true with regard to geology, biological resources, and aesthetics.

SECTION 4, COSTS AND OPERATIONS

As with other sections of the EIR/EIS, it is unclear which combination of alignment and station options the included analysis represents, thus depriving the decision makers of the necessary information in order to determine the environmentally superior alternative.

O044-29

SECTION 5, ECONOMIC GROWTH AND RELATED IMPACTS

This section of the Draft Program EIR/EIS purports to address the extent of potential statewide, regional and certain local growth effects of the HST and Modal Alternative. The analysis, however, focuses primarily on very large geographic areas (subregions and counties), and the differences in percentages of growth between the HST and the Modal Alternative, as compared with the No-Project Alternative, both of which mask important sub-county absolute growth and HST station-specific issues.

The analysis also fails to analyze important segments of the proposed HST system that cross its subregional designations, such as the Los Angeles-Bakersfield Segment, whose end points are located in different subregions (Southern California and South Central Valley, respectively) and counties (Los Angeles and Kern, respectively). As a result, this section does not adequately fulfill the requirements under CEQA and NEPA that the induced growth section analyze and disclose the degree to which the project directly or indirectly fosters population, household, housing and employment or other indicators of economic growth, removes obstacles to growth or taxes community service facilities to the extent that would cause construction of new facilities, or encourages or facilitates other activities that cause significant environmental impacts.

O044-30

Additionally, as noted earlier in these comments, this section, as with the entire EIR/EIS, fails to take into account the probable development of Palmdale Airport and the related economic benefits which would be brought about from the development of the HSR combined with an alignment which provided intermodal connectivity between Burbank and Palmdale Airports.

SECTION 5.3, POTENTIAL GROWTH-INDUCING EFFECTS

The induced growth section appears to be based largely on analysis contained in a technical report cited in the Section. Although this document is listed in the references, it was not included among the Draft EIR/EIS technical reports made available for public review, preventing members of the public and the decision makers from performing a complete review of the Draft EIR/EIS, contrary to the requirements of both CEQA and NEPA.

O044-31

The induced growth impacts analysis is based on a projection of total, statewide economic impacts (measured in terms of population and employment growth) due to the HST, Modal Alternative and No-Project Alternative. The analysis, however, is conducted using geographic scales that mask potentially important impacts that cross the system of subregional

Comment Letter O044 Continued

areas and counties. For example, the end points of the Los Angeles-Bakersfield Segment are located in counties (i.e., Los Angeles and Kern, respectively) which are in two separate analysis subregions (Southern California and South Central Valley, respectively), and there is no analysis of induced growth across subregions. Thus, prospects for the HST to induce population growth in Bakersfield, because of the faster and cheaper commute it would make possible between less expensive housing there and employment centers in Los Angeles County, is not considered in the induced growth analysis, consequently the analysis of potentially growth inducing effects is legally inadequate. The same deficiency exists regarding potential growth in the North Central Valley by persons employed in the Bay Area. O044-31 cont.

SECTION 6, HIGH SPEED TRAIN ALIGNMENT OPTIONS COMPARISON

The summary table used in Section 6.4 is very brief and masks problems associated with the methodologies used to derive impact conclusions in several key impact categories for the various possible alignments. No references and sources are provided to support the entries in the comparison tables. Without supporting data and documentation, the conclusions drawn related to the alternative alignments are not properly supported by substantial evidence. O044-32

SECTION 7, UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

This Section states that "Only general statements of potential impacts can be made at this program level of review because field studies were not conducted and the buffer area used for the analysis was many times larger that the actual right-of-way for the alternatives under consideration in most instances." As has been noted, the lack of field verification of alignment information, the use of highly variable and overly broad potential zones of impact, and the recognition that impacts may be overstated for particular alignments renders the document inadequate. Sufficient information is not provided in order o allow the decision makers and the public to be aware of the potential environmental impacts of the project. O044-33

This section fails to identify an environmentally superior alternative from among the alternative HST alignment options. The Final EIR/EIS should make such a determination.

SECTION 8, PUBLIC AND AGENCY INVOLVEMENT

No Comment

SECTION 9, ORGANIZATION, AGENCY AND BUSINESS OUTREACH

No Comment

SECTION 11, DRAFT PROGRAM EIR/EIS DISTRIBUTION

No Comment

SECTION 12, SOURCES USED IN DOCUMENT PREPARATION

As has been noted the 'Sources' listed in this section include statewide and regional technical studies that were not part of the EIR/EIS appendices. Any source material relied upon in the preparation of the EIR/EIS must be included in the appendices made available to the public and the decision makers. O044-34

Sincerely yours,

Dennis Mullins
General Counsel

Response to Comments of Dennis Mullins, General Counsel, Tejon Ranch Company, August 26, 2004 (Letter O044)

O044-1

The Authority has identified the SR-58/Soledad Canyon Corridor (Antelope Valley) with an HST station at Palmdale as the preferred option for crossing the Tehachapi Mountains between the Central Valley and Southern California. This alignment and station configuration allows for connectivity with Palmdale Airport. Palmdale airport is not included in Figure 2.4.1 of the Draft Program EIR/EIR because it is not a part of "the existing intercity transportation infrastructure that currently serves the major travel markets", as Figure 2.4.1 is noted. Palmdale airport is not included in the No Project Alternative because it does not have identified funding for implementation by 2020.

O044-2

The co-lead agencies respectfully disagree with the commentor's assertion. The Program EIR/EIS provides sufficient information and analyses to satisfy legal requirements and to inform the decisions to be made at this phase of project development. Extensive documentation supporting the PEIR/EIS is incorporated by reference, included in appendices, and referenced in the document. Please see Standard Response 3.15.13.

O044-3

Section 2.6 describes the physical characteristics of the proposed HST Alternative. Each section of Chapter 3 also outlines specific design features that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

O044-4

The Program EIR/EIS addresses potential environmental impacts for the system alternatives and for alignment and station options. Key differences between alternative alignment and station options are highlighted in each environmental section of Chapter 3 and summarized in Chapter 6. Specific impacts would be addressed in detail in subsequent project level analysis.

O044-5

A discussion of general mitigation strategies for the program level of analysis has been included in each environmental section of Chapter 3 in the Final Program EIR/EIS and includes mitigation strategies that would be applied in general for the HST system. Each section of Chapter 3 also outlines specific design features that will be applied to project level studies and the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

More specific mitigation measures will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed. The more detailed engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts. Once the alignment is refined and the facilities are more fully defined through project level analysis, and after avoidance and minimization efforts have been exhausted, specific impacts and mitigation measures will be addressed in more detail.

O044-6

The Authority has identified the SR-58/Soledad Canyon Corridor (Antelope Valley) with a station at the Palmdale Airport/Transportation Center as the preferred option for crossing the Tehachapi Mountains between the Central Valley and Southern California. This alignment and station configuration allows for connectivity with Palmdale Airport. Palmdale airport is not included in the No Project Alternative because it does not have identified funds for implementation by 2020.

Regarding the relationship of the proposed HST Alternative to the SCAG Maglev project, please refer to Response AL065-1.

O044-7

Acknowledged. Please see standard response 6.23.1.

O044-8

Acknowledged. Please see standard response 6.23.1 and response O044-1. The Palmdale Airport/Transportation Center site has been identified as the preferred location for a HST station to serve the Antelope Valley. This potential station location would offer a high level of connectivity to Palmdale airport. The Draft Program EIR/EIS acknowledged that the Palmdale station site "is close to Palmdale Airport, with the opportunity for convenient shuttle or people-mover service".

O044-9

Acknowledged. The Authority and FRA believe that the Alternatives analysis in the Draft Program EIR/EIS meets the intent and requirements of CEQA and NEPA.

See also standard response 3.15.13 and standard response O042-11.

O044-10

The Authority has identified the SR-58/Soledad Canyon Corridor (Antelope Valley) with an HST station at Palmdale as the preferred option for crossing the Tehachapi Mountains between the Central Valley and Southern California. This alignment and station configuration allows for connectivity with Palmdale Airport. The Program EIR/EIS traffic analysis was completed at a regional level of detail based on the most current available regional modeling data. Should the HST system move forward, site-specific intersection traffic analysis utilizing current traffic count data and the most current available land use development data would be required as part of subsequent project specific analysis. The Authority would work closely with the local governments (cities) and others involved to ensure that adequate and appropriate access improvements are identified to minimize and mitigate potential traffic impacts. Detailed traffic studies would not be appropriate until proposed stations are more defined in terms of location and design during subsequent project level studies.

O044-11

Section 3.1.1 addresses general NEPA and CEQA requirements together with regard to the scope of the traffic analysis and methodology to be used to satisfy both. No specific revisions are required to be noted. The entire document was prepared to satisfy applicable CEQA and NEPA requirements.

O044-12

To include the Palmdale Airport as part of the No-Project Alternative would be inconsistent with the basic premise of the alternative (includes programmed and funded improvements only). The airport improvements defined for the Modal Alternative are representative in nature and are not meant as an explicit or implied recommendation for aviation infrastructure capacity improvements to serve the future intercity demand. See response O044-1. Development of the Modal Alternative provided for a comparison of the overall potential for environmental impact of system alternatives (No Project, Modal, and HST). The specific placement of these improvements is immaterial to the purpose and results of the study.

The Authority has identified the SR-58/Soledad Canyon Corridor (Antelope Valley) with an HST station at Palmdale as the preferred option for crossing the Tehachapi Mountains between the Central Valley and Southern California, due in part to its connectivity benefits.

O044-13

It is not reasonable, practical, or appropriate to conduct localized air quality analyses at the program level of study. The alternatives cannot be defined in sufficient detail (precise alignments, precise station locations, and station access configurations) to enable the detailed intersection level of traffic analysis necessary to support a localized air quality study utilizing such tools as the CALINE4 computer model. The differences in potential air quality impacts for

various HST system alignment options would be relatively small, although these would be differences in local background levels also, and the differences for the alignment would not be discernable given the level of analysis detail that is possible at this program level of study.

Construction related air quality impacts are generally addressed in the Final EIR/EIS at sections 3.3 and 3.18 and would be addressed in more detail in subsequent project level analysis. In the program environmental review, not enough information is available regarding location of facilities, implementation phasing, and types of construction required to accurately predict equipment use scenarios and durations that will be used to define construction emissions. More detailed construction staging, traffic handling plans, and traffic analysis can be completed when specific sites are identified and project level design plans are prepared.

O044-14

Regional planning does not suggest that development of commercial service at the Palmdale Airport would result in a net reduction in flights at LAX; instead, a new Palmdale facility would serve the growth in air traffic. No significant differences in noise impacts would be anticipated.

Trains in tunnels do not have ambient noise impacts to sensitive receptors located on above ground, unless the receptors are near the portal locations.

More detailed evaluation of potential noise impacts will be included in subsequent studies.

Regarding potential noise impacts on wildlife, see Standard Response 3.4.1.

O044-15

- The co-lead agencies disagree with your assessment. Although differences in energy impacts between alignments were not included specifically in section 3.5, these were calculated for the various HST alignment options as part of the O & M costs (referenced in section 4) analysis. Please see response to comment O056-4.

In regards to determination of significance, please see Section 7.1.1 and Table 7.3.1.

O044-16

Overall, it can be expected that the HST Alternative would introduce additional EMF exposures or EMI at levels for which there are no established adverse impacts on humans or wildlife, and there would be little differences, if any, between alignments identifiable at the program level of analysis.. EMF emissions from HST vehicle passby's are very low, and impacts are therefore not expected to be significant. EMF/EMI emissions will be analyzed in the subsequent project level environmental review in more detail, as summarized in the DRAFT PROGRAM EIR/EIS in Section 3.6.4 and 3.6.5. This analysis is not inconsistent with other areas in the EIR/EIS.

O044-17

Please see response to Comment AL063 – #1 and #14 regarding review of local and regional plans. Please see standard response 3.15.10 regarding use of habitat conservation plans, natural community conservation plans (NCCP), and other approved local, regional, or state habitat conservation plans. The analysis conforms with applicable legal requirements.

O044-18

The evaluation of environmental justice impacts is described on pages 3.7-4 and 3.7-5 of the PEIR/S. This evaluation looked at study areas through which the Modal and HST Alternatives would pass – i.e., the areas that could be potentially affected by the alternatives and their alignments. An evaluation was made as to whether these areas where impacts could occur, contain high levels of minority or low-income residents. Each of the sections in Chapter 3 discusses the potential impacts that could occur along these alignments according to environmental subject area (e.g., noise, land use, etc.). The review of the presence of low-income and

minority populations in the environmental justice section in combination with other sections of Chapter 3 is therefore sufficient, particularly to draw program level conclusions for the proposed system as a whole regarding the potential for disproportionate impacts.

O044-19

In the Final Program EIR/EIS, each environmental sections of Chapter 3 has been modified to include mitigation strategies that would be applied in general for the HST system. Further discussion of possible mitigation strategies for potential impacts to farmland has been included in section 3.8 Specific impacts and potential mitigations will be addressed in more detail during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed. The more detailed engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts to farmland resources. The case cited as possibly limiting mitigation for impacts to agricultural lands has been depublished and cannot be cited as authority. In other cases, the use of easements for mitigation has been found to be appropriate.

O044-20

As stated in the Draft Program EIR/EIS, while both alignment options have potential for high contrast and shadow impacts, the SR-58 alignment option would have a greater extent of cut and fill slopes resulting in greater potential for visual impacts than the I-5 alignment option. The relatively large portion of tunneling would reduce the I-5 alignment option's potential for visual impacts as compared to the SR-58 alignment option.

O044-21

The conclusion that the SR-58 alignment option would have less potential for utility conflicts is based on the number of potential utility crossings estimated for each alignment option. For more details of the conflict types see the Bakersfield to Los Angeles Public Utilities Technical Evaluation, January 2004. Refer to discussion about potential utility conflicts and likely avoidable through alignment and design variations with more detailed study at the project level environmental review.

O044-22

Hazardous materials impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed and the construction and operation activities that are likely to occur near any potentially impacted sites. The more detailed engineering associated with the project level environmental analysis will allow further investigation to avoid, minimize and mitigate potential impacts. Once the alignment is refined, the facilities are fully defined through project level analysis, construction and operational plans are refined, and after avoidance and minimization efforts have been exhausted, specific impacts and mitigation measures will be addressed.

The generation of solid waste materials (from construction and operations) will be addressed in subsequent project level environmental review. It is appropriate to consider the potential for impact at the project level of analysis when accurate quantities of waste can be determined. The methods of construction including excavation and disposal/use of excavated materials are generally discussed in Section 3.18 of the Final Program EIR/EIS.

O044-23

Please see standard response 3.15.2, standard response 3.15.13, and standard response 3.16.1 for more information on the intended uses of the PEIR/S and anticipated subsequent studies including project-level evaluations that would be prepared for selected HST alignment options. These studies would provide a detailed evaluation of cultural resource data. The analysis of cultural resources was based on literature review as described in section 3.12. This level of detail is appropriate for this programmatic review to produce a

general comparison of potential resources/impacts between alignment options.

O044-24

The APE for cultural resources is described in subheading 3.12.2 of the PEIR/S. This program level, Tier 1 study used existing information regarding cultural resources (see section 3.12.1B) and did not provide a "gap analysis" identifying portions of the alignments that have not been surveyed. The existence of previous surveys and any need for additional information will be addressed in the project-level, Tier 2 studies when potential tunnel impacts can also be considered in greater detail.

O044-25

The Co-Lead agencies respectfully disagree with the commentor's assertions regarding the use of length of potential impact as an indicator for comparing alignment options. The use of length or proportion of alignment options with similar constraints or types of impacts is appropriate to allow the comparison of two alternative alignment options in the same segment. This is an appropriate methodology for program-level environmental review. The methodology used is also appropriate for considering slope instability. More detailed analyses will be included in project-level environmental review.

O044-26

Please see standard responses 3.15.2, 3.15.6, 3.15.7, 3.15.8, and response to Comments AF007 – 2, AF007 – 5, AS004 – 41, and AS012 – 12. Currently, 23 miles (37 km) of the I-5 Tehachapi alignment option between Bakersfield and Sylmar are anticipated to be in tunnel, representing about 27 percent of the total alignment. 13 miles (21 km) are anticipated to be in tunnel for the Antelope Valley alignment option through the same geographic segment, representing about 18 percent of the alignment. Impacts to groundwater are more likely to occur for tunnel portions of the HST alignments. Please see standard response 3.15.5 regarding groundwater evaluations and mitigation.

O044-27

The purpose of the program level environmental analyses were to identify potentially impacted resources and impact areas to provide a basis for evaluation and comparison of system alternatives and HST alignment options within the same segment and to focus subsequent project level environmental review. The HST alignment options between Bakersfield and Sylmar were compared using consistent envelope widths. Additional analysis is included in the Final Program EIR/EIS to describe representative direct impacts of the Modal and HST Alternatives and HST alignment options based on the likely footprint of the facilities proposed. Please see Section 3.15.3. Please see standard response 3.15.2 and standard response 3.15.13 regarding the level of detail used for the evaluations in this PEIR/S and the intended uses of this PEIR/S.In evaluating alternatives, every effort has been made to carry forward those options that are likely to be the least environmentally damaging practicable alternative (LEDPA). The nature and large geographic extent of the proposed HST system precludes total avoidance of jurisdictional resources. Even at this stage, every effort has been made to avoid wetland resources. As the Project progresses through subsequent design and environmental reviews, more detailed analyses will be possible, and additional avoidance and mitigation techniques can and will be applied. For example, one mitigation strategy identified in the Draft PEIR/S is the adjustment of alignment plans and profiles and construction of structures above grade or in tunnels to avoid impacts. Please see response to Comment AF007 – 2, and standard responses 3.15.6, 3.15.7, and 3.15.11 for additional discussion of the LEDPA.

O044-28

See Standard Response 3.17.1.

O044-29

Consistent combinations of alignment options have been used for all comparisons. Please see standard response 5.2.2.

O044-30

Please see response 5.2.4 for issues related to the geographic scale and subregional designations of the analysis.

Please see standard response to comment O044-1 in regards to Palmdale Airport and potential intermodal connections.

O044-31

Please see standard response 5.2.4 for issues related to the geographic scale of the analysis and availability of the technical report on economic growth effects.

O044-32

The comparison of alignment options in Chapter 6 focuses on the key differences. All information presented in Chapter 6 is drawn from the information presented in the other Chapters of the Program EIR/EIS; primarily Chapter 3.

O044-33

The Authority and FRA believe that the Unavoidable Adverse Environmental Impacts chapter in the Draft Program EIR/EIS meets the intent and requirements of CEQA and NEPA.

See response O042-11 regarding identification of the proposed HST system as the environmentally superior alternative and the identification of various preferred alignments and station options for further study. This satisfies CEQA requirements for the program-level analysis and environmentally superior alternatives among specific alignments will be identified during future project-level environmental reviews.

O044-34

The technical studies are available for public review at the Authority's office in Sacramento. The technical studies were made widely available to the public by placing them on the Authority's website at www.cahighspeedrail.ca.gov. Pleas see standard response 10.1.1.

Comment Letter O045

O045

TORREY PINES
COMMUNITY PLANNING BOARD
ROBERT GILLESKIE, CHAIR 2570 PINEWOOD ST., DEL MAR, CA 92014
Phone 858-793-1757 Fax 858-654-8202 rjgilleskie@san.rr.com

August 28, 2004

Attn: California High-Speed Train
Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

To Whom It May Concern:

Torrey Pines Community Planning Board (TPCPB) is a City of San Diego-recognized planning group with a mandate to develop and defend the community plan for an area that includes the State-protected Los Penasquitos Lagoon State Preserve (Penasquitos Lagoon).

By this letter, TPCPB officially states for the record that it unanimously opposes any proposed route that would run through Penasquitos Lagoon, and any route that would tunnel under Camino del Mar in the City of Del Mar. Specifically, TPCPB strongly opposes both "Camino del Mar tunnel" options (CDM/Penasquitos routes) contained in the California High Speed Rail Authority (CHSRA) draft EIR/EIS document.

TPCPB is joined in this opposition by a broad coalition of citizens and elected officials, including San Diego Mayor Dick Murphy, San Diego City Councilman Scott Peters (also a member of the Coastal Commission), TPCPB, the Torrey Pines Association, the City of Del Mar, the San Dieguito River Park Joint Powers Authority, and many others. In short, there is no community support whatsoever for expanding the railroad through Penasquitos Lagoon, yet your EIR document makes an absurd assertion that this "enjoys community support." We can only wonder at the fantastic nature of such a false statement.

O045-1

We note that the CDM/Penasquitos routes violate the City of San Diego-approved community plan, and furthermore fundamentally violate the spirit and letter of the California Public Resources Code by causing permanent and irreparable harm to a protected wetlands resource, due to heavy construction impact, significantly increased train vibration, diesel emissions, noise pollution, habitat disruption, property value destruction, view shed desecration, and other harms.

In short, these routes are a non-starter, and we strongly object to CHSRA or any other entity spending one additional cent to "study" routes that are so harmful that in our view they never will be selected.

Penasquitos Lagoon is part of Torrey Pines State Reserve, a unique natural and scenic resource that exists no where else in the world. It is unconscionable to continue CHSRA's aggressive campaign to wipe out forever this irreplaceable public resource. To "double track" this area, enabling more and more harmful heavy diesel passenger and freight trains to spoil the public's enjoyment, is not now and never will be acceptable to this community.

We also note that this plan offers no commensurate benefit to the community but that, even if it provided some *negligible* benefit, the senselessness, fiscal recklessness, and environmental harm overwhelm any such small benefit.

CHSRA's plan also betrays the trust of taxpayers, by squandering hundreds of millions of dollars of scarce transportation funds on an obsolete technology that will require larger and larger public subsidies to operate, and which will have no observable benefit in terms of improving expected peak hour level of service on I-5. For similar reasons, this plan raises serious issues of unfair competition that could destroy public consensus for more efficient, more scaleable, more environmentally friendly alternative modes of transportation.

O045-1 cont.

For these and other reasons, TPCPB finds that CHSRA's CDM/Penasquitos routes constitute a violation of our City-approved community plan, make a mockery of the California Public Resources Code, are environmentally harmful to a state preserve, will materially and permanently harm residents in the City of Del Mar, the Del Mar terrace, and other established neighborhoods, and therefore strongly objects to these routes. By this letter, TPCPB calls on CHSRA, Caltrans, and others to immediately cease and desist from spending any further funds to study or promote the double tracking of Penasquitos Lagoon.

Sincerely,

Robert Gilleskie, Chair
Torrey Pines Community Planning Board

Response to Comments of Robert Gilleskie, Torrey Pines Community Planning Board, August 28, 2004 (Letter O045)

O045-1

The LOSSAN Conventional Rail Improvements are not considered part of the proposed HST system in the Final Program EIR/EIS. However, these improvements are the subject of the Caltrans LOSSAN Rail Improvements Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration. See standard response 6.42.1 and Section 2.6.9 and Chapter 6A of the Final Program EIR/EIS.

Comment Letter O046

O046

Visalia
CHAMBER OF COMMERCE
Celebrating One Hundred Years
720 W. Mineral King
Visalia, CA 93291
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(877) VISALIA
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August 25, 2004

Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Ste. 1425
Sacramento, CA 95814

Dear Mr. Morshed:

On behalf of the Visalia Chamber of Commerce and its 1,100 active members, I wish to express this organization's firm support of a proposed alignment that would follow the Union Pacific/Highway 99 corridor for the proposed High-Speed Rail service in California.

Relative to the Draft EIR/EIS we are convinced that this alignment makes the most economic and environmental sense of the two alternatives currently being considered. Visalia continues to be the retail, commercial, and population hub of the area encompassed by Tulare, Kings, and Southern Fresno counties. Selecting the UP alignment ensures the High-Speed Rail will have access to the greatest possible number of users at the lowest cost. It is our understanding that this alignment also represents the most economical option in terms of construction costs. Finally, it is our belief that this alignment represents the option with the greatest potential for positive environmental impacts (e.g. reduced auto emissions, etc.) because of the proximity of a Tulare County station to existing population centers (e.g. shorter driving distances to access trains). O046-1

Finally, we wish to endorse the City of Visalia's request that it be considered as a site for a future maintenance/service facility serving the High-Speed Rail system. Again, the city's central location, availability of land, and workforce availability combine to make Visalia an excellent choice for this important component of the overall rail system.

Thank you again for the opportunity to comment on the Draft EIR/EIS. Please feel free to contact me if I can provide any further clarification or information related to this issue.

Respectfully,

Mike Cully
President/CEO
Visalia Chamber of Commerce

The mission of the Visalia Chamber of Commerce is to preserve, model and advance business vitality and prosperity for our members and community

Response to Comments of Mike Cully, President, Visalia Chamber of Commerce, August 25, 2004 (Letter O046)

O046-1

Acknowledged. Please see standard response 6.15.4 and standard response 6.21.1. See also responses to Comments AL066 (City of Visalia).