

Comment Letter O051

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CALIFORNIA STATE PARKS FOUNDATION

The Voice for California's State Parks

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Medhi Morshed, Executive Director
California High Speed Rail Authority
925 L Street, Suite 1425
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August 30, 2004

Allan Rutter, Administrator
Federal Railroad Administration
U.S. Department of Transportation
1120 Vermont Avenue N.W. M/S 20
Washington, D.C. 20590

Re: Comments on Draft Program Environmental Impact Report/Environmental Impact Statement on Proposed California High Speed Rail Line

Dear Messrs. Morshed and Rutter:

We welcome the opportunity to comment on the Draft Environmental Impact Statement/Supplemental Environmental Impact Report for the California High Speed Rail Line Project.

The California State Parks Foundation is the only statewide organization dedicated to the protection of the California State Park system. The Foundation was founded 35 years ago by William Penn Mott, Jr., former director of California and National Park Systems. Since that time we have raised over \$116 million to support park projects and have 50,000 members statewide. We reviewed the Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (DEIS) from the standpoint of potential impacts to our magnificent State Park System.

As California has led the nation in its commitment to environmental protection, it is fitting that the state also would set a new standard in the development of alternative modes of transportation. This project has the potential to provide a state-of-the-art high speed rail line that could provide competitive transportation alternatives for Californians seeking travel between northern and southern California. It may also connect Central Valley communities with major metropolitan areas in other parts of the state. Given the magnitude and expense of the proposed transportation project, we believe the general public has a right to expect a comprehensive and high quality analysis of the potential impacts required under state and national regulations. We have found the DEIR/S to be insufficient, and that the document fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. ("CEQA Guidelines") and the National Environmental Policy Act ("NEPA") 42 U.S.C 4321; 40 C.F.R. 1500.1.

Accordingly we believe the DEIR/S must be revised and re-circulated.

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INTRODUCTION

The California Department of Parks and Recreation (DPR) is responsible for managing the most diverse and complex natural landscapes of any land-management agency in California. More rare and endangered species exist on State Park lands than any other category of state owned property. Our State Parks are living classrooms educating visitors to the state's unique natural landscapes and great cultural resources, including wilderness areas, recreation areas, reservoirs, museums, historical and archeological sites. California's State Parks contain the most diverse natural holdings of any state in the nation, including one-quarter of the spectacular California coastline, old growth redwoods, oak woodlands, pristine deserts -- 1.5 million acres overall. In addition to resource protection, State Parks provide affordable recreation to more than 90 million visitors each year. State Parks provide a much needed refuge for urban residents, and afford all visitors safe and economical recreation. Data shows that visitors to State Parks spend upwards of \$2.6 billion each year in local communities. That revenue is cycled through the economy and results in total output of nearly \$7 billion. More than 100,000 jobs statewide are dependent on park visitors and their spending. Open space preserved in parks is a benchmark of a community's quality of life, and our parks give local communities and the state a competitive edge in attracting new businesses.

The public reasonably expects our State Parks to be treasured and protected in perpetuity. Since the creation of our first State Park, Yosemite, in 1864 by Abraham Lincoln, Californians have demonstrated their commitment to the preservation of these public resources. Historic parks, beaches, old growth forests, deserts, ghost towns and mining towns are a small sampling of the incredible state assets protected in these parklands. Today the System is comprised of 278 Park Units. By our best reckoning upwards of 40 State Parks could be directly or indirectly impacted by the proposed High Speed Train (HST). (Appendix 1.)

Program DEIR/S Does Not Contain Adequate Analysis

CEQA and NEPA both require that an environmental review accompany projects for major federal or state actions that may significantly affect the environment. The environmental review should consider items such as significant direct, indirect, cumulative and short and long-term environmental impacts. In effect the DEIR/S is to serve as an "environmental alarm bell" whose purpose is to alert the public and responsible officials to environmental changes before they have reached ecological points of no return." County of Inyo v. Yorty (1973) 32 Cal.App3d 795,810.

The DEIR/S is not sufficient in that it does not include adequate information to properly educate decision-makers and the public of the breadth of the potential impact to our cherished state parklands by a HST that does not adequately consider the impacts to the biological, recreational, and historic resources. Reviewing the Alternative HST and proposed routes, we believe upwards of 40 and perhaps many more State Parks are either directly or indirectly impacted. In the DEIR/S, when impacts to parklands are considered they are evaluated only from the standpoint of reduction of open space without considering

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the potential degradation of natural resources, cultural resources, and recreation opportunities.

The DEIR/S fails to adequately describe the scope of the HST project and mitigate its host of associated impacts with specific, enforceable mitigation measures. The document repeatedly defers critical analysis and project description on the grounds that the DEIR/S is a program EIR/S. An agency "must use its best efforts to find out and disclose all that it reasonably can." CEQA Guidelines § 15144. The DEIR/S vague analysis with respect to numerous project elements precludes a full and proper analysis of project alternative impacts.

The DEIR/S repeatedly determines that project impacts would not be significant based solely on uncommitted future assumptions. CEQA contemplates consideration of environmental consequences at the "earliest possible stage, even though more detailed environmental review may be necessary later." McQueen v. Board of Directors, 202 Cal.App.3d 1136, 1147 (1988). Similarly, NEPA requires agencies to integrate the NEPA process into their activities at the earliest possible time. 40 C.F.R. 1501.1; 1501.2. The proposed project is much more than a modal choice. The DEIR/S provides insufficient details concerning many elements of the proposed project. The DEIR/S deferral of description and analysis is particularly egregious because project approvals may include alignment and station locations and commit the Authority to a course of action. See Rio Vista Farm Bureau v. County of Solano, 5 Cal.App.4th at 351, 371 (1992).

The DEIR/S repeatedly concludes that the majority of all of the HST project's environmental impacts are either less than significant or will be rendered less than significant by mitigation, while at the same time deferring necessary analysis of mitigation measures. Under CEQA, an EIR may conclude that impacts are insignificant only if it provides an adequate analysis of the magnitude of the impacts and the degree to which they will be mitigated. See Sundstrom, 202 Cal.App.3d at 306-07. Further, CEQA generally requires that all mitigation measures be adopted simultaneously with, or prior to, project approval. An agency may defer preparation of a plan for mitigation only when the agency commits itself and/or the project proponent to satisfying specified performance standards that will ensure the avoidance of any significant effects. Id. In the present case, the DEIR/S violates CEQA by deferring critical analyses of project impacts and feasible mitigation.

The DEIR/S Fails to Adequately Describe Features of the Project Alternatives

According to the DEIR/S, the California High Speed Rail Authority (Authority) and Federal Railroad Administration (FRA) may not only select a modal choice but as well may select a preferred HST corridor/alignment, station locations, and recommended mitigation strategies based on the DEIR/S. DEIR/S page S-1. The lack of an adequate and complete project description does not support informed decision-making concerning modal choice let alone more detailed decisions such as corridor/alignment and station locations. Specifically, the DEIR/S provides only the most cursory information concerning the description of the modal alternatives and even less concerning the specifics of the

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corridor/alignment and station locations. Information that is provided is difficult to verify because the assumptions underlying the information is not provided or is located in documents not readily available or adequately summarized in the DEIR/S.

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The DEIR/S Fails to Adequately Analyze and Mitigate the Project's Significant Impacts

The DEIR/S analysis of environmental impacts fails to provide the necessary facts and analysis to allow the Authority, the agencies and the public to make an informed decision concerning the project alternatives (modal and HST related) and mitigation measures. Nor does the document adequately consider recreational impacts. A fundamental purpose of an EIR is to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." Laurel Heights Improvement Assn. V. Regents of the University of California, 6 Cal.4th 1112, 1123 (1988). To do so, an EIR must contain facts and analysis, not just an agency's conclusions. See Citizens of Goleta Valley v. Board of Supervisors, 52 Cal.3d 553, 568 (1990). Not only does the DEIR/S fail to provide supporting evidence for its conclusions concerning the significance of project-related and cumulative impacts, it is often not possible to tell from the DEIR/S whether an impact is considered significant, less than significant or reduced to less than significant after mitigation.

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In addition, CEQA cautions that "public agencies should not approve projects as proposed if there are...feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . ." Pub. Res. Code section 21002. NEPA contains similar requirements. This document fails however to identify feasible mitigation measures capable of mitigating the significant environmental impacts of the project alternatives and cumulative impacts.

Finally, the DEIR/S improperly bases its analysis of the impacts associated with the modal and HST alternatives with the no project alternative, rather than with existing baseline conditions. This approach is improper under both CEQA and NEPA, which require the analysis of impacts to be based on existing physical environmental conditions in the affected area at the time the notice of preparation is published. CEQA Guidelines section 15126.2. A revised DEIR/S must include an analysis of the impacts of these alternatives with both the existing environmental conditions (at the time the NOP was issued) and with the no project alternative.

The DEIR/S Fails to Analyze Adequately Biological Resource Issues

Once the presence of biological resources in a project site have been identified and described, a DEIR/S must then analyze how the direct and indirect impacts of the project and cumulative projects would affect resources. As set forth in the CEQA Guidelines Section 15126(a):

Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both short-term and

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long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to the ecological systems, and . . .

The DEIR/S does not disclose the project’s (including all alternatives) impact to the physical environment and its corresponding effect on biological resources as required under CEQA and NEPA. In the case of State Parks, which are managed by DPR to ensure adequate protection of complete ecosystems the Department is charged with protecting the *quality* of habitat. The DEIR/S however omits consideration of habitat and instead focuses on species or communities. The cumulative and substantial impacts by HST to State Parks must be addressed. For example in section 3, pages 15-18, the analysis does not consider the quality of the habitats impacted nor the overall impact of building HST through public parks, wilderness areas or protected conservation areas. The impacts are much more significant than expanding an existing transportation corridor. Overall there is a lack of depth in the analysis, and the method of determining “high” or “low” impacts was skewed based on the lack of information collected. With greater research, a “low” score may in fact be an area of “high” impacts.

Construction impacts such as duration, disturbance, pollution and longer-term impacts like fragmentation of habitat, disruption of wildlife corridors, noise, vibration, ground and surface water changes on biological resources are not considered. What is particularly disheartening is that the DEIR/S appears to focus on human impacts and mitigation. The noise impacts on wildlife in particular are barely considered. One can assume that at higher speeds the HST noise level will be greater than conventional trains, and in fact the contrast of noise levels will be the greatest in those areas least developed, like wilderness areas in State Parks or agricultural or conservation lands. The effects of noise impacts to not only the environment but in particularly wildlife are not considered at all. Examples of omitted or inadequate project description elements that result in an underestimation of biological impacts include but are not limited to fencing/noise walls, grading, location and extent of staging areas, location and extent of borrow and spoils sites, extent of borings, location and extent of construction roads, and traffic.

The description of the affected environment does not provide an adequate description of the status of habitats and species that may be affected by the project or the regional context and interrelationships of the resources within and between project regions. As an example of inadequate consideration of impacts on page 3.9-11, the report determines that “landscape typologies considered scenic and therefore most subject to high contrast visual changes where the HST would begin to dominate the landscape and detract from the existing features – are the natural open space and park typology and the traditional small urban community typology.” In the following paragraph the solution offered is, “At this program level of analysis, there are no potentially high aesthetic or visual impacts that could not be reduced or mitigated through design treatments (e.g. architectural treatments at historic stations, tunneling, or minimizing the cut and fill through mountainous terrain and in natural areas.” This a solution perhaps successful in a suburban or urban location but would be totally inappropriate in many State Parks or open areas.

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The DEIR/S is not consistent in its description of protected areas and other biologically important but unprotected land. Several important open space areas (e.g., The Don Edwards San Francisco Bay National Wildlife Refuge, Nature Conservancy’s Mount Hamilton Project, South Bay Salt Pond Restoration Project, Henry Coe State Park) are mentioned in the Bay Area to Merced region but the DEIR/S does not mention the numerous other federal, state, local, and privately owned biological open space areas that occur within this and other regions of the project.

In addition, the biological resources and wetlands section provides only a narrative of lists of species that may be potentially affected by the project. There is no differentiation between rare, threatened, or endangered species, or a meaningful discussion of the individual species that would allow an assessment of the potential for the project to adversely affect the species via direct, indirect, or cumulative impacts. The description of wildlife movement/migration corridors provides no information on what areas the corridors are connecting and which species may be using them. The DEIR/S states that it used the Missing Linkages report (California Wilderness Coalition 2000) to assess potential impacts to wildlife corridors but does not discuss potential impacts to the individual corridors described in the report.

In addition, the DEIR/S does not discuss several Natural Community Conservation Planning (NCCP) efforts with preserve areas that may be affected by the project. For example, the Orange County Central Coastal NCCP and the Western Riverside NCCP (both approved), through which project alignments traverse, are not discussed at all in the DEIR/S. The San Diego Multiple Species Conservation Program (MSCP) and North San Diego County MHCP (incorrectly referred to as the “MSHCP”) are discussed under the Los Angeles to San Diego via Inland Empire region, but the DEIR/S states that there are “no conservation plans identified” within the Los Angeles to San Diego via Orange County region. This region contains three approved NCCPs and one in preparation (Southern Orange County NCCP). In the absence of adequate, accurate and complete setting information, analyses of project-related and cumulative impacts cannot be completed.

The DEIR/S does not address the feasibility of mitigating many of the potentially significant impacts identified, many of which appear to be unmitigable (e.g., tens of thousands of acres of sensitive species habitat in the Bay Area to Merced region, dozens of vernal pools in the Los Angeles to San Diego via Inland Empire region). Mitigation “strategies” proposed for biological resource impacts are vague and deferred. For example, the DEIR/S states:

“Potential strategies to mitigate impacts on biological resources would include field verification of sensitive resources and filling data gaps to allow designs to avoid impacts on special-status species and sensitive habitat areas...For example, to avoid or minimize impacts in sensitive areas, alignment plans and profiles could be adjusted or proposed structures could be constructed above grade or in tunnels...Special mitigation needs would be considered in the future with the appropriate authorities that are responsible...” DEIR/S page 3.15-31.

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This approach to mitigation is simply inadequate for either modal alternative selection or more detailed alignment and station location selection for HST. Feasible mitigation measures must be identified, and in the case of more detailed decisions concerning HST alignments and stations, additional details concerning these project descriptions must be provided. Some mitigation (e.g. additional tunneling or above grade construction) may prove to be infeasible.

A revised analysis of project-related and cumulative impacts to biological resources must be completed as part of a revised and recirculated DEIR/S and, at a minimum, include the following:

- Consistency with local natural resources related planning elements and policies for each jurisdiction the alignment traverses;
- Conflicts with NCCP or Habitat Conservation Plans;
- Conflicts with State Parks, existing protected areas and parklands;
- Quantification of all direct, indirect, and cumulative impacts to natural resources, both permanent and temporary;
- Assessment of adverse impacts to wildlife movement corridors and opportunities to enhance the function of these corridors;
- Assessment of anticipated mitigation measures and permitting requirements and the probability of successfully mitigating specific impacts;
- Assessment of any growth inducing impacts to natural resources (see Planning/Land Use Study Terms below).

The DEIR/S contains a lengthy list of subsequent analyses that would be required to "obtain more reliable assessments of potential impacts on biological resources in the study area." DEIR/S page 3.15-31. The technology exists to complete these analyses before selection of HST and specific alignments and station locations. It is simply not appropriate to make choices concerning HST alignments and stations without this information being developed and circulated for public review and comment in a revised DEIR/S.

The DEIR/S Fails to Adequately Analyze Land Use Impacts

The description of the affected environment discussion in the Land Use Section has numerous omissions and inconsistencies that make the section inadequate for choosing a preferred modal alternative, or HST alignment and station alternatives. The study area for land use is limited to 0.25 miles on either side of the centerline of the rail and highway corridors included in the alternatives, and the same distance around stations, airports and other HST facilities. For the property impacts analysis, the study area is only 100 feet. The areas must be expanded to address the true effects of a train going by at 200 miles per hour. Revised analyses of project-related and cumulative land use impacts must be completed based on a complete description of the project and project setting.

The DEIR/S fails to point out a number of project inconsistencies with applicable policies and regulations. For example, two of the proposed Bay Area Alignment Options go through Henry Coe State Park and its Orestimba Wilderness. The DEIR/S fails to discuss

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the applicability of the California Wilderness Act of 1974 (Public Resources Code 5093.30 through 5093.40) and the legal implications of creating a railroad right-of-way through the Orestimba Wilderness. The California Wilderness Act specifically prevents the construction of new roads or motorized transport through Wilderness Areas. Thus a new HST right-of-way would clearly be in violation of the spirit and the letter of the California Wilderness Act. Declassifying large areas of the Orestimba Wilderness as official State Wilderness areas would severely undermine the California Wilderness Act and the protection of thousands of acres of land that are supposedly protected by it. Nor does the DEIR/S address the circulation impacts to existing State Parks. For instance if a station is placed in one location vs another, it might drive additional traffic to a park, or away from it. This will have an effect on staffing and maintenance demands as well as biological and scenic resources. Also depending on the relationship of stations to road other infrastructure, use patterns of areas of parks might be impacted. For example, if the main entrance of a park is served by a road that is not well connected to a station and traffic is driven to a secondary, entrance, it could substantially change use patterns for better or worse.

The DEIR/S Fails to Analyze Adequately Section 4(f) and 6(f) Issues

Interpretation of federal agencies duties under the 4(f) of the Department of Transportation Act of 1966 was first established and continues to be provided by the 1971 Supreme Court decision in *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, in which the Court overturned the Secretary of Transportation's approval of a six-lane highway through a park in Memphis, Tennessee. In that case Justice Marshall stated that the "very existence" of section 4(f) demonstrates "that protection of parkland was to be given paramount importance." The Court made clear that choosing an alternative that requires use of a public park or recreation area simply because it is the least expensive or most efficient choice does not meet the rigorous mandate of the provision.

The need to rigorously meet the mandate of section 4(f) is especially urgent in this case. California's State Parks protect a rich variety of habitats, species and landscapes and provide unlimited recreational opportunities for millions of visitors each year. Henry Coe State Park, Colonel Allensworth State Historic Park, Old Sacramento State Historic Park, Fort Tejon State Historic Park, Hungry Valley State Vehicular Recreation Area, Castaic Lake State Recreation Area, Taylor Yard, Corn Fields, Doheny State Beach, San Clemente State Beach, Candlestick Point State Recreation Area, Eastshore State Park, San Bruno Mountain State Park, South Carlsbad State Beach, Torrey Pines State Beach and State Reserve are a sampling of the 40 or more State Parks either in the direct path or in close proximity (less than 3,000 feet) to various proposed routes of the HST.

As the Supreme Court held in *Overton Park*, "only the most unusual situations are exempted" from the 4(f) mandate. These situations include "truly unusual factors" demonstrating that alternatives to the proposed action present "unique problems" or require costs or community disruption of "extraordinary magnitudes." 401 U.S. at 411, 413. The 9th Circuit has subsequently interpreted this exception quite narrowly, holding that an alternative that required dislocation of several residences and businesses and cost millions

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of additional dollars did not justify an exception to section 4(f). Stop H-3 Ass'n v. Dole, 740 F.3d 1442, 1451-52 (9th Cir. 1984). Minimizing the impacts on Section 4(f) and 6(f) resources should be a major priority for evaluating all possible routes of the California High Speed Rail and should be used consistently.

Complementing Section 4(f), "Section 6(f) of the act prohibits the conversion to a non-recreation purpose of property acquired or developed with" grants obtained through the Land and Water Conservation Fund Act "without the approval of the U.S. Department of the Interior's (DOI's) National Park Service. Section 6(f) directs DOI to ensure that replacement lands of equal value (monetary), location, and usefulness are provided as conditions to such conversions. Consequently, where such conversions of Section 6(f) lands are proposed for transportation projects, replacement lands must be provided." The HST Alternative discussion for the segment from Los Angeles to San Diego via Orange County states "Tunneling options in several sections of the corridor could reduce or avoid impacts on some of the Section 4(f) and 6(f) resources. In fact, because tunneling could result in removing of existing above-ground track, new parklands could be potentially created for public use, which would result in beneficial impacts on Section 4(f) and 6(f) properties." This limited discussion of replacement land is inconsistent with Section 6(f) (EIR/S at 3.16-1,2).

The DEIS/R Fails to Discuss High Speed Rail Authority's Obligations Under the Public Park Preservation Act.

The DEIR/S does not address the Public Park Preservation Act of 1971, Pub. Res. Code § 5400 *et seq.* The Public Park Preservation Act, which applies to any park operated by a public agency in California, provides in part:

No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon.

Pub. Res. Code § 5401. Accordingly, the DEIS/R must discuss the Authority's obligation to replace any park land it should acquire with similar park land elsewhere. City of Fremont v. San Francisco Bay Area Transit Dist., 34 Cal.App.4th 1780, 1790 (legally adequate EIR where BART fully discussed obligation under the Public Park Preservation Act).

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The DEIR/S Alternatives Directly Conflict With Public Resources Code Section 5019.62.

Because several coastal State Park Units could be impacted by the HST, the DEIR/S needs to address limits to projects in these areas to only those that enhance recreational and educational values. Pub. Res. Code. § 5001.6(b)(11)(A).

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. *Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken.*

Pub. Res. Code § 5019.62 (emphasis added). This mandate is also incorporated into a number of the parks' General Plans. Accordingly, the HST alternatives which propose to go through a number of State Beaches would severely compromise their recreational and natural value, and are in direct conflict with State law.

The DEIR/S Fails to Adequately Analyze Cumulative Analyses

CEQA and NEPA require that cumulative impacts be analyzed. The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines Section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." *Id.* Federal Regulations implementing the NEPA also require that the cumulative impacts of the proposed action be assessed. Cumulative impact is defined by the Council on Environmental Quality as an "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." (40 CFR 1508.7).

A legally adequate cumulative impacts analysis views a particular project over time and must consider the impacts of the project combined with other projects causing related impacts, including past, present, and probable future projects. CEQA Guidelines 15130(b)(1). Projects currently under environmental review unequivocally qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. See

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San Franciscans’ for *Reasonable Growth v. City and County of San Francisco*, 151 Cal.App.3d 61, 74 & n. 13 (1984). In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. See *Bozung v. Local Agency Formation Comm’n*, 13 Cal3d 263, 284 (1975).

Alternatively, an EIR may utilize 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. CEQA Guidelines Section 15130(b)(1)(B). Any such planning document shall be referenced and made available to the public at a location specified by the lead agency. *Id.*

The discussion of cumulative impacts must include a summary of the expected environmental effects to be produced by those projects, a reasonable analysis of the cumulative impacts, and full consideration of all feasible mitigation measures that could reduce or avoid any significant cumulative effects of a proposed project. See CEQA Guidelines Sections 15126.4(a)(1) and 15130(b)(3).

The DEIS/R fails to meet these requirements and only discusses present and future projects within the area that the HST would traverse. DEIR/S Appendix 3.17-A. Key transportation and other projects are omitted from the discussion and analysis (e.g. Expansion of LAX, MORE). As a result of this approach, the cumulative analysis is improperly narrow in scope and therefore underestimates and omits cumulative impacts.

The DEIR/S Fails to Identify Adequate Mitigation Measures

Both CEQA and NEPA require that mitigation measures be identified and analyzed. The Supreme Court has described the mitigation and alternatives sections of the EIR as the “core” of the document. *Citizens of Goleta Valley v. Board of Supervisors*, 52 CAL.3d 553 (1990). As explained below, the DEIR/S identification and analysis of mitigation measures, like much of its analysis, is inadequate.

An EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. The DEIR/S defers the description of all meaningful mitigation and relies on vague and “future” mitigation to suggest that potentially significant impacts will be reduced to less than significant. Improperly deferred details of mitigation measures include, but are not limited to the following (see DEIR/S text and Table 7.3-1):

- **Traffic and Circulation:** Encourage use of transit to stations. Work with transit providers to improve station connections. Note that the feasibility of this mitigation is dramatically affected by alignment choice, yet the DEIR/S does not take this into account.
- **Energy Use:** “Develop and implement energy conservation plan for construction.” Note that the amount of energy consumed for construction

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(and operation) varies dramatically by alignment choice (due to substantially different topography), meaning the feasibility of this mitigation is highly dependent on alignment choice. The DEIR/S does not take this into account.

- **Land Use:** “Continued coordination with local agencies. Explore opportunities for joint and mixed-use development at stations. Relocation assistance during future project-level review.” Note that alignment choice and station locations would have a large impact on the feasibility of this proposed mitigation.
- **Geology:** “Use of ground motion data and instruments; routine maintenance of tracks; slope reinforcement.”
- **Growth Potential:** “Work with local communities to encourage higher density development around stations.” Note that the potential for higher density development around stations is quite different depending on alignment and station location.
- **Hydrology and Water Resources:** “Avoid or minimize footprint in floodplains; conduct project-level analysis of surface hydrology and coastal lagoons; Best Management Practices...”
- **Section 4(f) and 6(f):** “Consider design options to avoid parkland and wildlife refuges; identify site specific mitigation measures.” Note that this is like closing the barn door after the cows have gotten out; once an alignment though a park or refuge has been chosen, the ability of alternative designs to mitigate impacts is vastly reduced.

For example, with respect to land use impacts, the DEIR/S should have specified mitigation requirements for land use and growth inducing impacts including:

- “Requirements” for agreements with cities/counties that the route traverses for “smart growth” policies (e.g. in downtowns around stations, specific programming for higher densities, etc.; in rural areas specific policies for farmland protection, etc.). Explore possibility of funding in return for smart growth provisions in GPs;
- up-front purchase of conservation and agricultural easements to either side of the tracks;
- fees for additional purchase and stewardship of conservation and agricultural lands;
- Limits on any new stations.

Moreover, the DEIR/S includes inappropriate assumptions concerning the cost of mitigation measures for the alternatives. In fact, it appears that the DEIR/S improperly applied a standard 3% mitigation cost of all segments (except Dumbarton) rather than

O051-10 cont.



Comment Letter 0051 Continued

using detailed mitigation figures developed in background reports. For example, a 1995 Corridor Evaluation and Environmental Constraints Analysis provide detailed mitigation costs which vary significantly by study segments. The analysis states that mitigation costs are higher in urbanized areas where there are high value habitats which would require mitigation. Again, a revised DEIR/S must include adequate and feasible mitigation measures to address both project-related and cumulative impacts based on the “whole” project and a complete list of cumulative projects. Mitigation measures must be accurately presented in terms of their feasibility, including costs.

The DEIR/S Fails to Analyze Alternatives Adequately

The DEIR/S fails to adequately analyze alternatives that have been included and fails to analyze a reasonable range of alternatives to the project. Although the DEIR/S analyzes a number of alternatives at an “equal” level of detail, the respective alternatives analyses fall short of the standards set by CEQA and NEPA. Under CEQA, an EIR must analyze a reasonable range of alternatives to the project, or to the location of the project, that would feasibly attain most of the basic objectives while avoiding or substantially lessening the project’s significant impacts. See Pub. Res. Code Section 21100(b)(4); CEQA Guidelines Section 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443-45 (1988). Similarly, under NEPA a reasonable range of alternatives that satisfy the statement of purpose and need must be analyzed. See above argument that the statement of purpose and need is improperly constrained, and therefore, the range of alternatives is also improperly constrained.

The DEIR/S fails to include an adequate analysis of alternatives for a number of reasons:

- The DEIR/S fails to include a reasonable range of feasible alternatives.
- Feasible alternatives are rejected without evidence.

In addition to its failure to adequately identify and analyze alternatives to the HST alignments and stations, the DEIR/S fails to identify the environmentally superior HST alignments and station location alternatives. The document does identify the HST alternatives as the environmentally superior alternative:

“Based on the evaluations documented in Chapter 3 of this Program EIR/EIS, the HST alternative has been identified as the environmentally superior alternative.” DEIR/S page 7-5; See also DEIR/S S-8 – HST is the preferred system alignment.

However, when it comes to alignments and station locations choices – choices which may be made relying on this DEIR/S, the document states:

“The Authority and the FRA continue to consider HST alignment and station options and have not identified a preference among those presented in the Draft Program EIR/EIS.” DEIR/S page S-8.

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O051-10
cont.

O051-11

A revised and recirculated DEIR/S must identify the environmentally superior alignments and station locations as required by law.

The DEIR/S fails to include a reasonable range of feasible alternatives

The DEIR/S fails to include reasonable range of alternative alignments. For example, in the Bay Area, the DEIR/S fails to include the Altamont alternative. Elsewhere, the DEIR/S fails to include alignments and station locations that would avoid 4(f) and 6(f) resources. Under CEQA, an EIR must analyze a reasonable range of alternatives to the project, or to the location of the project, that would feasibly attain most of the basic objectives while avoiding or substantially lessening the project’s significant impacts. See Pub. Res. Code Section 21100(b)(4); CEQA Guidelines Section 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443-45 (1988). Similarly, under NEPA a reasonable range of alternatives that satisfy the statement of purpose and need must be analyzed. A revised DEIR/S must include a reasonable range of alternatives that would feasibly attain project objectives with fewer impacts.

Among the most glaring omissions is the omission of an Altamont alternative in the Bay Area. There is significant evidence that an Altamont alternative will actually result in the fewest environmental impacts and superior ridership and costs. Based on the 10 criteria used for screening alternatives (DEIR/S at S-2), an Altamont alternative, there is evidence in the record that Altamont is the superior Bay Area option with respect to at least the following:

- maximizing ridership and revenue potential;
- minimizing travel time to be competitive with other modes of travel;
- minimizing impacts on natural resources;
- minimizing adverse social and economic impacts (e.g. growth inducement);
- minimizing impacts on parks and cultural resources.

THE DEIR/S SHOULD BE REDRAFTED AND RECIRCULATED

The serious inadequacies of the DEIR/S are symptomatic of fundamental deficiencies in the project itself. The Authority may not approve the project unless the DEIR/S is again revised and recirculated to fully disclose and analyze the project’s impacts and a proper range of alternatives. Given the multiple inadequacies discussed above, this DEIR/S cannot properly form the basis of a final EIR. CEQA and the NEPA Guidelines require recirculation of a draft EIR where, as here, the document is so fundamentally inadequate in nature that meaningful public review and comment are precluded. See CEQA Guidelines § 15088.5.

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O051-11
cont.

O051-12



Comment Letter O051 Continued

Sampling of State Parks Impacted by HST

8/30/2004

State Park Unit Name	Alternative Alignment	HST_IMPACT
Candlestick Point SRA	San Jose to San Francisco	2395 Feet
Cardiff SB	Encinitas to Solana Beach	375 Feet
Carlsbad SB	Oceanside to Encinitas	206 Feet
Castaic Lake SRA	Bakersfield to Sylmar I-5 Corridor	2809 Feet
Chino Hills State Park	LA to March ARB	5 miles
Colonel Allensworth SHP	Tulare to Bakersfield	377 Feet
Cornfields	Sylmar-LA Silverlake Aerial, Cut and Cover	intersect
	Sylmar-LA Metrolink/UPRR under I-5 & SR11 South	885 Feet
	Sylmar-LA, Metrolink/UPRR, under I-5&SR11 East	548 Feet
	Metrolink/UPRR: Over I-5 & SR110	562 Feet
Doheny SB	Anaheim to Coceanside SJC to SD Line	56 Feet
	Anaheim to Oceanside SJC to SDCL I-5	3071 Feet
East Shore Park	San Jose to Oakland	2911 Feet
Fort Tejon SHP	Bakersfield to Sylmar I-5 Corridor	2.3 Miles
Henry W. Coe SP	Northern Tunnel Option	3.36 Miles
	Northern Tunnel Option	1.93 Mile
	Northern Tunnel Option	1584 Feet
	Tunnel Under Park Option	intersect
	Minimize Tunnel Option	intersect
	Pacheco Pass Option	1972 Fet
Hungry Valley SVRA	Bakersfield to Sylmar I-5 Corridor	intersect
Leland Stanford Mansion SHP	Sacramento to Stockton	1 Mile
Leucadia SB	Encinitas to Solana Beach	705 Feet
Loop Ranch Project	SF-58 Corridor	intersect
McConnell SRA	Newman to Merced	1 Mile
	San Jose to Merced	2723 Feet
Moonlight SB	Encinitas to Solana Beach	1 Mile
Old Sacramento SHP	Sacramento to Stockton	intersect
Old Town San Diego SHP	Oceanside to San Diego SR-52	intersect
Pacheco SP	Pacheco Pass Option	1 Mile
Pio Pico SHP	LA to March ARB	1 Mile
Placerita Canyon SP	Soledad Canyon Corridor	1 Mile
San Bruno Mountain SP	San Jose to San Francisco	1 Mile
San Clemente SB	Anaheim to Oceanside SJC to SD Line	intersect
San Elijo SB	Encinitas to Solana Beach	intersect
San Luis Reservoir SRA	SF 152 to Los Banos	intersect
San Onofre SB	Annaheim to Oceanside	intersect
San Pasqual Battlefield SHP	March ARB to Miramar Road	1 Mile
Carlsbad SB	Oceanside to Ens	intersect
State Indian Museum (SHP)	Sacramento to Stockton	1 Mile
Sutter's Fort SHP	Sacramento to Stockton	1 Mile
Taylor Yard	Sylmar-LA Metrolink/UPRR over I-5 & SR11	intersect
	Sylmar-LA Metrolink/UPRR under I-5 & SR11	intersect
Tomo-Kahni	SR 58 Corridor	intersect
Torrey Pines SB	Solana Bch to I-5/805 Split	intersect
Torrey Pines SR	Solana Bch to I-5/805 Split	intersect

REQUEST FOR NOTIFICATION

Again, we appreciate the opportunity to comment on the DEIR/S. Please keep the following individuals informed of any and all upcoming matters related to the HST project.

Elizabeth Goldstein, President, California State Parks Foundation
 And
 Barbara Hill, Vice-President, California State Parks Foundation
 800 College Avenue PO Box 548
 Kentfield, California 94914

O051-13

Respectfully,



Elizabeth Goldstein
 President

CC: Ruth Coleman, Director, California Department of Parks and Recreation

Appendix I State Park Units, Alignment Routes, Impacts



Response to Comments of Elizabeth Goldstein, President, California State Parks Foundation, August 30, 2004 (Letter O051)

O051-1

The Authority's objectives include planning for a cost effective, prompt and reliable high-speed train service, but in a manner sensitive to and protective of natural resources, including those in our State Parks. Please see the Purpose and Need Statement, Section 1.2.1 of the Final Program EIR/EIS and objectives used to describe alternatives for study (Section 2.3.2C).

The Authority has identified a preferred HST alignment extending over 700-miles long. Of the 278 State Parks, five State Parks would be within 900 feet of the preferred high-speed train alignment¹, and no State Parks would be crossed or bisected by the preferred alignment for the proposed system. While the Program EIR/EIS has identified these five State Parks as being potentially impacted by the proposed HST system, it is an objective of the Authority for the HST system to avoid impacts to State Parks to the extent feasible.

A high-speed rail system is needed to help meet California's future travel and commerce demands while reducing energy consumption and pollution and could positively influence community growth patterns which otherwise may increasingly reduce open space, wildlife habitat and public park opportunities. Some of the numerous steps the Authority has taken to avoid impacts to State Parks are described below.

The development of high-speed train alignment and station options for the Draft Program EIR/EIS included an extensive screening analysis in which many alignment and station options were eliminated from further consideration due to several criteria, including high potential for impacts on park and recreational

resources. Avoidance of potential impacts on park and recreational resources was a consideration throughout the preparation of the Draft Program EIR/EIS and the recent public process to identify preferred alignments for the proposed system that has been included in this Final Program EIR/EIS. Future project-level environmental review will provide further opportunities to avoid and minimize the potential effects to parks, as more specific alignments and facilities are considered.

Explicit actions the Authority has taken to date to further reduce potential impacts to State Park units include:

- The Authority is not pursuing any extension of the high-speed rail system south of Irvine in the existing coastal corridor, primarily due to the great potential for impacts to coastal environmental resources, including ten State Beaches and a State Reserve. This action was taken in 2002 and was documented in the Draft Program EIR/EIS.
- The two potential high-speed train alignments crossing through Henry Coe State Park have been dropped from further analysis.
- Three state park units identified as potentially impacted in the Draft Program EIR/EIS are located along the I-5 alignment option between Bakersfield and Sylmar, which was not identified as the preferred alignment option through the southern mountain crossing. The alignment via the Antelope Valley was chosen as the preferred alignment in part because it avoids parklands, including Hungry Valley, Castaic, and Fort Tejon State Parks as well as Pyramid Lake and Angeles National Forest.

¹ The distance 900 feet on each side of centerline of the alignment option is based on the approximate extent of indirect impacts due to noise generated by the proposed HST operations (see Section 3.16.1.B of the Final Program EIR/EIS regarding the methods of evaluation).

- The Authority has identified the MTA/Metrolink alignment, which avoids the Cornfields property, as the preferred alignment from Sylmar to Union Station².

Of California's 278 State Parks, the five State Parks that are within 900 feet of the over 700-mile long preferred high-speed train system of alignment are: San Luis Reservoir State Recreation Area, Old Town San Diego, Colonel Allensworth, Taylor Yard, and McConnell State Recreation Area. The San Luis Reservoir State Recreation Area is within a broad corridor between the Bay Area and the Central Valley identified for further investigation. This corridor is generally bounded by the Pacheco Pass (SR-152) to the South and the Altamont Pass (I-580) to the North. The high-speed rail alignments studied as part of the Program EIR/EIS did not go through San Luis Reservoir State Recreation Area and any further analysis in this area will focus on alignment options that avoid this, and other State Parks. For the other four State Parks, the proposed high-speed rail alignment would be within existing, heavily used rail corridors, adjacent to the State Parks. The addition of high-speed rail in these corridors is not expected to greatly alter the environmental effects of these existing rail lines and we strongly believe that using existing rail corridors minimizes environmental impacts.

The analysis methodology applied in the Program EIR/EIS was developed to identify and highlight areas of potential impact to be avoided and/or considered further during subsequent project level environmental review. If this proposed project is carried to a project level of environmental review, preliminary engineering will be conducted allowing for a greater precision in the location of the proposed HST facilities and their associated impacts. The project level analysis will provide a more detailed analysis of the 4(f) and 6(f) potential direct and indirect affects. The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and

² Between Burbank and Los Angeles Union Station, the MTA/Metrolink alignment refers to a relatively wide corridor within which alignment variations will be studied at the project level.

mitigate potential affects to 4(f) and 6(f) resources. Please see additional discussions of "design practices" commitments and mitigation strategies in Chapter 3 of the Final Program EIR/EIS, and construction methods in Section 3.18.

Deferment of identification of specific impacts to project level analysis is appropriate given the level of specificity that can be achieved at this program level. The subsequent preliminary engineering and project level environmental review will provide further opportunities to avoid and minimize the potential effects to 4(f) and 6(f) resources, as more specificity is defined for proposed alignments and facilities.

Your comment letter stated, "we believe upwards of 40 and perhaps many more State Parks are either directly or indirectly impacted" and 35 are listed in your attached Appendix I "State Park Units, Alignment Routes, Impacts". However, when considering the preferred HST alignment, this appendix includes: 11 coastal State Park Units south of Irvine that would not be impacted by the HST system; 3 State Park Units along the I-5 alignment option between Bakersfield and Sylmar that was not identified as part of the preferred alignment (Castaic Lake SRA, Fort Tejon SHP, and Hungry Valley SVRA); "Cornfields" where the alignment option that bisected this park was not identified as part of the preferred HST alignment; 8 State Park Units in heavily urbanized areas where the HST system would operate at reduced speeds and have no negative direct impacts, no expected indirect impacts, and could be beneficial for park visitation; 2 properties that are not State Park Units (Tomo-Kahni and Loop Ranch Project); and 4 State Park Units that are 1-5 miles from the proposed HST alignment.

The list of State Parks attached as Appendix I noted 15 of the 35 State Parks as having the HST alignment "intersect" the State Park. However, when considering the preferred HST alignment, this list includes: 6 coastal State Park Units south of Irvine that would not be impacted by the HST system; Henry Coe State Park where alignments through this State Park have been eliminated from further investigation; 1 State Park Unit along the I-5 alignment between Bakersfield and Sylmar that was not selected as part of the

preferred HST alignment (Hungry Valley SVRA); 2 properties that are not State Park Units (Tomo-Kahni and Loop Ranch Project); "Cornfields" where the alignment option that bisected this park was not identified as part of the preferred HST alignment, and the remaining 4 State Parks (Old Sacramento SHP, Old Town San Diego SHP, San Luis Reservoir SRA, and Taylor Yard) are adjacent to the HST alignment rather than "intersecting" the State Park.

The following is some additional detail regarding 8 of the urban State Parks listed in Appendix I:

Candlestick Point SRA: this State Park is located about 6 miles north of SFO along the Bay side of the SF Peninsula. Not only is this State Park about 2,400 ft from the proposed HST service on the existing Caltrain alignment, HST trains operating at speeds less than 100 mph would make less noise than existing Caltrain and freight trains and US 101 is between the State Park and the Caltrain alignment.

East Shore Park: this State Park is located just north of the Oakland side of the existing Bay Bridge along and in the bay. Not only do the HST design options terminate south of the State Park (at the West Oakland or 12th Street/City Center BART Station locations) where all trains would stop (1-2 miles from the State Park), but the State Park is also bounded by one of the busiest freeways in Northern California, Interstate 80.

Leland Stanford Mansion SHP: this State Park is located about 1 mile from the proposed HST terminus station in Sacramento where all trains would stop and would be running at very slow speeds. This State Park is less than a mile from Interstate 5/SR-99.

Old Sacramento SHP: this State Park is very near the existing Amtrak Sacramento Station (SP Depot) which is the site for the HST Sacramento terminus station where all HST trains would stop. However, not only would HST trains be traveling at very slow speeds, Old Sacramento is separated from the existing rail station by Interstate 5/SR-99 (the busiest freeway in the Sacramento region) on an aerial structure.

San Bruno Mountain SP: this State Park is located this State Park is located about 3 miles north of SFO along the Bay side of the SF Peninsula. HST service on the existing Caltrain alignment would operate at reduced speeds (100 mph or less in this segment) and HST trains would make less noise than existing Caltrain and freight trains. Moreover, US 101 is between this State Park and the Caltrain alignment.

San Pasqual Battlefield SHP: this State Park is located several miles from the proposed HST alignment which would be in the I-15 freeway corridor where trains would be running at reduced speeds (100-150 mph).

State Indian Museum SHP: this State Park is located about 1 mile from the proposed HST alignment, near the terminus station in downtown Sacramento where the HST trains would be traveling at very slow speeds. Moreover, this State Park is one block from Interstate 80 (a very busy elevated freeway).

Sutter Fort SHP: this State Park is located about 1 mile from the proposed HST alignment, near the terminus station in downtown Sacramento where the HST trains would be traveling at very slow speeds. Moreover, this State Park is one block from Interstate 80 (a very busy elevated freeway).

O051-2

The analysis methodologies applied in the Program EIR/EIS were developed based on the level of specificity of the location and design of proposed facilities. For Section 4(f) and 6(f) resources all resources within 900 feet on either side of the centerline of each alignment option were identified. Section 2.6, Section 2.7.3, Chapter 6, and Chapter 6A of the Program EIR/EIS clearly defines the alignment and station options considered and preferred alignment and station options, respectively. Further detail regarding the configuration of the proposed facilities is illustrated in the "Alignment Configuration and Cross Sections" technical report, January, 2004. Please also see response to Comment O051-1 and standard response 3.15.13.

O051-3

In the Final Program EIR/EIS, each environmental area (sections of Chapter 3) has been modified to include specific 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 the implementation of the HST system to avoid, minimize, and mitigate potential impacts. At this level of design it is premature to develop more specific mitigation measures for specific potential effects. Only once there is a more detailed analysis of the alignment and avoidance and minimization efforts have been exhausted, will specific mitigation be addressed. Also see comment O029-4 regarding the further examination of alignment options.

Because the proposed HST system would not be operational until the year 2020, the affected environment discussions describe both the existing conditions as of 2003 and, where appropriate and not overly speculative, the anticipated 2020 conditions that would pertain when the project becomes operational. For disciplines where projections of future changes in existing conditions would be overly speculative, the existing 2003 conditions were used as a proxy for the 2020 conditions. For some disciplines—such as transportation, energy, air quality, and land use—future conditions are routinely projected in adopted regional or local planning documents or are forecast by public agencies. In these cases, the existing conditions and the projected 2020 conditions were used as the basis for impact analysis. The technical studies prepared for each region and addressing each resource area provided key information for the preparation of the affected environment discussions.

The environmental consequences discussions describe the potential environmental impacts (both adverse and beneficial) of the Modal and HST Alternatives in comparison to the No Project Alternative and compared to each other. Each discussion begins by comparing existing conditions with 2020 No Project conditions to describe the consequences of No Project and how environmental conditions are expected to change during the timeframe required to bring the proposed HST system online. As described above, existing (2003) conditions were used as a proxy for 2020 No Project conditions

where 2020 baseline information was unavailable, could not be projected, or would be overly speculative. Using 2020 No Project conditions as a basis for comparison, the analysis of impacts then addresses direct and indirect impacts for the proposed HST and Modal Alternatives, as well as potential cumulative impacts.

O051-4

Section 3 of the PEIR/S programmatically evaluates the potential for direct and indirect impacts of the No Project, HST and Modal Alternative. Please see standard response 3.15.2 and standard response 3.15.13 regarding the level of analysis and the intended uses of the PEIR/s. Please see responses to Comments AS004 – 45 regarding the addition of a construction section and response to Comment AS004 – 46 regarding the addition of a discussion of HST support facilities to the PEIR/S. Please see response to Comment AS004 – 50 regarding privately owned conservation lands. Please see response AF009 – 26 regarding threatened vs. endangered species. 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. Please see responses to Comments AF007 – 5, AS012 – 12, and AL072 – 8 and standard response 3.15.7 regarding impacts to wetlands. Please see standard responses 3.15.2, 3.15.3, 3.15.4, 3.15.9, and 3.15.11 and response to Comments AS004 – 46, 47, 48, 49, & 51, AS012 – 7, 8, 9, 12, & 17 and O034 – 3 & 4 regarding impacts to wildlife and wildlife corridors and habitat fragmentation. The Co-lead agencies acknowledge the importance of detailed comments regarding biological resources that are embodied in this comment. These issues will be addressed in the subsequent studies and project-level, Tier 2 studies for selected HST alignment options.

O051-5

Please see standard response 3.15.13. Please see response to Comment O015 – 4 and standard response 3.15.7 regarding the land use impact evaluation envelope. Please see response to Comment AL063 – 1 and 14 regarding review of local and regional plans.

Please note that the Authority has dropped from future consideration the previous alignment options passing through Henry Coe State Park and the Orestimba State Wilderness. The scope of study, extent of study area and localized impacts to specific properties will be addressed in the subsequent studies and project-level, Tier 2 studies to be completed for selected HST alignment and station options.

O051-6

See response to Comment O051-1.

O051-7

The Public Park Preservation Act of 1971 is addressed in section 3.16.1 subsection A. "Regulatory Requirements." Since the Public Park Preservation Act and Section 4(f) and 6(f) involve similar resources, further project-level analysis of potential impacts to the resources identified in this section would address both laws.

O051-8

All of the potentially impacted coastal state park units occur along the LOSSAN rail corridor between Irvine and San Diego. The Authority is not pursuing any extension of the high-speed rail system south of Irvine in this corridor, primarily due to the potential for considerable impacts to environmental resources, including state parks. Conventional rail infrastructure improvements are being pursued by others. See Standard Response 6.42.1.

For the program level analyses, the resources identified under the Section 4(f) and 6(f) section which also are State Park seashore properties would also be subject to the Public Code § 5001.6(b) (11) (A). Project level environmental analysis will examine these resources in detail and apply federal and state laws to address the potential impacts and appropriate actions regarding California State Beaches.

O051-9

See Standard Response 3.17.1.

O051-10

See Response O051-3

O051-11

The Program EIR/EIS describes the extensive procedures used to identify alternatives for study. This process satisfied/s CEQA and NEPA requirements (see Response O051-1). The Draft Program EIR/EIS identified a preferred system alternative (HST), however, identification of a preferred system of HST alignment and station options was deferred to the Final Program EIR/EIS in order to consider public and agency comment. Chapter 6A defines the preferred system of HST alignment and station locations. The environmentally superior alternative is identified in Section 7.3.3. Specific environmentally superior alignment options will be identified at the subsequent project level environmental review, when precise alignments would be defined.

O051-12

Regarding a reasonable range of alternatives, the Authority has considered hundreds of HST alignment and station options through the screening process and program level analysis (see response to Comment O051-1 and response to Comment O051-11).

Regarding the Altamont Pass, see Standard Response 2.18.1 and 6.3.1.

O051-13

The co-lead agencies respectfully disagree that recirculation of the Draft Program EIR/EIS is required. The State Parks Foundation will be kept on the distribution list for future information and announcements regarding the project. All notices and information will be sent to:

Elizabeth Goldstein, President
And
Barbara Hill, Vice-President

California State Parks Foundation
800 College Avenue
P.O. Box 548
Kentfield, California 94914



U.S. Department
of Transportation
**Federal Railroad
Administration**