

Comment Letter O015 Continued

Mitigation

The DEIR/S lists as potential mitigation a series of measures that largely involve merely complying with applicable permit requirements and evaluating facility design. (DEIR/S at 3.14-18,19.) The discussion of the HST Alternative segment from Los Angeles to San Diego via Orange County states: "The HST system could be designed to minimize the number of existing piers/columns and fill in the lagoons, thereby limiting potential impacts on water circulation and water quality. As with the Modal Alternative improvements, construction through the lagoons would potentially result in a temporary increase in the sediment load in these impaired waters."¹⁰ (DEIR/S at 3.14-17.) A further discussion of specific mitigation measures and design changes must be addressed before the project is approved.

O015-8 cont.

9. Section 3.16- Section 4(f) and 6(f) Resources

Impacts

Nationally, California is the top destination for park tourism and receives the largest number of park visitors among the states. Yet "[d]epending on the system of alignment options selected, the HST Alternative could result in impacts on 58 to 93 parkland resources." (DEIR/S at 3.17-10.) In fact, the HST Alternative will "directly intersect with a portion or ... require the use of property from that resource in total" of approximately 54-89 Section 4(f) resources.¹¹ (DEIR/S at 3.16-6 (Table 3.16-2).)

Based on a scaled in analysis of the potential route described in the DEIR/S, it appears that the parks that may be impacted by the project include, among others: Cardiff State Beach, Carlsbad State Beach, Castaic State Recreation Area, Colonel Allensworth State Historic Park, Cornfields State Park, Doheny State Beach, Fort Tejon State Historic Park, Henry W. Coe State Park, Hungry Valley State Vehicular Recreation Area, Leucada State Park, McConnell State Recreation Area, Moonlight State Beach, Old Town San Diego State Recreation Area, Pacheco State Park, San Clemente State Beach, San Elijo State Beach, San Luis Reservoir State Recreation Area, San Onofre State Beach, South Carlsbad State Beach, Torrey Pines State Beach, Torrey Pines State Reserve, and Taylor Yards State Park. However, the DEIR/S does not provide a comprehensive list of the impacted parks and as such fails to fully inform the public of the impacts the HST will have on national, state, and local parks throughout California.¹²

O015-9

¹⁰ This increase in sediment load is an impact that should also be appropriately mitigated.

¹¹ A direct impact is one where a "physical feature of a proposed improvement would directly intersect with a portion or all of the resource and require the use of property from that resource." (DEIR/S at 3.16-2.) A direct impact is always a high-impact, meaning that the distance of the resource from the centerline is between 0 and 150 feet. (DEIR/S at 3.16-2.)

¹² As but one example of our particular concern for the project's potential impacts on park lands, NRDC has been working with a broad coalition of groups and elected officials for over five years to create desperately needed state parks along the Los Angeles River in the heart of downtown Los Angeles. These efforts have been successful, with the state acquisition of land for the Cornfield and Taylor Yard state parks. It appears, however, that the proposed project would take land in both parks as right of way, thereby significantly undermining the critical efforts of countless people in Los Angeles to develop these extraordinary park resources. The DEIR/S does not make clear

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")

The extraordinary impact the HST Alternative would have on parks is directly at odds with Section 4(f) of DOT Act of 1966 (49 U.S.C. § 303), which states: "It is the policy of the United States Government that special effort be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." (49 U.S.C. § 303(a); DEIR/S at 3.16-1.) Federal law provides that a "publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance" may only be used for a transportation program or project if, "(1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use." (49 U.S.C. § 3030(c)(1)-(2); DEIR/S at 3.16-1.) The DEIR/S fails to meet the requirements of Section 4(f).

Instead the primary goal under the project's "analysis was the identification of Section 4(f) and 6(f) resources on or very close to the proposed HST and Modal Alternative alignment options and the relative potential impacts of the alternatives on these resources. *At this stage, it is not practical to study and measure the severity of each potential impact identified.* No fieldwork was conducted as part of this analysis." (DEIR/S at 3.16-2 (emphasis added).) Instead, in later project level analyses the Authority plans to "identify Section 4(f) and 6(f) resources and potential impacts in greater detail, to identify the existence of potential prudent and feasible alternatives, and to identify and analyze potential mitigation measures." (DEIR/S at 3.16-12.)

O015-9

The DEIR/S lists a series of issues for future analyses that are critical to any discussion of the project's impacts. (See DEIR/S at 3.16-12, 13.) For example, "[d]etailed descriptions of the proposed uses of and potential impacts on Section 4(f) and 6(f) resources ... Specific potential impacts on each resource would be identified, including proximity impacts as a result of impacts on ambient noise, air quality, transportation, and visual resources." (DEIR/S at 3.16-12.) These issues are crucial to the process and should be addressed in the DEIR/S, not merely saved for future analyses.

These efforts fail to reflect the "special effort" or assessment of "prudent and feasible alternatives" that Section 4(f) requires. The language of Section 4(f) is a "specific and explicit bar ... only the most unusual situations are exempted." (*Citizens to Preserve Overton Park v. Volpe* (1971) 401 U.S. 402, 411.) Section 4(f) makes clear that preservation of parkland is of paramount importance, more so than costs, directness of route, and community disruption. (See *Citizens to Preserve Overton Park v. Volpe* (1971) 401 U.S. 402, 412-13.) The review that Section 4(f) requires must be conducted before an alignment that would impact Section 4(f) resources is chosen, and the DEIR/S must be revised and re-circulated to reflect this change. (Compare *Brooks v. Volpe* (W.D. Wash.1971) 350 F.Supp. 269, 282, *aff'd* (9th Cir. 1973) 487

precisely what the project's impacts would be, what mitigation is possible, and, most importantly, what alternatives exist to avoid altogether the taking of land from either of these parks. This problem is indicative of the draft's failure to appropriately consider the extent of many of the adverse impacts associated with the project - impacts that, in our view, can and must be avoided.

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")



Comment Letter 0015 Continued

F.2d 1344 (Section 4(f) determination that relies on a deficient EIS is invalid.) By failing to address these impacts in the DEIR/S, the Authority and the FRA have undermined informed decision-making and meaningful public comment.

Complementing Section 4(f), "Section 6(f) of the act prohibits the conversion to a non-recreational 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." (DEIR/S at 3.16-1,2 (citing 16 U.S.C. §§ 460-4 - 460-11); see DEIR/S at 3.16-1,2 (citing California Park Preservation Act of 1071, California Public Resources Code § 5400 et seq.) (similar).) The DEIR/S does little to address this requirement.¹³

Mitigation

Given the extent of potential impacts, the analysis contained in the draft clearly fails to meet legal standards. The DEIR/S states that there are some locations where impacts to parks are unavoidable, because, for example, "[m]easures to reduce potential proximity impacts, such as noise walls, could result in potential adverse visual impacts on Section 4(f) and 6(f) resources." (DEIR/S at 3.16-11.) However, the DEIR/S discussion of these unavoidable impacts is misleading as the DEIR/S further goes on to state that "sound walls" are a possible mitigation measure for potential impacts on Section 4(f) and 6(f) resources. (DEIR/S at 3.16-11.) This discussion suggests that some of the mitigation proposed by the Authority and the FRA will not mitigate impacts, but rather create additional impacts.

Section 4(f) states: "The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the states, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities." (49 U.S.C. § 303(b); DEIR at 3.16-1.) In line with this requirement, the DEIR/S description of possible mitigation measures states:

Some of these measures could include design modifications or controls on construction schedules, phasing, and activities. Planning efforts would be undertaken as a part of the project-level documentation phase to minimize harm to the Section 4(f) and 6(f) resources. This is anticipated to include measures that may be

¹³ For example, 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. Because tunneling could result in the removal of existing above-ground track, new parklands could potentially be created for public use, which would result in beneficial impacts on Section 4(f) and 6(f) properties." (DEIR/S at 3.16-10.) This limited discussion of replacement lands is inconsistent with Section 6(f).

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")

taken to mitigate potential adverse environmental impacts, such as beautification measures, replacement of land or structures or their equivalents on or near their existing site(s), tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, creating wildlife corridors, acquisition of land for preservation, installation of noise barriers, and establishment of pedestrian or bicycle paths.

(DEIR/S at 3.16-11,12.) Section 4(f) requires analysis of alternatives be conducted, and specific mitigation measures identified, before an alignment choice is made. This process must occur before the project is approved so that the public can meaningfully comment before these parks are slated for degradation or destruction.

10. 3.17 Cumulative Impacts

Impacts

NEPA and CEQA require public agencies to consider potential cumulative impacts. (40 C.F.R. §1508.7; 14 Cal. Code Regs. §§15216, 15130.) This cumulative impacts analysis must consider past, present, and probable future transportation projects in the region or elsewhere in the western United States. Inconsistent with these requirements, the DEIR/S discussion of cumulative impacts is limited to present and future projects within areas that the HST would traverse. (See DEIR/S at Appendix 3.17-A.) Disturbingly, this list leaves out key transportation projects such as the proposed expansion of Los Angeles International Airport ("LAX"). Failure to include such an important project undermines both the analysis and the credibility of the draft as a whole. The cumulative impacts analysis is unlawfully narrow in scope and limited in its discussion.

Mitigation

The DEIR/S fails to adequately specify mitigation measures for cumulative impacts. This failure is inconsistent with CEQA and NEPA. The Authority and FRA must prepare a specific and enforceable discussion of mitigation measures in a supplemental DEIR/S that is noticed and circulated for meaningful public comment.

B. Chapter 4 - Costs and Operations

Discussion

The HST costs are based on a simulation model of the "highest return on investment system." (DEIR/S at 4.1.) Capital costs including construction, right-of-way, environmental mitigation, and design and management services were estimated for all the HST Alternative alignment and station options, resulting in a wide range of costs. (DEIR/S at 4-3.) The cost of the "highest return on investment system" is estimated at between \$33 and \$37 billion, accounting for inflation from 2000 to 2003. (DEIR/S at 4-3.) However, as a vote for the issuance of bonds for

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")

O015-9 cont.

O015-9 cont.

O015-10 cont.

O015-11



Comment Letter O015 Continued

the HST will not be on the ballot until November 7, 2006, and bonds cannot be issued and sold until January 1, 2008, these costs need to be adjusted to reflect future costs. (See Senate Bill 1169, 2003-2004 regular Session, chaptered June 24, 2004.)

According to the DEIR/S, the operation and maintenance costs ("O&M") for the HST Alternative will be \$152.5 million per year. (DEIR/S at 4-7.) To facilitate comparison with the aviation component of the Modal Alternative, this total does not include train operations, maintenance of the train sets, propulsion fuel, and marketing and reservations. (See DEIR/S at 4-6.) These costs come to \$550.7 million per year, for a revised total of \$703.2 million per year. (See DEIR/S at 4-7 (Table 4.3-3).) The decision to leave \$550.7 million out of the HST operating costs to isolate O&M infrastructure costs when comparing the HST Alternative with the Modal Alternative seems unwarranted. For example, the cost of operating and maintaining an aircraft, marketing and reservations, and propulsion fuel are left out of the aviation component of the Modal Alternative presumably because these costs will be borne by the private airlines and not the state. The HST Alternative's versions of those costs may be borne by the state, and these costs should be included in the comparison. If those costs, as given in the DEIR/S, are included in the HST Alternative, then the O&M costs of the HST system are about 350% higher, not 32% lower than the O&M costs of the Modal system. This is a significant difference and should be noted in the analysis.

C. Chapter 5- Economic Growth and Related Impacts

Impacts

According to the DEIR/S, under the HST Alternative a 2% increase in population above the No Project Alternative is anticipated throughout California, except for a 4% increase in the Northern Central Valley. This assumption is inconsistent with California's population trends even as described under the No Project Alternative. (DEIR/S at 5-9 (Table 5.3-1).) As such, the projected increase under the HST Alternative appears to vastly underestimate the amount of growth the HST will generate. Further, while anticipating an increase in population, the DEIR/S completely fails to address the impacts the DEIR/S will have on declining water supply in California. These impacts are potentially significant, and a discussion of these impacts is critical to the analysis and required by CEQA.

The draft reviews some impacts in such a broad manner that many of the significant local impacts are not fully captured in the analysis. For example, the DEIR/S predicts that the HST Alternative would remove an estimated 68 million people a year from roadways and airports, thereby directly decreasing air pollution statewide. (See DEIR/S at 5-24; see also DEIR/S at 7-7 (Table 7.3-1) (impact on air quality from HST will be beneficial and not require mitigation).) However, at the local level, growth and traffic around HST stations may lead to larger direct and indirect air pollution impacts than the Modal Alternative. (DEIR/S at 5-24.) The local impacts need to be further reviewed before the project goes forward.

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")

O015-11 cont.

O015-12

Mitigation

The increased concentration of development around HST stations has the potential to avoid or minimize indirect impacts. Research based on rail systems in North America, and high-speed rails systems throughout Europe and Asia, indicates that even modest land-use strategies could reduce the potential urbanized acreage by an additional 30,000 acres (0.6% of total urbanized acreage) under the HST Alternative. (See DEIR/S at 5-33, 34.) According to the DEIR/S this outcome would have positive results for resources such as farmlands, hydrology, and wetlands. Further concentration might also increase accessibility to employment by environmental justice communities, and reduce automobile use in general. (DEIR/S at 5-34.) However, the impacts from this high-density growth also need to be mitigated. For example, potential transportation impacts of induced growth under the HST Alternative are likely to concentrate around proposed HST station sites. (See DEIR/S at 5-24.) Mitigation for these impacts must be explored. This process must occur before the project is approved so that the public can meaningfully comment.

D. Construction

Impacts

Construction impacts from the HST Alternative could impose greater impacts to certain resources than operation of the HST. However, the DEIR/S does not adequately detail, assess, or evaluate these impacts. For example, in comparing the No Project Alternative's potential impacts on water resources with those of the Modal and HST Alternatives, the DEIR/S states:

[P]otential impacts on water quality from surface runoff or erosion during project construction would be identified during the project-specific analysis and the design phase, and standard [best management practices] would be used to minimize potential impacts.

(DEIR/S at 3.14-9.) Likewise, throughout the document the DEIR/S often states that the "potential impacts of ... construction activity [will] be addressed in more detail during the project-level analysis." (DEIR/S at 7-2.) At the same time, the draft concedes that "[b]ecause the construction period would last at least 10 years and the miles of corridor under construction at one time would extend across the state, these physical impacts would potentially be significant." (DEIR/S at 7-2.) The impacts must be thoroughly addressed before the project is approved, as this analysis is critical to understanding the full array of impacts adoption of the HST Alternative will impose.

Mitigation

The DEIR/S fails to comprehensively address the manner in which construction impacts can be mitigated. "Potential construction impacts, which should be analyzed once more detailed project plans are available, can be mitigated by following local and state guidelines." (DEIR/S AT 3.3-33.) Mere compliance with existing laws and regulations is insufficient mitigation for impacts that will be potentially significant. This process must occur before the project is approved so that the public can meaningfully comment.

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")

O015-12 cont.

O015-13



Comment Letter 0015 Continued

III. Request for Notification

Pursuant to California Public Resources Code Section 21092(b)(3), we request that the Authority please mail any and all public notices or information concerning the DEIR/S to:

Joel Reynolds
Senior Attorney
Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
Phone: 310-434-2300
Fax: 310-434-2399

0015-14

IV. Conclusion

In considering a project of this magnitude and extraordinary significance, it is essential for the decision-maker to require and consider a full analysis of environmental impacts, reasonable alternatives, and feasible mitigation that is consistent with the provisions of CEQA, NEPA, Section 4(f) of the U.S. Department of Transportation Act, and other statutory and regulatory authority. It is neither legally permissible nor appropriate from the perspective of open and transparent decision-making to consistently defer significant analysis to some future point in time, after critical decisions regarding the project have been made.

Yet, that is precisely what this DEIR/S does, time and again, in one critical section of the document after another. In reviewing these comments, we urge both the Authority and FRA to reject this approach and require an objective and thorough disclosure of impacts and alternatives before proceeding further with an alternative that will, in all probability, be more environmentally harmful and less publicly acceptable than other alternative approaches to high speed rail that, with a proper environmental review, might be developed.

Thank you for considering and responding to our comments.

Respectfully submitted,



Zahira Washington
Attorney Fellow
Natural Resources Defense Council

DEIR/S Comments Submitted by the Natural Resources Defense Council ("NRDC")



**Response to Comments of Zahirah Washington, Attorney Fellow, Natural Resources Defense Council, July 28, 2004
(Letter O015)**

O015-1

As the commentor points out, the Program EIR/EIS identifies several areas of concern regarding potential traffic impacts, particularly around HST station locations. The Program EIR/EIS traffic analysis was completed at a regional level of detail based on regional modeling data. Should the HST program move forward, site-specific intersection traffic analysis would be required as part of subsequent project level studies. Should the HST proposal move forward, the Authority would work closely with the local governments (cities) and others to ensure that adequate and appropriate access improvements are identified and considered to minimize and mitigate potential traffic impacts. Detailed traffic studies are not appropriate until subsequent project level studies consider designs and locations for the proposed stations.

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to describe in more detail mitigation strategies that would be applied in general for the HST system and further refined in project-level studies. 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. Specific impacts and mitigation measures also 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 described in project level analysis, and after avoidance and minimization efforts have been exhausted, specific impacts and mitigation measures will be addressed.

O015-2

Section 3.19 of the Final Program EIR/EIS addresses construction methods and the potential for construction impacts in general. In addition, each section of Chapter 3 also outlines specific design practices and features that will be applied to the project level studies and during the implementation of the HST system to avoid, minimize, and mitigate potential impacts. However, construction impacts are highly site-specific in nature. Construction impacts 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 and the phasing or sequencing of construction. 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.

Section 3.3 of the Final Program EIR/EIS addresses the potential impacts to air quality at a regional level and statewide level. However, Section 3.3.1.D describes the methodology applied to assess localized impacts at this program level of analysis. Section 3.3.3 generally addresses impacts in each region of study. More detailed traffic studies (see Response O015-1 above) to be completed at the project level of analysis will be performed to identify potential localized air quality impacts and potential additional mitigation measures.

Regarding conventional rail improvements and service on the LOSSAN corridor south of Irvine (Orange County), please refer to standard response 6.42.1.

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to describe in more detail 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. Specific impacts and mitigations will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed.

O015-3

The direct energy values presented in Table 3.5-1 are per vehicle mile traveled (VMT) while the values presented in Table 3.5-5 are per passenger mile traveled (PMT). As footnoted in Table 3.5-5, high speed trains are expected to carry 761 passengers per 16-car trainset (63% load factor) while airplanes are expected to carry 101.25 passengers per airplane (70% load factor). Table 3.5-4 shows the expected energy savings for the HST Alternative, which would reduce energy consumption by 5.3 million barrels of oil per year over the Modal Alternative in 2020. The general mitigation strategies in the PEIR/S would be considered in more detail during the project level design stage. Mitigation measures would be specified in the project-level studies of HST corridor alignments selected during this program environmental review. See response to Comment O015-2 in regards to construction methods and impacts which are addressed in the Final Program EIR/EIS.

O015-4

Please see standard response 3.15.13 for more information on the purpose of the PEIR/S and the subsequent studies. The PEIR/S has been prepared to support the selection of alignment options for the proposed HST Alternative rather than to present a detailed assessment of project impacts. Please see standard response 3.15.2 for a discussion of the future project-level, Tier 2 detailed assessment of site-specific project impacts and associated mitigations measures. The Co-lead Agencies acknowledge that HST alignments that travel within existing rights-of-way may pose new or magnify existing impacts, however, in general it can be said that these impacts would be lower than impacts from HST alignments placed in corridors without an existing rights-of-way. It was necessary to use this type of analysis to evaluate the large number of possible corridor alignments in order to distinguish between them

and make selections. The project-level, Tier 2 studies will evaluate these types of land use impacts at a site-specific level of detail. The PEIR/S property impacts analysis permits a comparative assessment of how adjoining properties may be affected by the alternatives; particularly with regard to property acquisition and direct impacts. A study area 100 feet from the centerline was appropriate for assessing these impacts at the program level. The potential alternatives may also have indirect impacts farther away from the alignment (e.g., noise and visual), the 0.25 mile study area was used for those environmental resources. The Co-lead Agencies completed an extensive public involvement and information program for the PEIR/S. This effort included numerous public meetings throughout the state, a mailing list of over 10,000 names, presentations before many groups, and a website. Display advertisements in community newspapers that included readership and distribution in poor and low income communities throughout the study area were utilized for notification of all statewide scoping meetings (and initiation of studies) and public hearings (as well as availability of the draft PEIR). Meetings were also held at sites conveniently located to poor and low income communities and CD's of the Draft Program EIR/EIS were made available for free. The Program EIR/EIS properly considered EJ issues relating to the proposed HST system. Should the HST proposal move forward, more detailed project specific studies will be required which would include additional community outreach.

O015-5

The Farmland Mapping and Monitoring Program (FMMP) is the most comprehensive, well maintained, consistent across the study area, and readily available source of agricultural resources. It is appropriate to use the FMMP data for program level comparisons. Subsequent project specific environmental review will also assess impacts to farmland resources and grazing lands through parcel searches, local studies, and field assessment. The potential for farmland impacts due to growth is discussed in Section 5.2 of the Final Program EIR/EIS for each system alternative (No-Project, Modal, and HST).

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. Specific impacts and 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.

0015-6

The public utilities impact analysis in this Program EIR/EIS is programmatic and appropriately addresses representative utilities; it does not address all utilities and does not address local site-specific details. Project-level analysis would address all utilities and local issues for the proposed alignments and profiles, at a point when facility designs will be more defined. The more detailed engineering associated with the project level environmental analysis will allow further investigation of ways to avoid, minimize and mitigate potential impacts. Should the HST proposal move forward, the Authority will work closely with the local governments (cities) and others to avoid, minimize, and mitigate, where necessary, taking all necessary steps to ensure that there will be no disruption to service through thoughtful design and best construction practices.

Each section of Chapter 3 in the Final Program EIR/EIS also outlines “design practices” that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts. Specific impacts and 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.

0015-7

The potential hazardous materials impacts analysis in this Program EIR/EIS is programmatic and does not address site-specific details. Potential hazardous materials impacts are highly site-specific in nature. These issues 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 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 of ways to avoid, minimize and mitigate potential impacts. Once the alignment is refined, the facilities are more fully defined through project level analysis, construction and operational plans are refined, and only after avoidance and minimization efforts have been exhausted, specific impacts and potential mitigation measures will be addressed in more detail.

0015-8

Please see standard response 3.15.2 regarding the general level of detail in this PEIR/S and the anticipated more detailed project-level, Tier 2 studies. Please see standard response 3.15.13 for more information on the purpose of the PEIR/S and the subsequent studies. Rather than presenting a detailed assessment of site-specific project impacts, this PEIR/S provides an evaluation and comparison of potential impacts related to the major project alternatives (i.e., No Action vs. Modal vs. HST) and between alternative alignment options for the proposed HST network. Future, more detailed site-specific environmental analyses with associated mitigation measures will be prepared during Tier II, project level environmental review. Additional mitigation measures are described in Section 3.14.6 of the Final PEIR/S regarding minimization of sediment impacts during construction and potential impacts on groundwater. Section 3.14.5 describes design practice commitments to minimize potential impacts to water resources. Please also see standard response 6.42.1.

0015-9

It is acknowledged that California’s parks are an important asset to the State. It is important to note that all of the impacts associated with the HST and Modal Alternatives are potential impacts.

The Authority screened a large number of different alignment options and alignment combinations throughout the state to develop

the HST system analyzed in the Final Program EIR/EIS. A key objective for the overall HST Alternative design is to avoid and/or minimize the potential impacts to cultural, park, recreational and wildlife refuges. This objective, along with others, was used to eliminate several alignment options that would potentially use 4(f) and 6(f) resources.

If a 4(f) or 6(f) resource is ranked as "high" that indicates that the HST or Modal centerline is within 150 feet of a 4(f) or 6(f) resource. However, given the conceptual level of analysis performed for this programmatic environmental document it is premature to attempt to determine specific physical impacts regarding the location of the specific rail alignment and its relationship to 4(f) and 6(f) resources. The detail of engineering associated with the project level environmental analysis will allow further investigation of ways to avoid, minimize and mitigate potential use of 4(f) and 6(f) resources.

At the program level of design, it is premature to develop mitigation measures for specific potential effects. Once the alignment is refined through project level analysis and only after avoidance and minimization efforts have been exhausted, mitigation measures will be addressed in more detail.

The potentially affected 4(f) and 6(f) resources are identified in the regional technical reports that are summarized in Section 3.16. A table summarizing the potential affects to parks for both the alternatives is provided in the Final Program EIR/EIS (Appendix 3.16A). Please also see response to Comment O051-1 and Comment AS004-1.

O015-10

See Standard Response 3.17.1.

O015-11

The capital cost estimates for the HST Alternative are not based on a simulation model. Instead, the Draft Program EIR/EIS states "To be consistent with the definition of the HST Alternative (see Chapter 2, Alternatives), the capital and O&M costs associated with the HST

Alternative comprise the costs associated with only the alignment and station options that most closely reflect the "highest return on investment system" as presented in the California High Speed Rail Authority's (Authority's) final business plan (Business Plan) (California High Speed Rail Authority 2000). The O&M costs for the HST Alternative were developed based on an operations plan and network simulation model that represents the physical characteristics of the proposed HST alignment options and the performance of the proposed HST equipment."

Without knowing the timing and phasing of the proposed system, the escalation of costs to specific years would be entirely speculative and would not inform the analysis. Whereas, cost estimates in current dollars provide a sound basis for comparison between system alternatives as well as alignment and station options. Should the HST project move forward, phasing and financing plans for the project would be considered in future studies. Please see standard response 10.1.7.

For the purposes of comparing the operations and maintenance costs of the system alternatives (Modal and HST), cost estimates did not include vehicle operations, maintenance of equipment, propulsion fuel, and marketing and reservations. While these costs can be estimated for the HST Alternative, they are not available for air and highway transportation modes. It would be an inappropriate and inconsistent comparison to include these costs for one alternative and not another, since these costs are ultimately born by the user regardless of the mode. However, these estimated costs were fully disclosed for the HST Alternative in the Draft Program EIR/EIS in Section 4.3.2. It should also be noted that feasibility studies by both the Commission (1993-1996) and the Authority (1997-2000) showed that a statewide HST system in California could operate at a revenue surplus, including all operations and maintenance cost elements.

O015-12

The co-lead agencies respectfully disagree with the commenter's contention that the growth projected under the HST Alternative is

inconsistent with population trends described for the No-Project Alternative, or that it is “vastly underestimated”. Table 5.3.-1 in the EIR/EIS indicates that statewide population will increase by 56% for the HST Alternative (as compared to year 2002 population), which is greater than the 54% increase expected for the No-Project Alternative. Similarly, Table 5.3-2 indicates that statewide employment is higher under the HST Alternative than either the No Project or Modal Alternative. Compared to 2002 population and employment, pages 5-9 and 5-10 indicate that the HST Alternative may stimulate higher absolute growth than the No Project or Modal Alternatives. These results represent a reasonable gauge of the growth inducing potential of each system alternative, recognizing that the methodology for assessing economic growth effects and indirect impacts was identical for all system alternatives, and the scale of investment represented by the HST or Modal Alternative (between \$25 billion and \$82 billion spread over a decade or more) would be actually quite modest when compared to California’s multi-trillion dollar annual gross state product. Please see standard response 5.2.3 for comments related to declining water supply. The analysis in the Program EIR/EIS shows that population growth is expected in California with or within the proposed HST system. However, with the proposed HST system the State would have a greater opportunity to influence future growth patterns in areas with proposed HST stations (please see Chapter 6B “HST Station Area Development”).

Please see standard response 5.2.2 for comments related to the scale of analysis. Also, it is important to note that potential localized impacts and possible mitigation will be assessed in the project level analysis when more detailed information about selected stations, station locations, station access patterns and potential roadway modifications will be known. The design detail and analytic tools needed to assess these issues are neither available nor necessary at a program-level. The growth patterns expected around any HST station would largely depend upon local land use and zoning regulations and local approvals subject to mitigation conditions, as appropriate, to permit such growth. However, Chapter 6B of the Final Program EIR/EIS “HST Station Area Development” discusses

the Authority’s commitments for selecting HST station sites that promote transit oriented development and describes transit oriented development guidelines. At project level review of proposed stations and segments of the proposed HST system further analysis of potential localized air pollution, traffic, growth and other impacts would be provided and would include analysis of mitigation measures to address specific locations.

0015-13

Section 3.18 of the Final Program EIR/EIS addresses construction methods and the potential for construction impacts in general. In addition, each section of Chapter 3 also describes design features that will be applied to the project level studies and implementation of the HST system to avoid, minimize, and mitigate potential impacts. However, construction impacts are highly site-specific in nature. Construction impacts will be addressed in detail during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed and the phasing or sequencing of construction. The more detailed engineering associated with the project level environmental analysis will allow further investigation of ways to avoid, minimize and mitigate potential impacts.

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to include 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. Specific impacts and mitigations will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed.

0015-14

Request for Notification: the National Resources Defense Council will be added to the distribution list for the Final DEIS/EIR. All notices and information will be sent to:

Joel Reynolds
Senior Attorney
Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
Phone: 310-434-2300
Fax: 310-434-2399



Comment Letter O016

O016



WALTER N. SMITH
General Director, Commuter Construction

Burlington Northern Santa Fe
2454 Occidental Ave.
Seattle Washington
740 E. Carnegie
San Bernardino, Ca. 92408

July 29, 2004

Mr. Dan Leavitt
Deputy Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814



Subject: California High Speed Rail DEIS

Dear Mr. Leavitt:

BNSF has reviewed the California High Speed Rail Draft Environmental Impact Statement. As a result of our review we have the following comments and would also appreciate clarification on what appears to be consolidated BNSF and UP alignments in Northern California. Since High Speed Rail in California is at a programmatic level, we expect to have additional comments should the concept progress to the project level.

COMMENTS:

- General - The "Modal Alternative" appears to focus on highway and airport alternatives, it seems that there could also be a conventional rail alternative that should also be analyzed and possibly a combination of all three.
- If a grade separated HST system is built along a Railroad Corridor, grade separations must also be included for the conventional railroad due to the physical restrictions that having one grade separated system adjacent to an un-separated one will create.
- The ability for the BNSF to expand and grow with the demand must also be preserved.
- BNSF's property is one of our important assets; as the HSR moves forward with detailed plans we will need to be included in the review so that our property and its value will be preserved.
- The Class 1 Railroads have written guidelines on how to comply with the FRA Roadway Worker Protection regulations. The BNSF has a guideline that new construction of mainlines be at 25 foot minimum centers. This allows maintenance employees to keep working and trains to pass at speed. This guideline should be taken into account as HSR progress from programmatic to project levels. Depending on the design speed wider track centers may be required.

O016-1
O016-2
O016-3
O016-4
O016-5

Executive Summary - The proposal is to have electrically powered equipment in Northern California, where the alignment comes near or crosses BNSF R/W there will need to be assurances that the power system will not interfere with Railroad operating, communication or signal systems.
- The proposal for Southern California is to use conventional diesel locomotive but also includes the possibility of long tunnels. There are operating and safety issues that must be considered if freight trains are also required to use those tunnels. Such as - how a disabled train will be rescued or how ventilation will be handled?
- If BNSF alignments are used, impacts to property values and our ability to serve customers will need to be addressed.

O016-6
O016-7
O016-8

Section 2.6.3 - Potential for Freight Service - This section discusses the potential for the HST to carry freight that does not exceed passenger loads. There is a potential for equipment compatibility problems if the equipment is interchanged with freight railroads. This also raises a question of an unfair advantage for the HST in competition with freight railroads.

O016-8a

Section 2.7.2 Modal Alternative (summary) - Again the section does not discuss conventional passenger service an alternative or a component of an alternative.

O016-9

POTENTIAL INDIRECT IMPACTS

Section 5.4.1 Transportation - In earlier sections the fact that the HST may change the areas WHERE population growth will occur. However, the transportation section only discusses traffic, it does not discuss the possibility that goods distribution centers may need to be relocated or additional one located in new areas to support the change in density. This would also indirectly impact the freight shipping industry (rail & truck).

O016-10

Section 6 High-speed Train Alignment Options Comparison

Section 6.2 Bay Area to Merced - This section discusses the various options and alignments that are being considered. While the descriptions do not specifically state that the HST proposal is moving existing freight facilities, the notations on the prints appear to indicate that the proposal is to build connections between BNSF and UP. (Figures 6.3-1, 6.3-2a&b, 6.3-4a&b)
- There are also indications that the HST is proposing to combine BNSF and UP R/W. (Figures 6.3-2a&b, 6.3a&b). This could potentially impact either or both railroads' ability to serve customers. There could also be financial impacts to the railroads if this interpretation is correct. Please advise if our interpretation is correct.

O016-11

Section 6.5.1 Los Angeles to March ARB. The discussions indicate that the route is entirely parallel to the UPRR, however the diagrams indicate that the ownership of the lines probably also include SCRRA (or member agencies) and the BNSF. The BNSF could be significantly impacted between San Bernardino and Riverside on the proposed alignments.

O016-12

Section 6.6 Los Angeles to San Diego - The proposed alignments for this area included trenches and tunnels using conventional (non-electric) equipment. If the proposal is to include moving the existing freight service to the HST alignment, there are many concerns that must be addressed, including but not limited to: capacity

O016-13



U.S. Department of Transportation
Federal Railroad Administration

Comment Letter 0016 Continued

(current and future), ability to grow, serving existing customers, recovery during outages, ventilation in the tunnels, ability to rescue disabled trains, as well as emergency ingress and egress.

0016-13
cont.

As the High Speed Rail program progresses we are confident that there will be many opportunities to exchange ideas and address concerns and BNSF will continue to review at a higher level and in more detail. We have attempted to have our comments and concerns address the conceptual nature of the DEIS. If you have any questions on our comments please feel free to contact my office. We look forward to further information as it is developed.

Sincerely,



Walter N. Smith

Cc: - BNSF



CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

**Response to Comments of Walter N. Smith, General Director Commuter Construction, BNSF, July 29, 2004
(Letter O016)**

O016-1

Section 2.5.1 "Modal Alternatives Considered and Rejected" provides the explanation as to why conventional rail improvements beyond those in the No Project Alternative were not included in the Modal Alternative (page 2-17 of the Draft Program EIR/EIS). Please also see standard response 2.9.1 in regards to the rejection of HST technologies at speeds below 200 mph. The Modal Alternative consists of future expansions of highways and airports since highway and air transportation travel are the predominate modes for intercity trips in California (Draft Program EIR/EIS, page 2-15).

O016-2

The HST Alternative has been evaluated at a conceptual level of design for the program EIR/EIS process. Should the HST proposal move forward, preliminary engineering level of design which would further define the HST Alternative would be required as part of future project specific studies. For the program EIR/EIS, it has been assumed where the HST alignment was within or immediately adjacent to freight rail right-of-way and the HST tracks were at existing grade or in a trench, that the adjacent freight tracks would have to be grade separated as well. The cost of grade separating the freight tracks in these circumstances was included in the HST cost estimates. This assumption was made since it did not appear feasible to only grade separate the HST tracks when at existing grade or in a trench. However, there are some areas (particularly in the Central Valley) where in order to permit adjacent freight service to continue to serve local industries the HST alignment would need to be at a different level than the freight tracks. In these locations, it was assumed that the HST tracks would be on aerial structure to avoid impacts to the existing freight operations. In most cases where the HST system is assumed to be on an aerial structure, no grade separation improvements for the existing freight tracks are assumed for this program EIR/EIS. The Authority has identified the

BNSF alignment throughout most of the Central Valley as the preferred HST alignment option in part because it offers far more opportunities for HST operations at existing grade than the UP alignment (please see Chapter 6A, "Preferred HST Alignment and Station Locations" of the Final EIR/EIS).

O016-3

Acknowledged.

O016-4

Acknowledged. The Authority looks forward to working cooperatively with the BNSF should the HST proposal move forward.

O016-5

Acknowledged. At the conceptual level of design for the program EIR/EIS, it was assumed that the new HST mainline would be at 25 foot minimum centers to other tracks. Determination of the spacing between the HST tracks and adjacent freight will require future project specific study.

O016-6

Acknowledged.

O016-7

Please see standard response 6.41.1.

O016-8

Acknowledged.

O016-8A

Acknowledged. Should the HST proposal move forward, the potential for HST track to carry freight would need to be investigated

in detail as part of future project specific studies. These studies would include identifying potential compatibility problems. The potential for freight service assumed at the program level is for express package and high value freight for which there would be no interchange with conventional freight railroads. The Authority does not believe there would be any issue of competition with existing rail freight services and this would be addressed in more detail as part of future project specific studies.

O016-9

Section 2.5.1 “Modal Alternatives Considered and Rejected” provides the explanation as to why conventional rail improvements beyond those in the No Project Alternative were not included in the Modal Alternative (page 2-17 of the Draft Program EIR/EIS). Please also see standard response 2.9.1 in regards to the rejection of HST technologies at speeds below 200 mph. The Modal Alternative consists of future expansions of highways and airports since highway and air transportation travel are the predominate modes for intercity trips in California (Draft Program EIR/EIS, page 2-15).

O016-10

Acknowledged. Analyzing the possibility that goods distribution centers may need to be relocated or additional ones located in new areas due to change in where growth occurs is beyond the scope of this program level EIR/EIS. Since population growth has yet to occur, goods distribution would be expected to gradually shift and grow in any future scenario regardless of which Alternative is selected and it would be highly speculative to forecast such shifts.

The growth inducement analysis included the indirect and induced employment growth that would be needed to support increased population growth in all geographic areas and business sectors (including goods distribution centers). Section 5.4.1 of the Program EIR/EIS discussed indirect transportation impacts from this population and employment growth, and hence included the effect of potential increases in goods distribution. Also Page 5-11 and

Table 5-3.4 in the Program EIR/EIS indicate that the HST Alternative is likely to induce disproportionate job growth in the Finance, Insurance and Real Estate (FIRE) and services sectors, rather than sectors that are freight intensive. These results suggest that the No Project and Modal Alternatives would be more likely to lead to changes and increases in goods distribution centers in outlying areas.

O016-11

The interpretation is not correct. The figures in the Draft Program EIR/EIS (6.3-1, 6.3-2a&b, 6.3-4a&b) show HST design options where the HST tracks could transition from one freight corridor to another. The Authority and the FRA have made no assumptions (and no cost considerations) for moving or altering conventional freight services among different alignments. The Final Program EIR/EIS describes the rail consolidation proposed by the Fresno Council of Governments, but does not make any assumption that this consolidation would actually occur – and such consolidation is part of the HST proposal.

O016-12

The Final EIR/EIS references have been changed to note that the alignment for the San Bernardino loop between Ontario and Riverside is primarily along the BNSF/SCRRA alignment (Chapter 2, pages 2-78). The Authority has identified the UP Colton Line between Ontario and Riverside as the preferred HST alignment. The HST proposal is not expected to have major impacts to existing rail freight services and would incorporate avoidance and minimization of any such potential impacts.

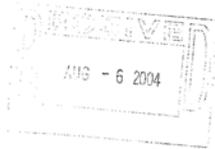
O016-13

Please see standard response 6.41.1.

Comment Letter O017

O017

OAK SPRINGS INVESTMENTS, LLC
12730 High Bluff Drive
Ste. 180
San Diego, CA 92130
Telephone: (858) 523-1799



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

RE: EIR Comment – Property Affected by Rail System

Oak Springs Investments, LLC submits the following comments regarding the California High Speed Rail EIR/EIS for the proposed Soledad Canyon Alignment Option. We are under contract to purchase property within the City of Santa Clarita. We recently received a copy of the Soledad Canyon Alignment Option Plan and Profile from MetroLink during discussions about our development of a 187 acre parcel just south of the Santa Clarita River. The property, formerly Approved Tentative Tract 34466 in the City of Santa Clarita is bisected by the proposed Soledad Canyon Alignment Option of the High Speed Rail. Our Comments are as follow:

- 1. The proposed alignment is not being adequately disclosed to the Public. The City of Santa Clarita reviewed our proposal for residential development of our property and never disclosed the potential issue of the High Speed Rail. When we discussed with a City Council member that the alignment cuts through our property, it was disputed and the proposed alignment was described to be somewhere else. Nobody else we have talked to at the City knows about the High Speed Rail alignment. How can the impacts be evaluated when the information about the rail system and/or alignments is not presented to local agencies.
- 2. The alignment of the Soledad Canyon Alignment runs through the middle of our development. We are concerned about the direct impacts to our residents. These impacts include, elevated noise levels during construction and operation, reduced view potential, increased air borne contaminants during construction and operation, access to lots that become landlocked by the rail system, impacts on drainage as the site is in a flood impact zone and potential problems could be increased, vibration concerns adjacent to the system, and unknown health issues that might be caused by the at present unknown method of construction and operation of the rail system.
- 3. The value of our property is reduced significantly with the rail system bisecting it. The whole site is impacted and we and all our residents will be economically damaged if this rail system is built across our property. How are the residents and us to be compensated for lost value and for the property lost to this rail system?
- 4. The impacts on natural areas dedicated and recorded for open space crossed by this alignment. Agreements requiring open space dedication may be made void by this system being built across those properties. What impacts on native species within the site protected by the owners will be mitigated or can be addressed by the Rail Authority.

O017-1

O017-2

O017-3

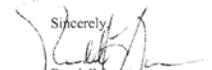
O017-4

California High-Speed Train
Draft Program EIR/EIS Comments
Page 2

5. The site is equestrian oriented. How will the construction and operation of the rail system affect the horses? Will it hurt or constantly bother them, potentially causing injury to people.

O017-5

I trust these concerns will be adequately addressed by the EIR/EIS. I look forward to your response.

Sincerely,

Randall Jenson
Managing Member

**Response to Comments of Randall Jenson, Managing Member, Oak Springs Investments, LLC, August 6, 2004
(Letter O017)**

O017-1

Please see standard response 8.1.16, describing the extensive public information and involvement program for this Program EIR/EIS. Please also refer to Chapter 8 of the Final Program EIR/EIS. The State of California has been investigating potential HST alignments through the Soledad Canyon since 1994 (please see the Caltrans "Los Angeles-Bakersfield High Speed Ground Transportation Preliminary Engineering Feasibility Study Summary Report" dated November 1994, the work of the California Intercity HSR Commission 1994-1996, the Authority's June 2000 Business Plan, and this program EIR/EIS process). The Draft Program EIR/EIS states, "Soledad Canyon refers to a relatively wide corridor area than includes both the SR-14 and UPRR alignments between the Antelope Valley and Santa Clarita" (page 2-73). The Program EIR/EIS describes conceptual alignment options for the proposed HST system. To determine a more precise alignment through the Soledad Canyon future project specific studies will be needed should the HST proposal move forward, and those studies will provide more detailed analyses of potential impacts to specific properties and adjacent land uses and potential mitigation measures. The City of Santa Clarita submitted comments on the Draft Program EIR/EIS. The Authority has met with City staff and made presentations in Santa Clarita as part of this program process (see Chapter 9) and as part of previous feasibility studies.

O017-2

The commentor's concerns regarding potential impacts are acknowledged. Please see response to Comment O017-1.

O017-3

The program EIR/EIS has been prepared at a conceptual level of detail and would be followed by project level environmental documentation that addresses site-specific issues. Future project specific study is needed in order to determine specific alignments and potential property impacts associated with specific alignments. Should the HST proposal move forward, determining the appropriate mitigation for impacts would be part of future project environmental reviews.

O017-4

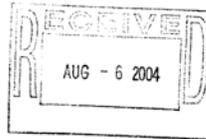
Future project specific study is needed in order to determine specific alignments and impacts on natural areas. Should the HST proposal move forward, determining the appropriate mitigation for impacts to specific properties would be part of future project-level environmental reviews.

O017-5

Future project specific study is needed in order to determine specific alignments and potential impacts on specific properties, including any equestrian oriented areas. Should the HST proposal move forward, determining the appropriate mitigation for impacts would be part of future project environmental reviews.

Comment Letter O018

O018



August 4, 2004

Carrie Pourvahidi, Deputy Director
CA High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Resolution Supporting High Speed Rail in California

Dear Ms. Pourvahidi:
The South Natomas Transportation Management Association™ Board of Directors adopted the following resolution at its August 4, 2004 meeting:

Whereas, California's population is projected to grown to 45-50 million by the year 2020 bringing with that growth, increases in highway congestion and overcrowding at airports

Whereas, transportation and air quality concerns, issues and solutions need to be addressed on increasingly larger regional scales with multi-jurisdictional strategies

Whereas, the proposed high speed rail system would stretch from San Francisco, Oakland and Sacramento in the north, through the Central Valley, to Los Angeles and San Diego in the south, connecting the state's existing transportation network, with station links to airports, intercity rail and bus lines, commuter rail lines and urban rail transit lines

Be it therefore resolved that the South Natomas Transportation Management Association™ supports the California High-Speed Rail Authority's pursuit of an economic and environmentally viable high-speed rail system for California.

Sincerely,


Deborah K. Maus, CAE
Executive Director

O018-1



**Response to Comments of Deborah K. Maus, CAE, Executive Director, South Natomas TMA, August 4, 2004
(Letter 0018)**

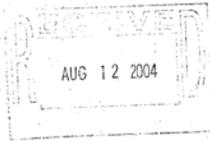
0018-1

Acknowledged.



Comment Letter O019

O019



August 10, 2004

Joseph Petrillo, Chair
California High Speed Rail Authority
925 L Street, #1425
Sacramento, CA 95814

Subject: Draft Environmental Report (DEIR)

Dear Mr. Petrillo:

I am writing on behalf of the nearly 4,000 members of the Santa Clara Valley Audubon Society. Like many organizations, our chapter is closely watching plans for high-speed rail in California. We have some reservations:

- How much Central Valley urban development might the new line spur?
- How economically important to the success of the rail line is Silicon Valley passenger traffic vs. the growing population centers in the Sacramento/Central Valley area?
- Are there conflicts of interest among rail line decision-makers? This question is prompted by the extremely questionable proposal of routes through the Diablo Range.
- Are there better transit alternatives, such as improving linkage of local transportation systems, which could be accomplished with the same amount of funding?

O019-1

O019-2

O019-3

O019-4

It is fortunate that the High Speed Rail bond measure has been postponed until 2006. We believe that these, and other questions, need to be explored further.

At this time, we join with the Sierra Club, the Planning and Conservation League, and The Nature Conservancy in urging the Authority to reopen the DEIR because it is inadequate and flawed. At a minimum, it must include study of the Altamont Pass as an alternate route for connecting the Central Valley with the San Francisco Bay Area.

O019-5

The Altamont Pass, with an existing major transportation corridor, appears to be a more appropriate route than either Coe State Park or Pacheco Pass. The Diablo Range route

22221 McClellan Road, Cupertino, CA 95014 • Phone: 408-252-3747 • Fax: 408-252-2850
e-mail: scvas@scvas.org • www.scvas.org

Printed on Recycled Paper with Soy Ink

Joseph Petrillo, Chair
California High Speed Rail Authority
August 10, 2004

Page 2

through Coe State Park is completely unacceptable because it is a pristine wildland. The route through Pacheco Pass following Route 152 from Los Banos to Gilroy would also cause major environmental damage. It would pass near or through the San Felipe Lake area, a critical habitat used by a large number of local and migratory bird species. The area has been designated as an Important Bird Area by Audubon California, a division of the National Audubon Society.

Regarding Altamont Pass, a new trans-Bay bridge would be required, which the DEIR states would be both expensive and environmentally damaging. However, the DEIR does not adequately assess its environmental impact and we fail to understand how a narrow rail bridge could be more expensive than tunneling under Coe State Park lands.

South Bay government officials have argued against study of the Altamont alternative because San Jose would be served by a spur line rather than being on the main line and only a few trains a day would come to San Jose. This is an assertion that is not supported by the DEIR, which lacks origin-destination data.

If the voters of this state are to pass the massive bond measure needed by the rail project, support from the environmental community will be important. An adequate EIR, in particular an analysis of the Altamont route, will be necessary to win our support. Thus, those who seek to narrow the choices may well be dooming the project. This must be corrected.

Sincerely,

Nancy Teater, Board Secretary and Environmental Action Committee Chair

- cc: Representative Anna Eshoo
Representative Mike Honda
Representative Zoe Lofgren
Representative Richard Pombo

O019-5
cont.



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

**Response to Comments of Nancy Teater, Santa Clara Valley Audubon Society, August 10, 2004
(Letter O019)**

O019-1

The analysis summarized in the “Economic Growth and Related Impacts” Chapter of the Draft Program EIR/EIS (Chapter 5) concluded that about 700,000 more residents statewide, 450,000 more jobs statewide could be expected with the proposed HST system, but 2,600 acres less urban area statewide would be likely than under the No Project Alternative. Table 5.3-6 of the Draft Program EIR/EIS shows “Year 2035 size of urbanized areas by alternative County and Regional Totals”. This table shows that the Northern Central Valley is projected to have 578,250 urbanized acres by 2035 with the No Project Alternative, and 573,557 urbanized acres by 2035 with the HST Alternative. For the Southern Central Valley, the No Project is projected to have 549,590 urbanized acres by 2035 and the HST Alternative would have 559,105 urbanized acres by 2035 (pages 5-20 & 5-21).

The data in Table 5.3-6 in the Draft Program EIR/EIS indicate that, in the Central Valley, the HST Alternative may lead to 4,800 additional acres of urban development compared to the No-Project Alternative, and 4,000 fewer acres of urban development compared to the Modal Alternative. On a statewide basis, the HST Alternative may lead to 2,600 fewer acres of urban development compared to the No-Project Alternative, and 68,000 fewer acres of urban development compared to the Modal Alternative. The number of acres of urban development under the HST Alternative can be reduced by the Authority working with local governments to increase development densities, which it has committed to doing as part of the Final Program EIR/EIS (see Chapter 6B).

O019-2

Service to the Bay Area (including the Silicon Valley) and the Sacramento/Central Valley would both be important to meeting the purpose and need of the HST system, and to the economic viability of the system.

O019-3

Please see standard response 6.3.1. Pursuant to the requirements of the Political Reform Act, Authority Board members and staff file annual statement of economic interest forms and would be required to disclose conflicts of interest, if any exist. Federal decision makers are subject to disclosure requirements of federal law.

O019-4

The Program EIR/S compares how the system alternatives, including the proposed HST system, meet the purpose and need addressing intrastate intercity travel demand between the state’s major metropolitan areas. Improving the linkage of local transportation systems would not meet the purpose and need of the HST proposal.

O019-5

Please see standard response 2.18.1.

Comment Letter O020

O020



13 August 2004

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

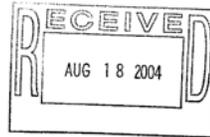
Subject: Comments on Draft Program EIR/EIS for the Proposed California High-Speed Train System.

Ducks Unlimited welcomes the opportunity to comment on the Proposed California High-Speed Train System. Our organization is the largest waterfowl and wetland conservation group in North America. With over one million supporters, Ducks Unlimited and our partners invest over \$180 million in wetland conservation annual on the continent. California's Central Valley is one of our five highest priorities in North America.

The Grasslands Ecological Area of northern San Joaquin Valley is the largest remaining wetland/grassland landscape in the state, at roughly 160,000 acres. The area is owned by private, federal, and state interests and is composed of a rich mix of habitats and diversity of wetland species. This region is critical for Pacific Flyway waterfowl populations, providing key migration and wintering habitat for up to 20 percent of the birds in the entire Flyway. With less than five percent of the original 2-4 million acres of Central Valley habitat remaining, the value of this complex is difficult to measure.

Despite this well-known value of the Grasslands area, the Draft EIR/EIS provides only passing mention of San Luis NWR and no mention of the critically important habitat that the Grasslands provide migratory waterfowl and waterbirds of international importance.

The proposed high-speed train system includes options for stations in Los Banos and Merced, which are located adjacent to the Grasslands. The table on page S-14 indicates that the Modal Alternative will encourage urban sprawl throughout the Central Valley, and the high-speed train only around



WESTERN REGIONAL OFFICE 3074 Gold Canal Drive Rancho Cordova, CA 95670-6116 (916) 852-2000 Fax (916) 852-2200 www.ducks.org



WESTERN REGIONAL OFFICE 3074 Gold Canal Drive Rancho Cordova, CA 95670-6116 (916) 852-2000 Fax (916) 852-2200 www.ducks.org

Merced. Urban sprawl will be extensive around the Grassland communities such as Los Banos if a train station is located there.

O020-2 cont.

Selection of either the Pacheco Pass or Diablo Range as corridor alignments will result in increased human disturbance and growth in the critical Grasslands complex. Demand for urban water use, increased mosquito abatement spraying, increased human disturbance, increased urban run-off will all degrade the last great wetland/grassland landscape in California. Why the Altamont Pass alternative was so quickly eliminated seems a mistake, when major corridor focus would be far north of the Grasslands.

O020-3

This Draft Program EIR/EIS fails to address or even acknowledge key values of the Grasslands Ecological Area or the degradation which will be the product of the Preferred Alternatives found in this document. The Grasslands Ecological Area plays a key role for California as critical migratory and wintering habitat for waterfowl and other wildlife. This area provides a region that honors and supplies opportunities for the waterfowling tradition. This document fails to provide any viable alternatives to expanded urban sprawl in one of the most important wetland complexes in North America.

O020-4

Sincerely,

Frederic A. Reid, Ph.D. Director of Conservation Planning

O020-1

O020-2

LEADER IN WETLANDS CONSERVATION

LEADER IN WETLANDS CONSERVATION



U.S. Department of Transportation Federal Railroad Administration

**Response to Comments of Frederic A. Reid, Director of Conservation Planning, Ducks Unlimited, August 13, 2004
(Letter O020)**

O020-1

Please refer to Responses to Comments AL072-8 and AL072-9 regarding impacts to the Grasslands Ecological Area and San Luis National Wildlife Refuge. More detailed analysis of potential impacts, including potential impacts to wetlands and waterfowl habitat, will be prepared as part of the future Central Valley to Bay Area HST alignment study and as part of the project-level, Tier 2 environmental analyses.

O020-2

Acknowledged. Please see standard response 6.3.1. Please see response to Comment O019-1 and Chapter 5 of the Draft Program EIR/EIS in regards to the potential for growth inducement for the HST, Modal and No Project alternatives.

O020-3

See Standard Response 6.3.1.

O020-4

The Grasslands Ecological Area is addressed in Section 3.15.2C of the Final Program EIR/EIS.