Comment Letter S001 (Jim Beall, Jr., Assembly California Legislature, September 18, 2007)

S001

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0024
(916) 319-2024
FAX (916) 319-2124

DISTRICT OFFICE
100 PASEO DE SAN ANTONIO, SUITE 300
SAN JOSE, CA 95113
(408) 282-8920
FAX (408) 282-8927

Assembly
California Legislature

JIM BEALL JR.
ASSEMBLYMEMBER, TWENTY-FOURTH DISTRICT

COMMITTEES:
CHAIR, HUMAN SERVICES
BUDGET
BUDGET SUBCOMMITTEE 1 ON HEALTH AND HUMAN SERVICES
HIGHER EDUCATION
VETERANS AFFAIRS
SELECT COMMITTEES:
CHAIR, ALCOHOL AND DRUG ABUSE
FOSTER CARE

September 18, 2007

Quentin L. Kopp
Chairperson
California High-Speed Rail Authority
925 L Street Suite 1425
Sacramento, CA 95814

Dear Chairperson Kopp:

I am writing to express my support of the Pacheco Pass alignment. The Pacheco Pass alignment provides better connectivity to existing rail systems, directly connects the major population centers quickly and cost effectively, and is the most compatible approach with current regional plans and global warming goals. S001-1

I have over 20 years experience in transportation planning. During my 26 years of local service, I served on several transportation agencies board of directors including the Caltrain, Santa Clara County Traffic Authority, Valley Transportation Agency, and the Metropolitan Transportation Commission to name a few. During my local tenure I spearheaded many rail transportation projects including serving on the Guadalupe Corridor Joint Powers Board which was responsible for the development of the light rail system in Santa Clara County. I was also appointed to the Governor's Transportation Summit Working Group which drafted the legislation which became Propositions 108/111 and 116. S001-2

My vision for the high speed rail project is large urban areas being connected at multi-modal transit centers to provide an alternative to air and auto traffic between northern and southern California. I believe that the most important element to consider in the alternative analysis is the connectivity between the High Speed Rail and our transit systems in California. This inter-relationship will not only be positive for High Speed Rail, it will also benefit our transit systems and California's global warming goals. S001-3

The Pacheco Pass alignment establishes the best framework for California's transportation development overall and is the most compatible with the regional transit plans in both the Bay Area and Monterey Bay including Metropolitan Transportation Commission Regional Rail Plan. The Pacheco alignment would also result in the highest

Printed on Recycled Paper

number of statewide trains stopping at all destinations in the Bay Area and is the most direct north/south connection. An Altamont alignment will cause a burdensome and costly 3 way split to reach San Jose, Oakland and San Francisco - with less trains to each. The Altamont Route offers a low speed trip, better served by BART and ACE extensions and upgrades.

It is important to build High Speed Rail in a way that most directly connects the major population centers as quickly and cost effectively as possible. The Pacheco alignment is the only alternative that does this. Travelers will be able to reach High Speed Rail terminals easily and quickly via public transit, reducing the need to accommodate automobiles and their impact on the environment. Do we want to establish a transit only framework or build a High Speed Rail with large parking areas surrounding the stations?

Residents in the San Mateo, Santa Clara and Monterey counties will benefit greatly from the Pacheco alignment. Planning for High Speed Rail connection in Gilroy has already started with the Caltrain extension to Salinas, the Del Monte Express to Castroville and the addition of the Amtrak Coast Day Light Service. The Gilroy Terminal would serve close to 1 million people. S001-3 cont.

The transit emphasis is being completed in the Bay Area in accordance with long standing plans emphasizing multimodal transit terminals. In addition, San Mateo, Santa Clara and Alameda all tax themselves for transportation improvements which demonstrate their stake in the Pacheco alignment, as well as their commitment to fund essential transit projects through the ballot box. A transit terminal approach should be the basis for connecting transit systems. The Pacheco alignment is the most compatible approach with the current regional plan and global warming goals. I urge your support of the Pacheco alignment.

Sincerely,

Assemblymember Jim Beall, Jr.
24th District

Response to Letter S001 (Jim Beall, Jr., Assembly California Legislature, September 18, 2007)

S001-1

The Preferred Alternative identified in this Final Program Environmental Impact Report/Environmental Impact Statement (Final Program EIR/EIS) is the Pacheco Pass Network Alternative, San Francisco and San Jose Termini.

See Standard Response 3 and Chapter 8 regarding identification of the Pacheco Pass as the Preferred Alternative.

S001-2

The California High- Speed Rail Authority (Authority) and Federal Railroad Administration (FRA) acknowledge the background information provided by Assembly Member Jim Beal, Jr.

S001-3

The Pacheco Pass Network Alternative has been identified as the Preferred Alternative in this Final Program EIR/EIS. The statements made in support of this alternative in Assembly Member Jim Beal's letter were among the reasons for identifying the Pacheco Pass Network Alternative as the Preferred Alternative. These reasons include direct connection between northern and southern California population centers; connectivity to other transit connections; service to the Salinas and Monterey Bay area via Gilroy; transit connection plans for the Santa Clara, San Mateo, and Alameda County areas; and the need to respond to the global warming issue. During the project-level engineering and environmental review, decisions regarding the provision of parking facilities at high-speed train (HST) stations will take into account the level of existing or planned transit connectivity to that station.

Comment Letter S002 (Derrick J. Adachi, Department of Water Resources, August 20, 2007)

S002

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF WATER RESOURCES
DIVISION OF ENVIRONMENTAL SERVICES
ENVIRONMENTAL COMPLIANCE AND EVALUATION BRANCH
1725 23RD STREET, SUITE 220
SACRAMENTO, CA 95816

RECEIVED
AUG 23 2007
BY:

August 20, 2007

California High Speed Rail Authority
EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

California High Speed Rail Authority, EIR/EIS Comments

The Department of Water Resources (DWR) has completed its review of your Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS and wishes to provide the following general comments:

1. Based on the proposed project alignments described in the Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS document, there could be points of overlap or encroachment with existing DWR structures and right of ways. S002-1

2. If any of the proposed project alignments does overlap or encroach upon any DWR structure or right of way, DWR should be a responsible agency under the California Environmental Quality Act (CEQA) process.

3. Any contact or encroachment onto DWR lands and right of way will require the project proponent to obtain an access permit, encroachment permit, and/or easement from DWR's Division of Engineering, Real Estate Branch prior to construction. S002-2

Thank you for the opportunity to participate in your project specific EIR/EIS review process. If you have any questions, please contact me at (916) 445-6127 or Roy Peterson at (916) 445-6326.

Sincerely,

Derrick J. Adachi, Chief
Environmental Compliance and Evaluation Branch
Division of Environmental Services

Response to Letter S002 (Derrick J. Adachi, Department of Water Resources, August 20, 2007)

S002-1

Comment acknowledged.

S002-2

Comment acknowledged. The Authority and FRA expect that the California Department of Water Resources will serve as a responsible agency for EIRs for individual sections of the HST system.

Comment Letter S003 (John Garamendi, Lieutenant Governor, August 28, 2007)

S003

RECEIVED
AUG 3 0 2007
BY:

LIEUTENANT GOVERNOR JOHN GARAMENDI

August 28, 2007

Judge Quentin L. Kopp, Chairman
High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Judge Kopp:

I respectfully request that an additional public hearing be set in Sacramento to elicit comments regarding the draft EIR/EIS for the Bay Area to Central Valley program.

The ultimate success of high-speed rail in California rests on our ability to bring as many sectors of the state as possible into the planning umbrella. Sacramento should be included in the public hearing process.

The Sacramento region is one of the fastest growing areas in California and the nation. This development has resulted in rapid growth along the northern half of the Highway 99 corridor and left this portion of the state largely dependent on I-80, I-5 and Highway 99. These regional connectors are already at the saturation point and construction of additional highway capacity appears remote. Therefore, Sacramento has an important stake in any transportation planning alternatives. S003-1

The successful integration of the Central Valley with the rest of the state is vital and this area has an important voice when it comes to California High-Speed Rail planning. Please provide Sacramento with the opportunity to offer comments on this proposed portion of the high-speed rail project and the significant impact such a system will inevitably have on its future.

Sincerely,

JOHN GARAMENDI
Lieutenant Governor

STATE CAPITOL, ROOM 1114, SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 445-8994

Response to Letter S003 (John Garamendi, Lieutenant Governor, August 28, 2007)

S003-1

In response to public requests such as this request from the Lieutenant Governor, the Authority and FRA added two additional public hearings on the Draft Program EIR/EIS: one in Stockton and one in Sacramento. The Authority Board identified service to Sacramento as part of the proposed HST system analyzed in its statewide program EIR/EIS (California High-Speed Rail Authority and Federal Railroad Administration 2005), which was certified by the Authority Board in 2005.

Comment Letter S004 (Brian Leahy, Department of Conservation, September 11, 2007)

S004

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

RECEIVED SEP 20 2007 BY:

September 11, 2007

Mr. Dan Leavitt
California High Speed Rail Authority
925 I Street, Suite 1425
Sacramento, CA 95814

Mr. David Valenstein
USDOT Federal Railroad Administration
1120 Vermont Avenue N.W. M/S 20
Washington D.C. 20590

Subject: SCH# 20051120511 - Draft Programmatic Environmental Impact Report/ Statement for the Bay Area to Central Valley High Speed Train

Dear Mr. Leavitt and Mr. Valenstein:

California's Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, California Farmland Conservancy Program, and other agricultural land conservation programs.

The Federal Railroad Administration (FRA) and the High Speed Rail Authority are acting as the lead agencies for the purposes of compliance National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The statewide project would establish a high- speed train system that would serve major metropolitan centers of San Francisco and Sacramento, through the Central Valley south to Los Angeles and San Diego, and cities to the east in the south part of California. The subject document has been prepared to analyze environmental impacts associated with the construction and operation of a high-speed rail line between the Bay Area and the Central Valley. The study area is bounded by the State Route 152 corridor to the south, including Pacheco Pass, the Interstate 280 corridor to the north, including Altamont Pass, Interstates 280 and 101 to the west, and Highway 99 to the east.

We respectfully submit our comments:

Identification of Agricultural Lands

The DEIS should have identified and depicted agricultural lands within the project corridors. The Division's Farmland Mapping and Monitoring Program monitors changes S004-1

The Department of Conservation's mission is to protect Californians and their environment by: Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling; Conserving California's farmland; and Saving energy and resources through recycling.

in Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. These agricultural map categories are specifically shown on the Division's Important Farmland Maps and should be included in Chapter 3 of the document. Division staff prepares maps indicating the locations of Williamson Act contracted lands as well. This information can be provided to lead agency representatives upon request. Acreages of farmland that will be converted or disturbed should be identified, and an impact and mitigation discussion should be included in the final document.

The Division recommends that an agricultural impact discussion for areas outside Important Farmland Map boundaries be based on the agricultural land definition in the Williamson Act. This would also be in accordance with the following definition for "agricultural land" in CEQA (PRC 21060.1): S004-1 cont.

(a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.

(b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

Impact Analysis

The document refers to the use of the federal Land Evaluation Site Assessment Model. The Division recommends the use of the California model Land Evaluation and Site Assessment (LESA) Model for site-specific impact analyses. The Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. These factors are rated, weighted, and combined, resulting in a single numeric score for the project. The project score then becomes the basis for making a determination of a project's potential significance. The model is available on the Department's website under the Division of Land Resource Protection's page. S004-2

The impact analysis should not be limited to the amount of area that would be physically occupied by the rail line. The analysis should consider the construction of ancillary facilities and supporting infrastructure, as well as growth-inducing impacts. Consistently in the history of the state, when workers are offered quick and reliable transportation to job centers, lower cost lands further from those job centers are developed for housing. Since most of the lands further from job centers are currently agricultural lands, the project's potential for growth inducement may have a significant impact on agricultural land conversion. The document should also take into consideration disturbances, permanent or temporary, that would be caused by construction activities. These potentially significant impacts should be discussed in the Final EIS/EIR. S004-3

Comment Letter S004 – Continued

Mitigation Measures for Project Impacts on Agricultural Land

Several mitigation strategies are included but not described in detail for conversions from farmland to other uses and project-specific impacts on agricultural lands, such as interruption of cultivation. Although discussion of implementation of specific mitigations may be premature, the project should provide for the adoption of an array of mitigation measures. The document includes several strategies but does not provide a discussion of how each of the strategies may be applied to the overall project. Sufficient funding should be allocated for mitigation of agricultural land loss on a per acre basis. Although mitigation for conversion of agricultural resources may not initially appear feasible, the Division has developed a contractual mechanism that would support the California Farmland Conservancy Program as well as satisfy the mitigation requirements set for by CEQA. We consider the conversion of agricultural lands involved in a project of this magnitude to be significant and that all feasible mitigation measures should be implemented. We would be pleased to meet with the project proponents to discuss the mechanism or to identify other effective approaches to mitigation.

S004-4

Williamson Act

The California Land Conservation Act (Government Code Section 51200 et seq.) of 1965, commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners. Local governments calculate the property tax assessment based on the actual use of the land instead of the potential land value assuming full development.

Williamson Act contracts are for 10 years and longer. The contract is automatically renewed each year, maintaining a constant, ten-year contract, unless the landowner or local government files to initiate nonrenewal. Should that occur, the Williamson Act would terminate 10 years after the filing of a notice of nonrenewal. Only a landowner can petition for a contract cancellation. Tentative contract cancellations can only be approved after a local government makes specific findings and determines the cancellation fee to be paid by the landowner.

S004-5

Any discussion regarding mitigation strategies should be supplemented with a discussion of the following state policies regarding public acquisition and locating public improvements on lands in agricultural preserves and on lands under Williamson Act contracts (Government Code §51290-51295). Any project specific steps taken to implement these policies should also be discussed.

- State policy to avoid location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land, in agricultural preserves.

- State policy to locate public improvements that are within agricultural preserves on land other than land under Williamson Act contract
- State policy that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public of land, particularly prime agricultural land, within an agricultural preserve.

At the project-specific level, we recommend that environmental documents include the following specific information on the agricultural preserves and Williamson Act contracts in the project area:

S004-5 cont.

- A map detailing the location of agricultural preserves and contracted land within each preserve. The document should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- The impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract; i.e. growth-inducing impacts.

The lead agency should also notify the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve (Government Code §51290-51295). The notice should be mailed to:

S004-6

Ms. Bridgett Luther, Director
California Department of Conservation
C/o the Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814

Acquisition

It important to note that if lands are to be acquired, the notification provisions of the Williamson Act under Government Code Section 51291 require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted lands for a public improvement. Such notification must occur when it appears that land enrolled in a Williamson Act contract may be required for a public use, being acquired, the original public improvement for the acquisition is changed, or the land acquired is not used for the public improvement. Mention of such acquisition in an environmental document does not serve notification purposes. The governing body responsible for the administration of the agricultural preserve must also be notified.

S004-7

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento,

S004-8

Comment Letter S004 - Continued

California 95814; or phone (916) 324-0850. Please send any additional environmental documentation to the Division as it becomes available for review. As stated above, we would be pleased to meet with project and lead agency representatives to discuss or clarify our concerns and provide guidance regarding the development and implementation of mitigation measures.

S004-8 cont.

Sincerely,

Brian Leahy
Assistant Director

cc: State Clearinghouse

Response to Letter S004 (Brian Leahy, Department of Conservation, September 11, 2007)

S004-1

Section 3.8, Agricultural Lands, used the Farmland Mapping and Monitoring Program and identified the farmlands potentially affected by the HST alignment alternatives and ancillary facilities. Farmland categories analyzed included prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance. These farmland categories were also mapped in relation to the alignment alternatives and station location options and illustrated in Figure 3.8-2. Acreages of farmland, by category, that would potentially be converted were calculated and included in Table 3.8-1 and in Appendix 3.8-A-1. The study area was covered by Important Farmland Map boundaries.

S004-2

The federal Farmland Protection Policy Act was considered in this EIR/EIS. The Authority acknowledges the recommendation for use of the Land Evaluation and Site Assessment (LESA) Model for subsequent project-level analysis.

S004-3

The farmland analysis in Section 3.8 included alignment alternatives and ancillary facilities. Chapter 5.0 identified potential impacts, including effects on farmland as a result of potential growth near stations. At the program level, it was assumed that HST project construction impacts on farmland would generally be within the 100-foot study area identified for the long-term operational impacts.

S004-4

A list of mitigation strategies for impacts on agricultural lands is presented in Section 3.8.5 and will be further defined and applied at the project-level. As noted in this document, at the project level the Authority will coordinate application of feasible farmland mitigation measures to address all significant impacts with other mitigation initiatives, such as the California Farmland Conservancy Program (California Public Resources Code §10222 *et seq.*), which is managed by the California Department of Conservation.

S004-5

The Williamson Act, as noted, is described in Section 3.8.1. Project-level environmental analysis will include mapping of Williamson Act contract lands located in the vicinity of the proposed HST system.

S004-6

The Authority and FRA acknowledge receipt of the contact information for notice regarding the location of a public improvement in an agricultural preserve, and the need to also contact the local governing body.

The Director of Conservation has been included in the distribution of this Final Program EIR/EIS and will be provided notice of potential impacts on agricultural lands, including lands in agricultural preserves and/or subject to Williamson Act contracts, which will be identified during subsequent project-level environmental review and analysis.

S004-7

Comment acknowledged. The Authority and FRA appreciate and understand the notification provisions under the Williamson Act for possible acquisition of land enrolled in a Williamson Act contract.

S004-8

Comment acknowledged. Additional relevant environmental documentation will be provided to the Division of Land Resource Protection, Department of Conservation, as such documentation becomes available.

Comment Letter S005 (Richard G. Rayburn, Department of Parks and Recreation, September 19, 2007)

State of California • The Resources Agency — Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001 — Ruth Coleman, *Director*

(916) 653-6725

RECEIVED
SEP 2 1 2007
BY:

S005

September 19, 2007

Dan Leavitt
California High Speed Train Authority
925 L Street suite 1425
Sacramento, CA 95814

David Valenstein
USDOT Federal Railroad Administration
1120 Vermont Avenue, NW M/S 20
Washington DC 20590

Subject: Draft Bay Area to Central Valley High-Speed Train Program EIR/EIS
SCH Number 2005112051

Dear Messrs. Leavitt and Valenstein:

I am writing to request additional time to review the above-referenced DEIR/DEIS.

The two-volume document plus additional supporting reference materials describe a project that has great interest and potential significant impact to California State Parks. The material is of such magnitude that additional time is absolutely necessary in order to prepare comments.

The previous statewide document accommodated a 90 day comment period, even though much of the project was described in superficial and broad terms, deferring detailed descriptions to a later date. Because of the size and complexity of the California High Speed Rail Project, number of state park system units potentially affected, the controversial nature of certain elements of the plan and the newly re-considered Bay Area to Central Valley routes, I request that you extend the public review and comment period to November 16, 2007. This would give my staff an opportunity to more fully evaluate the relative merits and impacts of the proposed alternative routes. Granting this extension will allow for the critically-needed analysis of the project and give you an opportunity to benefit from the analysis and comments we will provide.

S005-1

You can reach me at 916-653-6725.

Sincerely,

Richard G. Rayburn
Chief, Natural Resources Division
California State Parks

Response to Letter S005 (Richard G. Rayburn, Department of Parks and Recreation, September 19, 2007)

S005-1

In response to requests from agencies and the public, the Authority and FRA extended the public comment period for the Draft Program EIR/EIS from September 28 to October 26, 2007.

Comment Letter S006 (W. E., Loudermilk, Department of Fish and Game, September 25, 2007)

State of California – The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

S006

RECEIVED
SEP 2 7 2007
BY:

September 25, 2007

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

Dear Mr. Leavitt:

Bay Area to Central Valley High-Speed Train (HST)
Draft Program Environmental Impact Report
and Environmental Impact Statement (DEIR/DEIS)
SCH No. 2005112051

The Department of Fish and Game (Department) has reviewed the DEIR/DEIS submitted by the California High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) for the San Francisco Bay Area to Central Valley portion of the statewide high-speed train system (Project). The area of analysis includes a broad corridor from the Bay Area to the Central Valley, between the Altamont Pass to the north, the Pacheco Pass to the south, the BNSF rail corridor to the east, and the Caltrain corridor to the west. The proposed HST system is an electrified steel-wheel-on-steel-rail system capable of speeds up to 220 miles per hour (mph) on a fully grade-separated, access-controlled track with state-of-the-art safety, signaling, and automated control systems. The DEIR/DEIS will enable the Authority and FRA to evaluate the potential impacts of proposed HST system alignment and station locations in the Bay Area to Central Valley corridor, select preferred alignments and station locations, and define general mitigation strategies to address any potentially significant adverse impacts.

The Department is concerned that the DEIR/DEIS does not adequately address potential impacts the proposed alignments and associated facilities will have on Department-owned or managed lands, wildlife movement, threatened and endangered species, and sensitive habitats. While the DEIR/DEIS is broad in its scope and analysis, it does not contain the necessary information, even for a Program-level document, to allow the public, the Authority and the FRA to make an informed decision and to adequately compare the potential biological impacts of each alignment alternative or to select a preferred alignment based on probable biological resource impacts. In addition, the level of analysis in the DEIR/DEIS is inadequate to allow the Trustee Agencies and other reviewers information necessary to compare differing impacts of each proposed alignment to specific species, habitats, and movement areas so that an informed decision is possible. S006-1

We recommend that the DEIR/DEIS be amended to include information regarding alignment impacts to Department lands and other conservation and mitigation lands and that the Biological Resources and Wetlands section be rewritten to include information that will allow meaningful comparisons between proposed alignment alternatives. The Department urges the Authority and the FRA to complete the additional suggested program-level analyses and recirculate the DEIR/DEIS prior to certification of a final environmental document for the Project and selection of preferred alternatives.

Conserving California's Wildlife Since 1870

The Department offers the following comments and recommendations on the DEIR/DEIS regarding impacts to wildlife, the habitats on which they depend, and the Department's jurisdiction and role in conserving lands for the benefit of those species. The Department has participated in agency meetings held by the Authority and FRA and has provided comments on the California High-Speed Train Draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Many of our concerns continue to remain unaddressed in the DEIR/DEIS.

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA. S006-2

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Stream Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code.

Impacts to Department-Owned or Managed Lands: Department Wildlife Areas are acquired for the protection and enhancement of habitat for a wide variety of species and are open to the public for wildlife viewing, hiking, hunting, fishing, and nature tours. The construction and operation of high-speed rail within or near Department lands could severely limit the wildlife and public use values of these lands as well as alter the way these lands are managed by the Department. Some Wildlife Areas depend on visitor's fees for operations, maintenance, and management. The HST may negatively impact the number of visitors to Wildlife Areas resulting in reduced revenues; thereby reducing or eliminating the public recreational opportunities and wildlife habitat provided by the lands. S006-3

The Department has previously commented on potential impacts to Department lands for both the Statewide HST EIR/EIS and the Bay Area to Central Valley portion of the HST system and provided the Authority with a geographic information system (GIS) layer consisting of the boundaries of Department lands to facilitate individual alignment impact evaluation.
The Authority and FRA appear to have disregarded those comments by not including Department-owned and managed lands in the biological resource impact analysis for each proposed alignment. Maps within the DEIR/DEIS do not identify any Department lands, including those within the footprint of the proposed alignments.

Comment Letter S006 – Continued

Specific Department lands that are adjacent to, bisected by, or occur within one mile of proposed Bay Area to Central Valley alignments (Pacheco, Henry Miller and GEA North) include Cottonwood Creek Wildlife Area (Upper and Lower), San Luis Reservoir Wildlife Area, O'Neill Forebay Wildlife Area, Volta Wildlife Area, Los Banos Wildlife Area, and North Grasslands Wildlife Area.

The Los Banos Wildlife Area is adjacent to the north side of Henry Miller Road and the proposed Henry Miller alignment. The proposed Henry Miller alignment would directly impact the Wildlife Area and the wildlife that use it. In addition to direct and indirect impacts to wildlife, the alignment could also impact public hunting and fishing opportunities in the area. The proximity of the train tracks to areas used by the public for waterfowl (and upland) hunting should be addressed.

S006-4

The proposed Pacheco alignment bisects the western half of the Upper Cottonwood Creek Wildlife Area north of State Highway 152 and the proposed GEA North alignment bisects the southern half of the China Island Unit of the North Grasslands Wildlife Area along State Highway 140. While the maps may be conceptual in terms of the exact alignments, the location of the railway along Highways 152 and 140 will have direct impacts to Upper Cottonwood Creek, Lower Cottonwood Creek, San Luis Reservoir, and North Grassland Wildlife Areas, as they occur immediately north and south of the highways.

The Secretary of Transportation may approve a project requiring the use of publicly owned land of a wildlife and waterfowl refuge only if there is no prudent and feasible alternative to using that land; and the project includes all possible planning to minimize harm to the wildlife and waterfowl refuges from the use. "Use" includes substantial impacts to wildlife resources due to close proximity of a transportation project (Department of Transportation Act 49 U.S.C. Section 303, formerly Section 4[f]). If the Pacheco Pass, Henry Miller, or GEA North rail alignments are chosen, there will be significant impacts to State wildlife areas. The DEIR/DEIS currently does not present details as to the design and operation of the HST, and it is unclear what measures will be implemented should these alignments be chosen. Further, the Altamont Pass alignment alternatives present feasible alternatives to using Department wildlife areas and should be evaluated accordingly.

Impacts to the Grasslands Ecological Area (GEA): The GEA is a 230,000 acre complex of State and Federal refuges and privately owned wetlands. The GEA boundary is a non-jurisdictional boundary which has been designated by the United States Fish and Wildlife Service (USFWS) as a priority area for protection and enhancement. The GEA is comprised of wetlands, riparian woodlands, native grasslands, vernal pools, and other habitats which support abundant and diverse wildlife, including numerous threatened and endangered plants and animals. The area also provides critically important wintering and breeding habitat for migratory waterbirds utilizing the Pacific flyway.

S006-5

The DEIR/DEIS underestimates the HST system's impacts on the GEA and the animals that inhabit the sensitive lands within. Page 3.15-46 of the "Special Management Areas" section states that the Henry Miller alignment alternatives would not impact the GEA. This is incorrect.

The Henry Miller alignment would bisect the GEA east to west, along Henry Miller Road, causing further fragmentation. Page 3.16-11 further states that "the GEA is within 150 feet (46m) of the Henry Miller alignment alternatives." However, the Henry Miller alignment alternative is within the GEA and does not run adjacent to it, as is seemingly suggested.

S006-5 Cont.

The DEIR/DEIS states that the GEA North alignment alternative does not have the potential to impact California tiger salamander (*Ambystoma californiense*) (CTS) (page 3.15-45). Based on available data and proposed alignments, this statement is incorrect. CTS are known to occur within the GEA and, without conducting extensive surveys along the entire rail alignment within the GEA, potential impacts to CTS cannot be ruled out and should be assumed. Impacts are likely to both breeding pools and upland habitat areas utilized by this species.

S006-6

Wildlife Movement: The single biggest biological impact potentially arising from construction of the HST is the impact on regional movements of wildlife and connections between habitats. The HST has the potential to disrupt already beleaguered wildlife passages, threatening the continued viability of many species. Construction of access-controlled rail lines may create barriers to the movement of wildlife, thereby cutting them off from important food, shelter, or breeding areas. Isolation of sub-populations limits the exchange of genetic material and puts populations at risk of local extinction through genetic and environmental factors. Barriers can prevent the recolonization of suitable habitat following local extirpations, ultimately putting the species at risk of extinction. The most effective way to reduce these impacts is avoidance; hence, the critical importance, at this stage and in Project development, of being able to make an adequately supported decision between the alignment alternatives.

S006-7

The DEIR/DEIS provides no meaningful analysis and only provides a two or three sentence summation for the existing condition and possible impacts for each alignment alternative. Combined with the generalized mitigation measures, the reviewer is left with the impression that impacts to habitat connectivity are similar for both the Pacheco and Altamont alignments and that whatever impacts do exist are easily mitigated.

Figure 3.15-3 is missing the most vital corridors in the area and contains others (such as 4 and 15) that run through dense urban areas and are, therefore, limited in use. Substantial information exists on which the corridor impact analysis should have been based, such as the work by James Thorne and others from the Univeristy of California, Davis, in 2002 and 2006, tracking data from mountain lion and tule elk research and work associated with the Santa Clara HCP/NCCP which has specifically identified 17 corridors in Santa Clara County of significant importance. Critical corridors in Santa Clara County that must be added to the map and evaluated are perpendicular to Highway 152, along the Pacheco Pass, and across Coyote Valley, just south of San Jose.

S006-8

In addition to problems with identification of corridors, the DEIR/DEIS does not adequately address the impacts of the Project on movement areas. For example, the cross-valley corridor, from the Diablo Range to the Santa Cruz Mountains in Coyote Valley, has been identified as one of only two remaining areas where connection occurs between the San Francisco peninsula and the rest of the State. This corridor is under significant threat from existing and planned development, including heavily used transportation infrastructure, and would be further degraded by placing an HST alignment across it. This corridor is not shown on Figure 3.15-3.

S006-9

Comment Letter S006 - Continued

Both the GEA North and the Henry Miller alignments would result in significant and irreversible impacts to the State threatened San Joaquin kit fox (*Vulpes macrotis mutica*) (SJKF), by impacting the entire northern range of the species. Either of these alignments would create a significant movement barrier between the southern and northern kit fox populations. The Santa Nella area has been identified by the Department and the USFWS as a "pinch point" in the connectivity between the north and south populations of SJKF. There is a very narrow area remaining in the Santa Nella vicinity that is usable for kit fox north-south movement, and the Henry Miller alignment would sever this remaining movement area. Both the GEA North and the Henry Miller alignments would isolate the Los Banos Valley core kit fox population from the northern population of kit fox. An influx of individuals from the Los Banos Valley is thought to be critical to the continued existence and genetic diversity of the northern kit fox population. As a result, either of these alignments would, at a minimum, impact the entire 420,000 acres of kit fox range, north of the Project area in addition to the Project footprint. In order to permit either of these alignments under CESA, sufficient kit fox movement corridors would be required. Allowing for effective kit fox passage could significantly affect Project costs, as there would be a major structural component, and would need to be addressed in the early design phases, in consultation with the Department and the USFWS. S006-10

In addition, there are several movement corridors and habitat lands protected in perpetuity as mitigation for impacts to kit fox movement and habitat resultant of other projects in the Santa Nella area. Both the GEA North and the Henry Miller alignments would sever one or more of these kit fox mitigation areas and render them completely ineffective.

The kit fox movement and potential population-level Project-level impacts posed by the GEA North and the Henry Miller alignments are significant and should be evaluated in light of Fish and Game Code Section 2055 (conservation of threatened and endangered species by State Agencies, Boards, and Commissions).

In order to reduce kit fox and other wildlife movement impacts due to the permanent wildlife barriers that would result from at-grade, access-controlled railways, the Department recommends that all segments of the railway that are not using existing rails be elevated. Elevation of the rails could reduce the impacts the HST system would have on animal movement and migration by allowing wildlife to pass freely underneath the entire length of the railway while providing the access-controlled tracks that are required for HST. Elevated railways would be more effective in facilitating animal movement than the proposed wildlife underpasses and overpasses, which are not always effective for various reasons. Because animals would be able to see through the underside of the tracks to the other side, they would be more likely to walk underneath the tracks than to use a tunnel or vegetated overpass where the view of the other side would be visually obstructed. Elevated railways would be critical in areas where the movement of wildlife is already reduced due to existing and proposed geographic, transportation and structural barriers, such as in western Merced County near the intersections of State Highways 152 and 33 and Interstate 5. S006-11

If wildlife movement passage structures will be used instead of elevated tracks, research should be conducted before the alignment selection to determine the locations, numbers, and types of structures. Specific alignments and wildlife passage structures, such as underpasses, overpasses, elevating the alignment and tunnels, may not be suitable for all species and locations and would need to be evaluated carefully before subsequent analysis of alignment S006-12

sections. Methods to determine the best locations for wildlife movement structures or avoidance should include at a minimum: 1) track count surveys, 2) ditch crossing surveys, 3) monitoring trails with infrared or Trailmaster cameras, and 4) GIS habitat modeling to identify likely wildlife travel corridors and anthropogenic barriers (such as highways, canals, and reservoirs) at the landscape level. In addition, wildlife habitat linkages will need to be identified using habitat models, information from the movement studies, GIS analyses, and Department expertise. S006-12 Cont.

Given the scale of potential impacts to wildlife movement, the required number of movement corridor mitigation measures and structural considerations could be substantial. The DEIR/DEIS must discuss the potential scope of the mitigation program so that the Authority and the Public may properly assess the cost-feasibility of the Project. The scale of potential impacts from this Project are unprecedented, and the Department can envision the costs of mitigation for wildlife passage alone ranging up to at least 20% of the HST capital construction cost. S006-13

While the Department agrees with the assessment in the DEIR/DEIS that the construction and operation of HST will have significant impacts to SJKF, including potential species isolation, as a result of the Pacheco, Henry Miller and GEA North alignments; the DEIR/DEIS should not limit its assessment of wildlife movement impacts to threatened or endangered wildlife. S006-14

Section 3.4-Noise and Vibration Impacts: The DEIR/DEIS uses 100 decibels (dBA) as the sound threshold for impacts to wildlife and cites the 2005 High Speed Ground Transportation Noise and Vibration Assessment (Assessment) as a basis for this estimate. However, the Assessment presents data showing wildlife impacts at sound levels as low as 77 dBA. It is unclear why 100 dBA was used for noise impact estimation instead of 77 dBA.

Based on the data presented in Figure 3.4-1 and the 100 dBA estimate, the DEIR/DEIS states that "wildlife in natural areas would be minimally affected by train passbys at speeds of up to 180 mph at distances of 60 feet or more" (page 3.4-6). This statement does not address the fact that in less constrained areas (flat and straight), such as the Henry Miller alignment adjacent to Department lands and within the GEA, trains will be traveling at speeds greater than 180 mph with a maximum of up to 220 mph (page 3.4-9). Further, Figure 3.4-1 does not include speeds over 180 mph and, therefore, does not present an estimated distance from the train where the Authority and FRA would consider noise impacts significant at speeds greater than180 mph. S006-15

The potential noise impacts to wildlife should be presented in more detail and should include impacts, such as nest abandonment by birds nesting near the train tracks. In the case of the State threatened Swainson's hawk, which is known to nest in trees along the proposed Henry Miller alignment, nest abandonment caused by train travel could be a significant impact.

Noise and vibration will likely have impacts to "sensitive land uses," including the Department's Wildlife Areas, and other conservation lands. These areas should be considered "sensitive land uses" to be evaluated within a minimum 1,000-foot study area.

Comment Letter S006 - Continued

The Department continues to recommend that a noise and vibration impact study be developed that includes noise and vibration ranges expected to impact wildlife. The study should examine noise, below surface vibration, and surface vibration impacts on wildlife. The study design should be approved by the Department and the USFWS. S006-15 Cont.

Section 3.7-Existing Land Use Compatibility: The DEIR/DEIS states that "the Henry Miller alignment alternative is compatible with existing land uses as it traverses at-grade along Henry Miller Road between Santa Nella and Elgin Avenue and the GEA" (page 3.7-33). The Department disagrees with this assessment. The construction and operation of the HST along Henry Miller Avenue through the GEA and State-owned lands is incompatible with the existing land uses. As previously stated, Department Wildlife Areas are acquired for the protection and enhancement of habitat for a wide variety of species and are used by the public for wildlife viewing, hiking, hunting, fishing and nature tours. The HST is not compatible with these purposes or uses of State, Federal or other managed lands within the GEA and could reduce the overall beneficial value of these lands.

The DEIR/DEIS presents the Pacheco alignment as "potentially incompatible" in areas east of Gilroy. This classification underestimates the impacts of the HST on State Wildlife Areas and conservation areas in the area. The operation of the HST through and adjacent to Wildlife Areas is clearly incompatible with the uses and goals of the Wildlife Areas. In addition, the Pacheco and Henry Miller alignments will bisect lands placed in conservation easement and used as mitigation for developments within and south of the Santa Nella Community Specific Plan (CSP). It is important to note that perpetual conservation easements were placed on this land, in part, for the establishment and protection of a SJKF movement corridor. The construction of an at-grade, access-controlled railway through the area would effectively eliminate the use of the area as a movement corridor by kit fox and would violate the State and Federal requirements for management and functionality of these mitigation lands. S006-16

The Department agrees with the classification of "highly incompatible" for the GEA North alignment. In addition to being incompatible with existing agricultural uses, the alignment is also incompatible with the GEA and Department Wildlife Areas, as the proposed alignment will travel adjacent to and within the southern boundary of the China Island Unit of the North Grasslands Wildlife Area.

Section 3.15-Biological Resources and Wetlands: It appears that the primary means of predicting impacts to biological resources are landscape-level vegetation mapping, comparison of numbers of species found in the California Natural Diversity Database (CNDDB), and a very cursory review of habitat connectivity (noted in the DEIR/DEIS under the term "Wildlife Corridors").

Landscape-level vegetation mapping can be a very useful tool in informing environmental decisions, including impact analysis, but should not be considered a stand alone technique. This is because the necessary coarseness of the method does not allow for anything but generalized conclusions. For some projects, this approach may be acceptable at a programmatic level, but when comparing specific alignment alternatives, it is inadequate. S006-17

For example, sycamore alluvial woodland is an extremely rare plant community which, in CNDDB nomenclature, is considered a G1/S1.1 element. This means that there are less than 2,000 acres in existence globally, and it is considered "Very Threatened" in California. Occurrences are found along both the Altamont and Pacheco alignments, but there is no comparison of the effects for each alignment, possibly because the resource has not been differentiated in the mapping. Another example is alkaline wetland, another very rare habitat type that is very difficult to detect or distinguish from other habitat types using the mapping techniques described. Alkaline wetlands support varied plant communities, sometimes including rare plants such as saline clover (*Trifolium depauperatum* var. *hydrophilum*) which was thought to be extinct until it was recently rediscovered. Alkaline wetlands are known to occur in Santa Clara and Merced Counties and might be present in Alameda and San Joaquin Counties as well.

Similarly, use of the CNDDB as a proxy for actual field work has significant problems. First, simply comparing the numbers of rare or endangered species along each alignment is an exercise with little value. In addition to the number of different species affected, the real issues are: how many impacts will occur, what the magnitude of those impacts might be, and what that means for the specific species along the alignments and across the full range of those organisms. To use an extreme and artificial example as an illustration, suppose that one alignment had 25 rare or endangered species scattered along its length and, thereby, potentially impacted. Suppose the other alignment had 6. A simple comparison of numbers might lead a reviewer to conclude that the alignment with the fewer occurrences was environmentally superior. However, if additional information revealed that all 25 species along the 'biologically inferior' alignment were widespread in distribution and had population numbers in the thousands, while the 6 along the other alignment were all local endemics with total populations numbers in the tens or hundreds, the conclusion would be the opposite. S006-17 Cont.

In addition to the preceding problem, the nature of the CNDDB makes it difficult to use as the final word for developing a biological impacts analysis. Plant and animal occurrences are only recorded in the CNDDB if the site has been previously surveyed during the appropriate season, detections were made, and the observation was reported to the Department. As such, the use of CNDDB locations to compare alignment alternatives is tentative because the number of CNDDB occurrences may be more of a result of survey effort than a species' presence in an area. Further, it cannot be assumed that the data in the CNDDB are wholly representative of the number of rare or endangered species or communities in a specific area, the population distributions of those species or communities, or how the project areas are utilized.

Altamont Pass: Based on the Department's familiarity with biological resources within the Project area, the Altamont Pass is the preferred HST alignment alternative connecting the Bay Area to the Central Valley for the following reasons. The Altamont Pass alignment is the only alignment option being considered with an existing infrastructure, which would facilitate construction and operation of HST along one of the proposed alignments within the Altamont Pass, and this alignment is also likely to have fewer adverse impacts to fish and wildlife resources than the other alignment alternatives. This determination by the Department does not reduce the need for additional research and recirculation to effectively evaluate and compare all alignment alternatives as required under CEQA and the National Environmental Policy Act (NEPA). S006-18

Comment Letter S006 – Continued

In summation, the DEIR/DEIS does not adequately address potential Project-related impacts to biological resources or to Department-owned and managed lands. The purpose of the DEIR/DEIS, as stated in Section 1.1, is to compare the Altamont alignment alternatives to the Pacheco alignment alternatives, but there is insufficient information provided for a valid comparison. The DEIR/DEIS uses proxies in place of actual data and, in the Department's opinion, those proxies are completely inadequate to determine which of the two alignments is superior biologically. While the Department agrees that a programmatic environmental document should and typically contains less specific data than a project-level document, in order to meet CEQA's substantive mandate that a public agency must avoid or mitigate project-related significant impacts on the environment to the extent feasible, the Authority and FRA must provide adequate biological information on which to base a meaningful analysis and decision. The Department does not concur that the information in the DEIR/DEIS meets that standard. S006-19

These comments reflect input from both the Department's Central Region and the Bay-Delta Region. If you have any questions regarding these comments or would like the Department to assist in identification of sensitive habitat areas within the Project area, please contact Justin Sloan, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 216, for input pertaining to Merced and Madera County portions of the Project or Dave Johnston, Environmental Scientist at (831) 466-0234 for input pertaining to the Alameda , San Francisco, San Mateo, and Santa Clara County portions of the Project. S006-20

Sincerely,

W. E. Loudermilk
Regional Manager

cc: See Page Ten

cc: David Valenstein
United States Department of Transportation
Federal Railroad Administration
1120 Vermont Avenue N.W. M/S 20
Washington, District of Columbia 20590

Susan Jones
United States Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, California 95825

Kim Forrest
United States Fish and Wildlife Service
San Luis National Wildlife Refuge Complex
Post Office Box 2176
Los Banos, California 93635

State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95812-3044

Dave Widell
Grasslands Water District
22759 South Mercey Springs Road
Los Banos, California 93635

Lloyd Wagstaff
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, California 94105

Kenneth R. Schreiber
County of Santa Clara
Planning Office
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110

Bobby Lewis
County of Merced
Planning Department
2222 M Street
Merced, California 95340

Scott Flint
Department of Fish and Game
Habitat Conservation Planning Branch
Sacramento, California

ec: Department of Fish and Game, Region 3
Chuck Armor
Scott Wilson
Liam Davis
Janice Gan
Marcia Gresfrud
Dave Johnston

Department of Fish and Game, Region 4
John Beam
Bill Cook
Steve Miyamoto
Julie Vance

Response to Letter S006 (W. E., Loudermilk, Department of Fish and Game, September 25, 2007)

S006-1

The Authority and FRA disagree. The Program EIR/EIS provides sufficient information to make findings regarding the potential environmental impacts of various alignment alternatives and station location options and make meaningful comparisons, thus allowing for identification of a preferred alternative.

The Authority and FRA acknowledge that a large amount of additional environmental analysis will be necessary at the project level, which is fully consistent with the tiering of the environmental documents.

Figure 3.15-4 has been added to Section 3.15 to illustrate publicly owned and managed state and federal lands in relation to the alignment alternatives. Additional discussion has also been added about publicly owned and managed lands, wildlife movement, threatened and endangered species, and sensitive habitats.

See Standard Response 2 regarding program level of analysis.

S006-2

The Authority and FRA recognize the authority of the California Department of Fish and Game (CDFG) in its role as a Trustee Agency and Responsible Agency and its regulatory authority related to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource.

S006-3

The geographic information systems (GIS) data provided by the CDFG were used for this Program EIR/EIS. Figure 3.15-4, Public Lands, has been added to Section 3.15 in this Final Program EIR/EIS, along with additional discussion on publicly owned or managed lands.

As noted in Section 2.3.2, Design Practices, use of existing transportation corridors would be maximized to avoid or minimize impacts. Use of transportation corridors includes placing HST alignments either within or adjacent to major existing transportation corridors. In-line construction would also be used for sensitive areas (as defined at the project level). This would potentially include publicly owned or managed lands if they were identified to be sensitive. In addition to design practices for construction and operation of the HST system, mitigation strategies are discussed throughout Chapter 3 for each of the environmental topics.

As noted in Section 3.01, the Authority and FRA acknowledge that a large amount of additional environmental analysis will be necessary at the project level, which is fully consistent with the tiering of the environmental documents. Please see Standard Response 2 regarding program level of analysis. At the project level, specific impacts on wildlife, public use, and management of publicly owned and managed lands will be investigated in much greater detail. The HST may have beneficial effects in terms of adding to conservation efforts and improving the ability of residents and tourists to access wildlife areas, thereby increasing revenues and increasing the public recreational opportunities. Mitigation strategies include the Authority working with resource agencies in identifying areas for improving wildlife habitat (Section 3.15)

S006-4

As noted in Section 3.15 of this Final Program EIR/EIS, the Pacheco alignment alternative has the potential to affect the Cottonwood Creek Wildlife Area, but almost half of the crossing of this area would be in tunnel (1.1 miles, or 46%), which would substantially reduce biological impacts. The Henry Miller alignment alternatives would pass north of the San Luis Reservoir State Recreation Area and O'Neill Forebay Wildlife Area, ½ mile south of the Volta Wildlife Area, and south of the Los Banos Wildlife Area parking lot. The GEA North alignment alternative that was studied would bisect the southern portion of the China Lake Unit of the North Grasslands Wildlife Area and cross portions of the Great Valley Grasslands State Park and the San Luis National Wildlife Refuge.

The Authority and FRA intend that the HST system be designed to avoid direct impacts on the Los Banos Wildlife Area and expect conditions requiring this to be included in future action on the Final EIR/EIS and the approval of a preferred alternative. This would include required investigation into site-specific location and design alternatives for the preferred alignment alternative and station location options, including avoidance and minimization alternatives, during the Tier 2 project-level environmental review. This would also include evaluating design alternatives to the north and south of the current proposed alignment across the Pacheco Pass and along Henry Miller Road. See also Section 3.15.5 regarding the Authority's commitment to acquire agricultural, conservation, and/or open space easements for potential impacts in and around the GEA.

The Preferred Alternative generally follows the Henry Miller Road and would not enter into areas where hunting is allowed. The same precautions that hunters must exercise around a public transportation corridor would also be necessary for the train. Therefore, significant impacts on hunting are not anticipated. The potential for impacts on fishing would be limited to those potential impacts identified for water quality.

Potential impacts on resources protected by Section 4(f) of the U.S. Department of Transportation Act of 1966 are discussed in Section 3.16.

Program-level HST design and operation details are discussed in Chapter 2, Alternatives, along with design practices to avoid, minimize, and mitigate potential impacts. Additionally, plans and profiles, cross sections, and station fact sheets are provided in Appendices 2-D, 2-F, and 2-E.

Please also see Standard Response 3 and Chapter 8 regarding the identification of the Pacheco Pass as the Preferred Alternative.

S006-5

The Authority and FRA disagree that the Draft Program EIR/EIS underestimates the projects impacts on biological resources and wetlands. The program-level approach tends to overestimate the potential impacts on these resources.

The GEA is described in Section 3.15.2. It is a nonjurisdictional, nonregulatory, generally designated area used by the U. S. Fish and Wildlife Service (USFWS) to identify an area for priority purchase of public easements for wetland preservation and enhancement. The GEA designation encompasses a substantial area that includes two federal wildlife refuges, a state park, state wildlife management areas, and private lands, including privately managed wetlands. Lands in the GEA managed by public agencies include the Great Valley Grasslands State Park; CDFG North Grasslands Wildlife Area, Los Banos Wildlife Area, and Volta Wildlife Area; and the San Luis National Wildlife Refuge Complex, which includes the San Luis National Wildlife Refuge and Merced National Wildlife Refuge. Also in the GEA are numerous privately owned parcels and a number of waterfowl hunting clubs. Activities and land uses in the GEA include hunting, fishing and other active and passive recreation, agriculture, and residential and associated land uses.

Within the area identified as the GEA is the USFWS Grasslands Wildlife Management Area (WMA), which was established to protect wetlands. Land in the WMA is privately owned and some of it is protected by conservation easements. The size of this management area as of the last expansion in 2005 is approximately 133,000 acres, with more than 70,000 acres protected through conservation agreements. Daily management of the easement area remains under private landowner control, the majority of the properties being managed for waterfowl hunting, cattle grazing, and agriculture.

The Draft Program EIR/EIS recognized the importance of the GEA (including the San Luis National Wildlife Refuge Complex and other managed lands in the GEA). The Draft Program EIR/EIS analyzed the potential environmental impacts, including impacts on wetlands, of the HST alignment alternatives and station location options, regardless of land designation. Impacts on resources inside and outside the boundary of the GEA were analyzed and documented in the Draft and Final Program EIR/EIS.

The Henry Miller alignment alternative would extend through two southern portions of the GEA and would be immediately adjacent to

the roadway where it crosses areas now managed by public agencies. This alignment alternative would be adjacent to Henry Miller Road and would avoid or minimize potential impacts on biological resources. The western portion of the GEA crossed by the alignment alternative closest to Los Banos would extend adjacent to Henry Miller Road and the San Luis Wasteway and cross Ingomar Road ½ mile south of the Volta Wildlife Area. This area of the GEA is already bisected by transportation and infrastructure facilities, including rail and roadways, and also includes housing development, farm operations, land under active agricultural production, and may include land under conservation easements. The other area of the GEA crossed by the alignment is south of the Los Banos Wildlife Area parking lot. As shown in the current conceptual plans, the alignment alternative would extend approximately 3.3 miles on elevated structure through the GEA boundary along Henry Miller Road, minimizing effects on waters and biological resources. This area of the GEA is bisected by Henry Miller Road, State Route (SR) 165, Baker Road, Delta Road, Santa Fe Grade, Criswell Avenue, and a number of canals and also includes housing development, farm operations, and land under active agricultural production.

The Henry Miller alignment alternative would not further fragment the linkage between the north and south units of the Grasslands WMA because the alignment is adjacent to Henry Miller Road, an existing facility, and would be elevated for almost half the distance through the GEA. Both the general area designation of the GEA and the establishment of the Grasslands WMA occurred well after roads, utilities, farms, and residences were already established, and the Henry Miller alignment alternative would not result in additional fragmentation. As noted above, the boundaries for the GEA and the WMA may change. Expanding the WMA does not mean that all properties within it are, or would be, under conservation easements. An environmental assessment prepared in 2005 by the USFWS supported its decision to expand the general area by an additional 46,400 acres. The USFWS and other agencies may seek to acquire easements, lands, or interests in lands from willing sellers, as funds allow, but landowners are not required to participate, and the 2005 review by the USFWS did not place regulatory restrictions on these lands. [1] [2]

The environmental analysis was conducted at a program level and identified the need for field reconnaissance-level surveys to be conducted in the future at the project level. These future surveys will determine specific habitat conditions and impacts along the Henry Miller alignment alternative, the entire Preferred Alternative, and surrounding areas and will identify specifically where impacts on wetlands, sensitive habitat, and special-status species could occur and where focused species surveys are required. The Henry Miller alignment alternative and other alignment alternatives using the Pacheco Pass will be further designed at the project level to avoid or minimize potential impacts. Broad program mitigation measures have been identified and will be further refined and applied at the project level to mitigate impacts. Please see Standard Response 5 regarding mitigation strategies. See also Section 3.15.5 regarding the Authority's commitment to acquire agricultural, conservation, and/or open space easements for potential impacts in and around the GEA. The Authority and FRA will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

The discussion in Section 3.15 has been revised to indicate that the Henry Miller alignment alternatives would not affect the San Luis National Wildlife Refuge (including the Kesterson unit) in the GEA.

The text on page 3.16-11 in the Draft Program EIR/EIS indicates that the GEA is within 0–150 ft of the Henry Miller alignment alternative. Areas within the GEA that constitute 4(f) or Section 6(f) resources, including the San Luis and Merced National Wildlife Refuges, a state park, and CDFG wildlife areas, are discussed in Section 3.16.

[1] Grasslands Wildlife Management Area Proposed Expansion EA, Land Protection Plan, and Conceptual Management Plan, USFWS, January 2005.

[2] Grasslands Wildlife Management Area Expansion Study, Planning Update 5, July 2005. USFWS, July 2005.

S006-6

Section 3.15 has been updated with regard to the California tiger salamander and the GEA North alignment alternative.

S006-7

Refer to Response to Comments S006-5 and F002-10 regarding wildlife movement. Design practices incorporated into the project include underpasses, overpasses, or other appropriate passageways that would be designed to avoid, minimize, and/or mitigate potential impacts on wildlife movement. Mitigation strategies to minimize impacts on sensitive species and habitat and wildlife movement corridors are included in the Program EIR/EIS. These include the following:

- Construct wildlife underpasses, bridges, and/or large culverts to facilitate known wildlife movement corridors.
- Ensure that wildlife crossings are of a design, shape, and size to be sufficiently attractive to encourage wildlife use.
- Provide appropriate vegetation to wildlife overcrossings and undercrossings to afford cover and other species requirements.
- Establish functional corridors to provide connectivity to protected land zoned for uses that provide wildlife permeability.
- Design protective measures for wildlife movement corridors in consultation with resource agencies.
- Use aerial structures or tunnels to allow for unhindered crossing by wildlife.

Also, refer to Response to Comment S006-1 and Standard Response 2 regarding analysis at the program level.

S006-8

The Authority and FRA disagree. The Draft Program EIR/EIS depicted broad corridors; however, to clarify we are providing additional information. Figure 3.15-3 has been updated to include additional wildlife movement corridors as noted. The text has also been updated with these corridors. Also refer to Response to Comments S006-7, S006-5, and F002-10 regarding wildlife movement.

S006-9

The cross valley corridor is included in Figure 3.15-3 in the Draft Program EIR/EIS. It is corridor #7, Santa Cruz Mountains-Hamilton Mountain.

S006-10

The Preferred Alternative identified in this Final Program EIR/EIS is the Pacheco Pass, San Francisco and San Jose Termini, which includes the Henry Miller alignment alternative and would not include the GEA North alignment alternative. The Authority and FRA have committed to investigating site-specific location and design alternatives for the preferred alignment alternative and station location options, including avoidance and minimization alternatives, during Tier 2, project-level environmental review. This will include evaluating design alternatives to the north and south of the current proposed alignment along Henry Miller Road. See also Section 3.15.5 regarding the Authority's commitment to acquire agricultural, conservation, and/or open space easements for potential impacts in and around the GEA. Please also see Standard Response 3 and Chapter 8 regarding the identification of the Pacheco Pass at the Preferred Alternative.

Refer to Responses to Comments F002-6 regarding conservation measures and F002-10 regarding kit fox issues of the Henry Miller alignment alternative.

The GEA North alignment alternative occurs approximately 6 miles north of the pinch-point at the base of the San Luis Dam. Kit fox moving north would be most likely to encounter the HST alignment west of the Delta-Mendota Canal and east of the proposed tunnel entry point at the base of the Diablo Range hills. Because of this distance, the HST would not further narrow or limit the movement options available for kit fox traversing around the San Luis Reservoir or O'Neill Forebay. Refer to Response to Comment F006-10 regarding measures to mitigate impacts on wildlife movement

corridors. The Authority, a state agency, and the FRA will work with the CDFG to conserve endangered species and threatened species as stated in Fish and Game Code Section 2055.

At the project-level, the Authority and FRA will be examining in detail the potential for the selected alignment to affect land protected in perpetuity. The project-level analysis will identify other opportunities to avoid or minimize potential impacts.

S006-11

As noted in Section 2.3.2, Design Practices, use of existing transportation corridors would be maximized to avoid or minimize impacts, such as barriers to wildlife movement. Use of transportation corridors includes placing HST alignments either within or adjacent to a major existing transportation corridor. In addition, HST tracks will be fully grade separated from all roadways, providing other opportunities for wildlife movement corridors. The Authority and FRA are committed to working with CDFG and USFWS and other resource agencies in identifying locations, such as in western Merced County, along the HST alignments for wildlife passages, including overpasses or underpasses. Please see Response to Comment S006-7 and Standard Response 5 regarding mitigation strategies. An elevated structure is included through part of the alignment, but to do this throughout the system would be cost prohibitive and would not appear to be a feasible mitigation.

S006-12

Sufficient information is available to support identification of the Preferred Alternative in this Final Program EIR/EIS. Please see Standard Response 1 regarding decision making at the program level. Future project-level environmental surveys and analyses will be coordinated with detailed engineering to further refine the HST alignment and profile so that location, numbers, size, and types of wildlife movement passages can be determined and cost estimates created. The Authority will take into consideration and apply where appropriate, the methods identified for determining the best locations for wildlife movement structures and for identifying wildlife linkages when conducting the Tier 2 phase of environmental studies on the approved alignment alternative.

S006-13

The scale of potential impacts from the HST system is not unprecedented and is substantially less than the construction of highways and airports to provide equivalent mobility (see the statewide program EIR/EIS). The construction costs for the network alternatives included mitigation costs, including those for wildlife movement structures, as well as contingency costs. Costs are discussed in Chapter 4, "Costs and Operations."

S006-14

Comment acknowledged. Wildlife movement issues and mitigation also address the movement needs of other species, such as red-legged frog, tiger salamander, and nonlisted special-status species, such as American badger.

S006-15

Detailed noise and vibration studies as they relate to biological resources will be required and conducted as part of the Tier 2 project-level environmental analysis, following more detailed biological surveys to determine the presence of and effects on specific species.

The FRA 100 dBA sound threshold for impacts on wildlife is a source reference level. The 100 dBA is referenced as a sound exposure level (SEL), which is the level of sound accumulated over a given time interval or event. The SEL is the level of the time-integrated mean square A-weighted sound over a 1-second time period. When it is converted to represent noise sources over longer periods of time, the level is adjusted lower to reflect the distribution of the sound energy over that period. At speeds of 220 miles per hour (mph) the distance of estimated impact extends to 200 ft from the centerline of the alignment.

The potential for direct effects of train noise on wildlife in natural areas is not well documented. There are large gaps in the existing

knowledge of the impact of noise on wildlife populations. In invertebrates and lower vertebrates (fish, reptiles, amphibians), there is relatively little study on the effects of transportation noise, with no clear indication of a strong adverse response. For reptiles and amphibians, effects appear to be localized and likely due to mortality or a barrier to movement. Recent studies on the effects of traffic noise on toads in burrows near roads strongly indicate that further study on this or similar behaviors is warranted. For birds, noise can apparently have a significant effect; however, the results are not universal, with some species being adversely affected, many unaffected, and still others becoming more common near even interstate highways. Mammals (particularly large species) may avoid noise; however, there is evidence (particularly for smaller species) that additional habitat and corridors for movement are provided by roadways.

Current research suggests that the noise effects of trains traveling at very high speed could have limited influence on some species close to the tracks. Some research has been performed regarding the reactions of animals to low-flying aircraft, but the specific levels of significance and specific effects related to high-speed trains are not known. Long-term changes in behavior tend to be strongly influenced by factors other than intermittent noise exposure (as would occur with HSTs), such as weather, predation, disease, and other disturbances to animal populations. Conclusions from research conducted to date provide only preliminary indications of the appropriate noise descriptor, rough estimates of threshold levels for observed animal disturbance, and habituation characteristics of only a few species. Long-term effects continue to be a matter of speculation. Because HSTs always will be on the same track and on a schedule, habituation may be likely to occur. Sound levels from train passes are also not as high, nor are onset rates as great, as they are from low-altitude military aircraft, hence, the observed effects of aircraft may not apply to HSTs.

Mitigation measures for natural areas would be considered at the project level, including relevant information, if any, from countries with HSTs. While other HST systems in Europe and Japan have implemented noise mitigation for human receptors, mitigation is not known to have been provided for wildlife, to date. Extensive use of sound walls in rural areas would be impractical. Alternatives to noise barriers in these locations, such as trenches or earth berms, could be explored during project-level environmental review; however, they may also be impractical due to cost and other impacts related to the extent of land required as well as the associated construction impacts. The TGV in France has several locations where topography facilitated the use of fairly deep trenches and earth berms that mitigate noise impacts on sensitive human receptors.

The potential noise impacts on wildlife will be studied in more detail in the second tier project-level environmental assessment to be prepared for the Preferred Alternative, if it is advanced. Two important points that will be considered as part of these more detailed studies to assess the potential impact of HSTs on wildlife are 1) the density of a given species is not necessarily an absolute indicator of the best habitat (i.e., sometimes individuals are relegated in significant numbers to less desirable habitat because of territoriality by dominant individuals) and 2) greater behavioral response (i.e., movement away from transportation noise sources) does not necessarily indicate species that are at greatest need of protection. Therefore, as part of the project-level environmental analyses potential noise impacts on wildlife will consider the quality of the habitat and the sensitivity of the population or community under consideration, as well as the degree of the noise effect on a given species.

The Authority has developed project-level environmental analysis methodologies. The purpose of these methodologies is to establish the technical approach and to guide the Authority's contractors in performing parallel analyses for multiple sections of the HST system for each of the environmental topics, as project environmental documents are prepared. The comments received and issues raised on the Tier 1 program-level environmental documents have also been considered for these methodologies. The noise and vibration methodology will include a more detailed assessment of wildlife. Significance noise criteria will be developed in coordination with the

USFWS and CDFG that provide impact thresholds to the wildlife species that may be affected by the HST alignments. [3]

S006-16

As noted in the Draft Program EIR/EIS, the Authority and FRA find the alignment along Henry Miller Road compatible with adjacent land use. This alignment places a transportation facility next to a transportation facility. The primary land use along Henry Miller Road is agriculture or agricultural-related uses. Please see Response to Comment S006-5 regarding the GEA.

East of Gilroy, the alignment again principally adjoins a roadway—SR 152—and major portions of the alignment over Pacheco Pass are in tunnel. The alignment crosses to the north side of SR 152 one mile west of Dinosaur Point Road and extends through the CDFG Upper Cottonwood Creek Wildlife Area and The Nature Conservancy Mt. Hamilton Project area, primarily in tunnel. The Henry Miller alignment alternative would cross over kit fox corridors along the Delta Mendota Canal and the San Luis Wasteway referred to in Figure 6 of the 2004 H.T. Harvey & Associates report prepared for the USFWS titled *Environmental Assessment for the Issuance of an Incidental Take Permit for the San Joaquin Kit Fox at the Arnaudo Brothers, Wathen-Catanos and River East Holding Sites Within and Adjacent to, The Santa Nella Community Specific Plan Area, Merced County, California*[4]. Specific conservation easements and mitigation sites will be further identified and, if possible, avoided as part of future Tier 2 detailed project-level environmental analysis and preliminary engineering.

The GEA North alignment alternative is not identified in this Final Program EIR/EIS as the Preferred Alternative. Please see Standard Response 3 and Chapter 8 regarding the identification of the Preferred Alternative.

S006-17

The use of the California Natural Diversity Database (CNDDB) and the landscape-level vegetation analyses were the appropriate techniques for this program-level environmental document and were considered along with contextual information to avoid the type of hypothetical example suggested in the comment. The types of analyses described by CDFG in this comment would be appropriate for the project-level analyses, once specific alignment and station locations have been identified. As noted in Section 2.3.2, Design Practices, use of existing transportation corridors would be maximized to avoid or minimize impacts. Use of transportation corridors includes placing HST alignments either within or adjacent to major existing transportation corridors that are already disturbed.

Future project-level environmental surveys and analyses will be coordinated with detailed engineering to further refine the HST alignments and station locations and avoid or minimize impacts to the greatest extent practicable. Field reconnaissance-level surveys are warranted in the Tier 2, project-level analysis to determine existing habitat conditions along the various project alignments and in surrounding areas.

[3] Foppen, R. and R. Reijnen. 1994. The effects of car traffic on breeding bird populations in woodland. Breeding dispersal of male willow warblers in relation to the proximity of a highway. *Journal of Applied Ecology* 31:95–101.

Forman, R.T.T. and Lee Alexander. 1998. Roads and their ecological effects. *Annual Review of Ecology and Systematics* 29:207–231.

Forman, R.T.T., D. Sperling, J.A. Bissonette, A.P. Clevenger, C.D. Cutshall, V.H. Dale, L. Fahrig, R. France, C.R. Goldman, K. Heanue, J.A. Jones, F.J. Swanson, T. Turrentine and T.C. Winter. 2003. Road Ecology; Science and Solutions. 481pp. Island Press: Washington D.C.

Kalseloo, P.A. and K.O. Tyson. 2004. Synthesis of Noise Effects on Wildlife Populations. Report No. FHWA-HEP-06-016. 67pp. Office of Research and Technology Services Federal Highway Administration.

[4] H. T. Harvey & Associates and Ebbin Moser & Skaggs. 2004. *Environmental Assessment for the Issuance of an Incidental Take Permit for the San Joaquin Kit Fox at the Arnaudo Brothers, Wathen-Catanos and River East Holding Sites Within and Adjacent to, The Santa Nella Community Specific Plan Area, Merced County, California.* July. Prepared for U.S. Fish and Wildlife Service.

S006-18

Refer to Standard Response 3 and Chapter 8 regarding identification of Pacheco Pass as the Preferred Alternative and Response to Comments S006-18 and S006-4.

S006-19

CDFG comments are responded to in Response to Comments S006-1 through S006-18.

S006-20

Comment acknowledged.

Comment Letter S007 (Elaine Alquist, et al., California Legislature, September 26, 2007)

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

RECEIVED
SEP 28 2007
BY:

S007

September 26, 2007

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

Re: High Speed Rail – Pacheco Pass Route

Dear Mr. Morshed:

We are writing to express our strong support of California's High Speed Rail Project and the need to see it routed through the Pacheco Pass. We believe that the project will transform the state's transportation network into a much safer system that will serve the state's growing population in a way that can boost our economy while protecting our environment.

We all agree that the High Speed Train network should serve all three major Bay Area cities: San Francisco, Oakland, and San Jose. Furthermore, we believe that the Pacheco Pass alternative is a superior route for two key reasons: 1) a better level of daily service with a greater number of trains stopping in San Francisco, Oakland and San Jose and 2) greater protection for the environment of the Bay Area. S007-1

It is our understanding that the Altamont Pass alternative would require building a new bridge over the San Francisco Bay as well as require construction through the Don Edwards Wildlife Refuge with additional impacts on the San Francisco Bay and Palo Alto shore of the Bay. We feel these reasons, in and of themselves, are sufficient for rejecting the Altamont Pass outright.

In closing, we believe the Pacheco Pass is the best option for the High Speed Train to serve the Bay Area. We thank you for your consideration and will continue to follow the issue closely.

Sincerely,

Elaine Alquist
Senator, 13th District

Abel Maldonado
Senator, 15th District

Jim Beall
Assembly Member, 28th District

Anna Caballero
Assembly Member, 24th District

cc: Santa Clara Valley Transportation Authority
Silicon Valley Leadership Group
City of San Jose
San Jose-Silicon Valley Chamber of Commerce

Response to Letter S007 (Elaine Alquist, et al., California Legislature, September 26, 2007)

S007-1

The Pacheco Pass Alternative has been identified as the Preferred Alternative in this Final Program EIR/EIS. The statements made in support of this alternative in Senator Alquist's and Senator Maldonado's letter were among the reasons that the Pacheco Pass was identified as preferred, namely that there would be better levels of service (train frequencies) to the major urban areas and there would not be adverse impacts on the San Francisco Bay (including the Palo Alto shore) or the Don Edwards Wildlife Refuge.

See Standard Response 3 and Chapter 8 regarding identification of Pacheco Pass as the Preferred Alternative.

Comment Letter S008 (Betty Miller, Department of Transportation, September 25, 2007)

S008

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING, MS-32
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 653-0808
FAX (916) 653-4570

Flex your power!
Be energy efficient!

September 25, 2007

clear 9/28/07 e

RECEIVED
SEP. 2 5 2007
STATE CLEARING HOUSE

California High-Speed Rail Authority
EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

SCH2005112051, Draft Bay Area to Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement, dated July 2007

Dear Sir/Madam:

The California Department of Transportation (Department) appreciates the opportunity to review the subject environmental report. The proposed High-Speed Train (HST) alignment alternatives are described within a broad corridor between and including the Altamont Pass and Pacheco Pass. The proposed project, regardless of the alignment, will traverse three Department Districts and impact the State Highway System (SHS). S008-1

We understand that "specific issues will be addressed only during subsequent project-level environmental review, when more precise information will be available regarding location and design of the facilities proposed (e.g., elevated, at-grade, access locations, station design features, and fencing type and location)." S008-2

Since the potential traffic impacts in the vicinity of candidate stations were not evaluated at this stage of environmental review, we would appreciate the opportunity to be involved in the project-level scoping meetings when traffic impact studies are being prepared. As a Responsible agency for the proposed project pursuant to the California Environmental Quality Act, we cannot emphasize too strongly the benefit of early and full consultation with the Department as planning for this project of statewide, regional, and areawide significance progresses.

Other general comments: A cooperative agreement between the Authority and the Department must be executed, and an encroachment permit issued, prior to any development activity occurring for construction and improvements within the SHS Right of Way. Potential functional concerns regarding an encroachment permit also include rail facility maintenance, landscaping, drainage, and stormwater/erosion, if applicable. S008-3

Locating stations in downtown areas and central business districts will enable a greater proportion of High Speed Train (HST) riders to walk to their final destinations, thereby decreasing the vehicle load on the transportation system. S008-4

Specific comments/Questions:

Has the Authority adopted any corridor width? S008-5

Figure S.4-1. Bay Area to Central Valley—High-Speed Train Alignment Alternatives and Station Location Options Carried Forward for Further Consideration: The map incorrectly shows the Pacheco Pass as being located on US Highway 101, rather than State Route 152. S008-6

Page 3.1-9. Table 3.1.3. Please explain how the Palo Alto Station will have a decrease in V/C from year 2005 conditions to year 2030 with and without the high-speed train. The table appears to reflect that conditions would be better in year 2030 without the high-speed train. S008-7

Page 3.1-19. Para. B. Study Corridor and Potential High Speed Train Stations, San Jose: Was the planned BART project into the Diridon Station included in the study? S008-8

Page 3.1-32. Para. B. Study Corridors and Potential High Speed Train Stations, San Jose: The report states, "With the addition of an HST station, increase in parking demand. . . However, this demand would be offset by provision of additional parking. . ." Is this project proposing to build additional parking for the Diridon Station? If so, where is the additional parking located? If not, who is providing the additional parking and where? S008-9

Page 3.1-33. Para C. Study Corridors and Potential High Speed Train Stations, Morgan Hill: The report states, "With the addition of an HST station, increase in parking demand would range from 1,400 to 1,500 spaces. . . This increase demand would be offset by additional parking that would be provided." Is this project providing the additional parking for the Morgan Hill Station? If so, where is the additional parking located? If not, who is providing the additional parking and where is it located?

Page 3.1-33. Para C. Study Corridors and Potential High Speed Train Stations, Gilroy: The report states, "With the addition of an HST station, increase in parking demand would range from 2,800 to 3,800 spaces. . . This increase demand would be offset by additional parking that would be provided." Is this project providing the additional parking for the Gilroy Station? If so, where is the additional parking located? If not, who is providing the additional parking and where is it located?

How does the HST proposal alleviate at grade rail crossing problems with existing rail services (Amtrak, Caltrain) and local city streets? S008-10

Page 4-22. Table 4.3-3. The amount in P6 should be $1,179,332,000. S008-11

Page 9-1. Section 9.1.1. In comparison to the No Build Alternative, barrels of oil saved equivalent should also be used in comparison with the 61 billion miles per year reduction shown in Table 9.3.1. S008-12

Comment Letter S008 - Continued

If you have questions about our comments, please contact Tim Sable, Chief, IGR/CEQA Branch in our District 4 office via telephone at: 510-286-5505, E-mail: tim_sable@dot.ca.gov, or Joanne Striebich, LD-IGR Coordinator in our District 6 office via telephone at: 559-488-4347, E-mail: Joanne_striebich@dot.ca.gov. Or you can contact me via telephone at: 916-653-0808, E-mail: betty_l_miller@dot.ca.gov. S008-13

Again, we thank you for the EIS/EIR review opportunity.

Sincerely,

Betty Miller
Statewide Local Development-Intergovernmental Review Coordinator
Office of Community Planning

c: T. Sable, Chief, IGR/CEQA Branch, District 4
Y. Kwan, LD-IGR Coordinator, District 4
J. Striebich, LD-IGR Coordinator, District 6
S. Morgan, Senior Planner, State Clearinghouse

"Caltrans improves mobility across California"

Response to Letter S008 (Betty Miller, Department of Transportation, September 25, 2007)

S008-1

The Authority and FRA appreciate the California Department of Transportation comments on the Draft Program EIR/EIS and acknowledge that the alignments under consideration would traverse three of the department's districts and affect portions of the state highway system.

S008-2

The project-level environmental review, which will follow the completion of this program-level review, will include preliminary engineering for HST alignments and stations selected at the program level and will therefore provide more specific information (e.g., alignment profile, alignment access locations, station design features, fencing type), as noted in the letter.

The Authority and FRA will involve the State Department of Transportation in the project-level scoping meetings, in recognition that the department is a Responsible Agency under the California Environmental Quality Act (CEQA). The Authority and FRA fully agree that early and full consultation with the department at this stage will be highly beneficial.

S008-3

The Authority and FRA understand the need and requirements for an encroachment permit prior to any development activity.

S008-4

The Authority and FRA agree that locating HST stations in downtown/central business districts offers multiple benefits, including increased pedestrian access to the stations and decreased vehicle loads on the street and highway system. The majority of the HST stations for the Preferred Alternative identified in this Final Program EIR/EIS are located in downtown locations. Please see Standard Response 3 and Chapter 8.

S008-5

Please refer to the description of high-speed train technology in Section 2.3.2. Figures 2.3-6, 2.3-7, and 2.3-8 show typical sections for at-grade, aerial, and tunnel configurations. Additional typical sections are presented in Appendix 2-E (the corridor needs vary depending topography, station area, etc.). At this conceptual level of detail, for the at-grade configuration, the typical HST right-of-way (corridor width) is shown as 100 ft; however, in very constrained areas it is assumed that no more than 50 ft would be needed.

Section 3.8 of the Authority's *Engineering Criteria* (California High-Speed Rail Authority and Federal Railroad Administration 2004) gave the following guidelines for the right-of-way for the system.

> *The minimum right-of-way limits for typical operating sections of the high-speed train system are shown in Table 3.8-1. These limits represent the minimum right-of-way required for basic implementation of a specific operating section. In many cases additional requirements apply which are also noted in the table. Other factors such as topography, soils, groundwater levels, noise receptors, cut-and-fill slopes, drainage, retaining walls, service roads, utilities, operating speeds, and construction methods also influence the extent of the required right-of-way envelope. Typical cross-sections for each general mainline section are included in Appendix A.*
>
> *For the definition of alignment options, three general parameters should be followed as guidelines with consideration given to constraint information identified in the screening evaluation: (1) a minimum right-of-way corridor of 50 ft (15.2 meters) should be assumed in congested corridors; (2) a 100-foot (30.4-meter) corridor should be assumed in less developed areas to allow for drainage, future expansion and maintenance needs; and (3) a wider corridor should be assumed in variable terrain to allow for cut and fill slopes and twin-bore tunnel. In these wider sections, the width should be determined according to the minimum cross sectional requirements, as defined in Table 3.8-1, and the general assumption of 2:1 cut and fill slopes. For shared use corridors, widths would vary depending on the number of tracks required.*

Table 3.8-1
Minimum Permanent Right-of-Way Requirements

Type of Section	Minimum Width	Minimum Requirements
At-Grade/Cut-and-Fill/ Retained Fill	50 ft (15.2 m)	Fee purchase of entire width Cut & Fill section requires additional width to accommodate drainage and 2:1 slopes
Aerial Structure	50 ft (15.2 m)	Fee purchase required for column foundations Fee purchase or aerial easement required for full width of structure plus 3.5 ft (1 m) on each side for maintenance purposes. Allows for ongoing use of land area under the structure (parking, streets, other rail services, etc.) with appropriate lease for private entities or agreement with public entities. This arrangement must allow for ongoing access to columns for maintenance and proper protection for columns if area is used for street or rail purposes.
Tunnel (Double Track)	67 ft (20.4 m)	Fee purchase or underground easement of entire width. Fee purchase allows for ongoing use of land area above the structure (parking, streets, open space, etc.) with appropriate lease for private entities or agreement with public entities.
Tunnel (Twin Single Track)	120 ft (36.6 m)	Fee purchase or underground easement of entire width. Fee purchase allows for ongoing use of land area above the structure (parking, streets, open space, etc.) with appropriate lease for private entities or agreement with public entities.
Trench Section (open or closed)	50 ft (15.2 m)	Fee purchase of entire width Closed section allows for ongoing use of land area over the structure (parking, streets, open areas, etc.) with appropriate lease for private entities or agreement with public entities.
Note: Widths do not include temporary easements required for construction purposes.		

S008-6

As noted in the legend of Figure S.4-1, the tan labels are alignment designations. The limits of the Pacheco Pass alignment alternative are defined as between San Jose and the split (just west of Interstate 5 [I-5]) between the GEA North and Henry Miller alignment alternatives. The western portion of the Pacheco Pass alignment alternative is along the Caltrain Corridor, which runs generally parallel to US-101. The remaining portion of this alignment is along SR 152.

S008-7

The lower volume-to-capacity in 2030 is the result of comparing regional forecasts with existing volumes that were heavily influenced by the peak of the DOTCOM boom. In reality, the future volumes would probably be higher than for existing conditions. The primary comparison, however, was intended to be the effect of a Palo Alto Station with and without HST. Because of additional automobile trips to access the Palo Alto HST station, local traffic conditions around the station would be worse with HST than without. The traffic reduction benefits of HST would occur on intercity freeways, not on local streets. All station areas would experience some increase in traffic with the HST system.

S008-8

The planned Bay Area Rapid Transit (BART) extension to San Jose (Diridon Station) and Santa Clara, which is included in the MTC Resolution 3434, was considered in this study. However, it was not included in the No Project Alternative because it is not contained in the fiscally constrained RTP.

The BART station at San Jose was not included in this analysis because it was not included as a No-Build project. At the Warm Springs site, the future BART station was mentioned but not included in the traffic analysis.

S008-9

To mitigate parking impacts on neighborhoods surrounding HST stations, the analysis estimated added parking demand and included

in the HST system additional parking facilities at a conceptual level to meet this parking demand. Appendix 2F provides station fact sheets and concept plans for the various stations. The included number of parking spaces is provided on the station fact sheets, and the included parking locations are shown on the station plans. (Note that additional parking is not assumed for such major urban centers as the San Francisco Transbay Transit Center, which is well served by transit, pedestrian access, and taxis.) The preliminary locations of the additional HST parking for the Diridon and Gilroy stations are shown in Figures 2F-34 and 2F-40, respectively. The Morgan Hill station is not proposed as part of the Preferred Alternative identified in this Final Program EIR/EIS. Please see Standard Response 3 and Chapter 8.

S008-10

The design of specific grade separations will be more fully defined during the project-level EIR/EIS and preliminary engineering. It is anticipated that a portion of the grade separations developed for HST tracks that are adjacent to freight tracks will involve separation not only of the HST system but also the freight tracks, depending on the specific site conditions and the cooperation and agreement of the freight track owner. At times, street closures at the rail right-of-way will also be proposed.

S008-11

Change has been made in the document.

S008-12

Change has been made in the document.

S008-13

The Authority and FRA acknowledge receipt of the contact information.

Comment Letter S009 (Richard Rayburn, Department of Parks and Recreation, October 26, 2007)

State of California • The Resources Agency — Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001 — Ruth Coleman, *Director*

(916) 653-6725

S 009

RECEIVED
OCT 29 2007
BY:

October 26, 2007

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

Joseph H. Boardman, Administrator
Federal Railroad Administration
U. S. Department of Transportation
1120 Vermont Ave., N.W. M/S 20
Washington, D. C. 20590

Re: Comments on Draft Bay Area–Central Valley High Speed Train Program EIR/EIS
SCH 2005112051

Dear Messrs. Morshed and Boardman:

The California Department of Parks and Recreation (California State Parks) has evaluated the above-referenced Draft Program EIR/EIS. We appreciate the additional review time provided; however, due to the length of the document, the complexity of the issues, and the scope of California State Parks' concerns, more review time would have been appreciated. S009-1

California State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) PRC § 21082.1, a Responsible Agency (PRC § 21069) and a Trustee Agency as used by CEQA, its guidelines, and as defined by CCR § 15386 for the resources affected by this project within units of the State Park System. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation. The 1.4 million-acre California State Park System, for which we are responsible, is currently made up of 278 classified units and several major unclassified properties. S009-2

Notice of Preparation comments submitted by California State Parks in December 2005 expressed concern that the mountain crossing between the Bay Area and Central Valley will result in irreversible damage to natural, cultural and scenic resources of the State park System. Although the alternative route through Henry W. Coe State Park has now been dropped from consideration, the Pacheco Pass option still poses potential significant environmental consequences to Pacheco State Park, San Luis Reservoir State Recreation Area, George J. Hatfield State Recreation Area, Great Valley Grasslands SP and the Martial Cottle property. In addition, it is unclear whether S009-3 S009-4

the proposed Pacheco Pass alignment would affect the current Bell Station entrance to Henry W. Coe State Park. The Bell Station entrance to the new Dowdy Ranch park facilities was opened to the public in the spring of 2007. California State Parks wants to ensure that access from State Highway 152 remains available. S009-4 cont'd

Although the Bay Area-Central Valley connection is no longer proposed to cut through Henry W. Coe SP, the Pacheco Pass route still has the potential for significant impacts to parks and the character and landscape of the southern Diablo Range.

Issues raised by California State Parks at the Notice of Preparation stage in 2005 have not been satisfactorily addressed in this new draft document. The document fails to address impacts to landscape-level features, as well as to specific sensitive and special-status resources. Lack of this type of broad analysis hampers evaluation of the potential impacts and comparison of impacts associated with the proposed alignment options. S009-5

Since the circulation of the NOP for the project, climate change has risen as an issue of extreme importance and priority for this administration, and for California State Parks as well. The Authority should include a serious discussion not only of how climate change considerations play in to the proposed project; but also, how climate change issues can add urgency to natural resource management decisions and strategies. S009-6

Preferred Alternative

California State Parks strongly recommends that the Altamont Pass route be adopted over the Pacheco Pass route. The Altamont route passes through an already developed and fragmented area. It would provide significantly greater benefits for Bay Area commuters. The Pacheco area, including a landscape reserve of statewide importance and state park land, is in much better condition and is seriously threatened by the project. S009-7

Although the draft EIR/EIS does not put forward a preferred alternative route for the Bay Area-Central Valley segment of the High Speed Train, and although the analysis in the document is really insufficient to compare many, if not most environmental aspects, California State Parks clearly foresees less environmental impact to park and area reserve resources and less new impact to regional land use with the Altamont Pass crossing, which uses the Union Pacific Rail Road alignment. This route would avoid all State Park System units and would make the most use of existing transportation rights of way and corridors, and serve far more numerous urban areas. S009-8

The document does not analyze in any meaningful way the impacts of the Pacheco Pass route on the Mt. Hamilton landscape reserve between the Morgan Hill area and the Central Valley. The following comments refer to this reserve, but all statements equally apply to Henry W. Coe State Park. The result of fragmentation on habitat communities and animal populations apply equally to Coe, the core area of the Mt. Hamilton reserve, as they do to the overall reserve itself. This area is one of the most significant and strategic landscape reserves preserving biological diversity in California. The State (California Department of Parks and Recreation and Fish and Game) and S009-9

Comment Letter S009 – Continued

The Nature Conservancy have committed vast resources in establishing this near-complete reserve. It makes little sense to run new transportation infrastructure through this relatively pristine and protected area in light of a more feasible alternative, Altamont Pass route that has a major developed transportation corridor as well as many other intensively developed urban areas. Figure 2.5-2 clearly depicts most of the protected areas making up this reserve. On the same figure, compare this area to the Altamont Pass open space area, which has very little landscape protection. In addition this open space area of the Altamont route is cut by a regional freeway creating a huge barrier to wildlife movement, which, lacking sustainability, will result in significant species lost. S009-9 cont'd

Much more effort needs to go into the Pacheco Pass route in order to assess its impacts to habitat and wildlife in the coming years. The rail will potentially do great harm to the viability and even existence of many habitat communities and animal populations. It will fragment the reserve area from habitat and animal populations to the south. This fragmentation needs to be assessed to determine the potential serious threat to biological diversity to the reserve and its core areas. Along with animal populations, plant communities need to be assessed since up to 50 % of plant recruitment can be from seed dispersed by animals. This assessment should include review of species/area relationships and analysis of impact and potential future extinctions. It has been shown by Wilson and MacArthur that up to 50 % of species can be lost when certain fragmentation occurs due to factors resulting in reducing area size below what is needed to assure sustainability. S009-10

The document references the Missing Links information related to statewide wildlife connectivity, suggesting that fragmentation may not be an issue since this information did not highlight connectivity needs in the Mt. Hamilton area. This conclusion is false. The reason connectivity was not identified was because no one from the area was in attendance at the San Diego forum. Many other areas in the state were not included for this reason. Clearly, connectivity within and adjacent to a reserve area of statewide significance is a very important issue that needs to be thoroughly analyzed.

The importance of the Mt. Hamilton area in relationship to the Altamont Pass area should be assessed in light of global warming. It is well recognized by most land use managers and research biologists that most species, e.g. valley and blue oak, will re-establish north of existing locations. A primary objective to protect plant and animal species from extinction from climate change will be facilitating northerly movement. Reserve planning is focusing seriously on north-south connectors. The Pacheco Pass route could seriously harm, or eliminate, northerly movement. Research is estimating by the end of the century 15-35 % of plant and animal species will be lost as a result of climate change. This subject needs serious researcher and analysis before any alternative can be selected. S009-11

The steep terrain associated with and above each tunnel should generally be considered as linkages from south of the Pacheco Pass route to the Mt. Hamilton area. While these areas may not be fenced and developed, they represent the most difficult areas for wildlife passage. S009-12

Pertinent Documents

The Pacheco SP General Plan was approved in May 2006. It should be referenced in the DEIR and is available on-line at: http://www.parks.ca.gov/?page_id=22694. The second Highway 152 crossing may pose conflicts with DPR's anticipated safety changes for the Dinosaur Point Rd.-Highway 152 intersection.

The San Luis Reservoir SRA was approved in 1986 and is available on–line: http://www.parks.ca.gov/?page_id=24363. An amendment to the general plan is currently in progress. The DEIR/EIS should reflect the existing DPR general plan and incorporate anticipated changes with respect to park ownership, park resources, and public use. S009-13

Wildlife Migratory Corridors/Habitat Fragmentation

The Pacheco Pass alternative may potentially exacerbate habitat fragmentation depending upon decisions for a dedicated right of-way and provision for wildlife crossings. Construction impact problems also exist. This alignment also has potential to adversely impact the San Luis Reservoir State Recreation Area/Pacheco State Park complex of recreation lands to the east. Mitigation and subsequent analysis should be performed for this alternative.

Mitigation proposed for impacts to all State Park System Units by these or other alternative route corridors, must replace the full biological productivity and recreational opportunity, both in kind and in area. S009-14

The maps should show current migratory routes and should be reviewed by the USFWS and DFG. Large under crossings and other appropriate provisions will need to accommodate migration of mammals. How will the new rail bed be protected from burrowing by ground squirrels? Experience has shown that new construction can attract ground squirrels, which in turn can attract raptors in an unnatural way, leading to increased mortality of predatory raptor species.

Will HST train alignment also result in additional utility easements for power poles, underground gas lines, fiber optic lines? If so, power poles and overhead structures may act as perch sites for raptors and result in increased kill rates of raptor food sources.

Noise

The document does not adequately address the effects of project-related noise from construction and operation on the natural environment, animal species, and recreationists seeking solitude and ambient quiet. S009-15

Introduction of Exotic Plant Species

The document does not adequately address the potential role of the project as a conduit for invasive plant species. With construction and operation of the facilities, highly invasive noxious plant species can be introduced in previously native plant dominated areas. Preventing infestations of exotic plant species is key to maintaining high quality native vegetation communities and natural habitats. S009-16

Comment Letter S009 – Continued

Affected Environment
The draft program EIR/EIS fails to adequately describe the affected environment. Instead, lists and tables attempt to portray the resources present, without evaluation and analysis. Numbers of special status plant and animal species, acres of wetlands, linear feet of streams, presence/absence of marine and anadromous fish resources and names of active faults crossed are listed in tables, by alignment segments; however, these measures fail to take into account context, importance, qualitative values and functional relationships. S009-17

For example, if an alignment runs along an active fault segment, it may only cross the fault one time, if at all, and would be assigned a lower seismic hazard rating than an alignment that crosses many faults. However, the multiple fault crossings could produce less damage in a seismic event than the single fault crossing, when the alignment actually follows the fault trace.

Another example of tables of numbers and lists mis-representing the affected environment would be Table 3.15-1 "Biological Resources Summary Data Table for Alignments and Station Location Option Comparisons." Corridors and alignment alternatives are reduced to numbers of special status species. This fails to recognize the importance of functioning ecosystems, intact habitats, and the inter-relationships of habitats and vegetation communities. Special status species such as the San Joaquin kit fox rely on grasslands and mixed shrub/grassland habitats throughout low, rolling hills and in the San Joaquin Valley, and on soils suitable for den construction. These requirements are key to the species' survival and are not evaluated in the draft program EIR/EIS.

The document lacks a clear comparison and analysis of impacts associated with the alternative routes. The multiple tables with multiple route segments and multiple options make actual impact comparisons impossible to complete. S009-18

The maps should show all State Park System units in the vicinity, not just Henry W. Coe SP. Pacheco, Caswell Memorial and Great Valley Grasslands SPs; San Luis Reservoir, George J. Hatfield, Lake del Valle, and McConnell SRAs and Carnegie SVRA and the Martial Cottle Ranch property should also be portrayed. S009-19

In addition, other conservation lands should be displayed throughout, such as regional parks, conservancy lands, and federal and state wildlife reserves.

The Altamont route uses more existing transportation rights-of-way; and therefore has less new impact to aesthetics and land-use. S009-20

Sec. 4(f) and Sec. 6(f) Impacts
The document states that the tunnel for the Pacheco Pass alternative would not have any impacts to Sec. 4(f) or 6 (f) resources (page 3.16-11 F, San Jose to Central Valley Corridor). However, the appendices show multiple tunnels and at-grade segments. Significant cuts and fills would alter the landscape and affect runoff patterns, erosion of soils, and surface habitats. There would undoubtedly be construction impacts to S009-21

surface water flows, groundwater, and aesthetics from Highway 152 and 33, to geological resources (rock outcrops and geologic structures) and paleontological resources from the tunnels and rail facilities. The document must acknowledge the Sec. 4(f) and Sec. 6(f) impacts and make the case S009-21 cont'd
1: There is no feasible and prudent alternative to impacting park resources, and
2: All possible planning to minimize impact to parklands has been conducted.

Pacheco State Park
The proposed HST alignment passes near the park's boundaries near State Route 152 and California Department of Fish and Game's Upper and the Lower Cottonwood Wildlife Areas and includes extensive tunneling. The topography in the immediate area consists of steep hills that restrict vistas to canyons and adjacent slopes and ridges. Broad vistas in the area are only available from ridge tops. The Pacheco State Park General Plan speaks to the importance of the park as a remnant of the historic California landscape. The HST project could intrude on the perception of old, rural California. This factor should have been addressed in the Bay Area-Central Valley program EIR/EIS. Major impacts will occur during construction and operation. Dislocations to park operations during construction should be described and if necessary mitigated in the subsequent detailed EIR. At-grade segments of this alignment in the proposed corridor will impact wildlife corridors, wildlife habitat, viewshed, and increase existing noise levels. A better alternative would be to de-select the Pacheco Pass route altogether, thereby sparing the open space recreation resources in the Mt. Hamilton and Pacheco Pass environs. S009-22

San Luis Reservoir State Recreation Area
The HST alignment at this park would skirt the State Recreation Area's San Luis Creek area, cross the park's connection to the California aqueduct bikeway and an existing campground in proximity to the California Department of Fish and Game's O'Neill Forebay Wildlife Area. It would also pass through the California Department of Fish and Game's Upper Cottonwood Creek Wildlife Area and bisects The Nature Conservancy's Romero Ranch conservation easement area. Those agencies have joined their management efforts through the park's general plan process currently in place.

The San Luis Reservoir State Recreation Area general plan process does not address the HST proposal. It is instead focused on natural values of the resource and the recreation activities that can be supported without harming those resources. If the HST were routed along this corridor option, those resources would be threatened. Route construction and the eventual disturbances by passing trains would diminish the core wildlife, such as the kit fox, due to habitat fragmentation and dedicated right-of-way closing wildlife corridors. S009-23

Recreation values of the adjoining lands would also be diminished. For instance, impacts to an area just across the bay from the current campground, where there is potential for additional day-use and camping, may be pre-empted by this proposal as eventual road service to this area may be eliminated by the HST. Construction activity, noise, dust and impairment of scenic vistas would lessen the sense of openness that currently pervades the park. If construction or an operating corridor would adversely

Comment Letter S009 – Continued

impact visitation or campground use, in-kind mitigation and restoration of lost revenue should be required. S009-23 cont'd

McConnell State Recreation Area

This recreation area lies in a triangle created by three possible alignments as the HST route moves between the Bay Area and Fresno, Sacramento and Fresno, and Sacramento and the Bay Area. Depending on alignment selection, passing trains could interfere with nearly 2.5 miles of the recreational boating experience associated with the park. De-selection of the Diablo Range crossings and UPRR routes would eliminate the most troublesome alignments. Sound walls might mitigate noise aspects, but there would remain potential visual impact to recreation use as the tracks cross the river. Besides addressing these possible impacts and providing appropriate mitigation, construction and operation may cause a loss of public access resulting in decreased visitation and revenue. Alternative access and revenue restoration are possible mitigations. S009-24

Great Valley Grasslands SP

The park preserves one of few intact examples of native grasslands on the floor of the Central Valley. The park is part of the larger Grasslands Ecological Area (GEA) of federal, state and private lands all managed for wildlife values. The GEA represents the largest remaining contiguous block of wetlands in California. Several rare and endangered plant and animal species inhabit the park, including alkali sacaton, a native bunch grass, and the Delta button celery (Erynium racemosum) a state listed endangered species found in the flood plain of the San Joaquin River. Biologists have also reported the California Tiger Salamander and endangered vernal pool fairy shrimp and tadpole shrimp. Springtime wildflower displays, fishing and wildlife watching attract visitors to this undeveloped park, which also encompasses the former Fremont Ford State Recreation Area. S009-25

Martial Cottle Property

This is a new site for which public access will be allowed in the future. It is a 290-acre ranch in the midst of a built-up urban area. In October 2003, California State Parks and the County of Santa Clara entered into a joint powers agreement to enable a donation and sale offer of land in San Jose from Walter Lester. Under the terms of the agreement, Mr. Lester's family farm will be preserved as an historic agricultural park, providing open space, recreation and interpretation benefits for future generations. The County has assumed responsibility for establishing a master plan to guide future development, financing, and constructing the improvements as well as maintenance and operations. Facilities and activities will be designed to educate people about the important role of agriculture in Santa Clara County history. S009-26

Geology and Soils

The slope stability analysis does not consider steepness, debris flow potential, geomorphologic mapping, drainage courses, and run-out areas. Areas where the alignment crosses the Coast Ranges are especially subject to landslide hazards and are characterized by debris flows, debris slides, and creep, especially in the mélange units of the Franciscan Complex. The best mitigation for slope stability and landslide S009-27

issues is avoidance of the hazard. Although avoidance is not always an option, it should always be the first option considered, since its effectiveness is superior to engineered slope treatments and foundation excavations. S009-27 cont'd

Cut and fill operations could result in fill slope and cut slope failures. These areas need to be evaluated, according to their physical properties, such as dip slope, fractures, bedding inclination, joints, etc. Where cuts and fills are constructed, the width of the "affected environment" should be extended to include the full extent of surface disruption.

Impacts of tunnel construction associated with all HST alternatives need to be further evaluated. The blasting, drilling, and hydrological disruption will have impacts in all segments using new tunnels. Tunnels can interrupt groundwater movement, limiting horizontal flow, as well as capturing flow, thereby "robbing" adjacent areas of water. In areas of fracture permeability (Diablo Range, for example) this impact is most critical. In addition, the influence tunnel construction (blasting and excavation) could have on spring behavior is unknown. These fragile and sometimes ephemeral water resources provide invaluable habitat for aquatic plants and animals. In areas of fracture permeability, spring productivity can be very tenuous, and external influences can produce significant adverse impacts.

Details

Fig. S 4-1: should show all significant parklands, not just Henry W. Coe State Park. S009-28

Fig. 1.2-4: The two bar charts are not adequately labeled. It is unclear to which of the bar charts the title "Percentage of Arrivals Delayed -1999" refers. Although two bar charts are displayed in this figure, the difference between the two is not made clear; the horizontal and vertical axes are identically labeled. S009-29

Fig. 2.5-1: This map should show all park and conservation lands of the region, not just Henry W. Coe State Park (Pacheco SP, San Luis Reservoir SRA, Great Valley Grasslands SP, Carnegie SVRA, Lake Del Valle SRA, DFG, TNC, U. S. Fish and Wildlife Service managed and regional park lands). S009-30

Fig. 2.5-7 SJ-CV: This map should include portrayal of park and conservation lands (see comment immediately above). S009-31

Fig. 2.5-8: This map should include the locations of Carnegie SVRA and Lake Del Valle SRA, as well as regional parks and conservation lands. S009-32

p. 3.9-4 SJ-CV: last paragraph: Include Pacheco State Park in the list of areas where the line would be visible, producing a medium to high visual impact. S009-33

p. 3.9-20: Visual and Aesthetics. California State Parks has a concern about the effects of cuts and fills to Pacheco Creek. The document does not address disposal methods for excavated soils and rock associated with the at-grade cut and fill sections of the route nor disposal options for the tunnel spoils. S009-34

Comment Letter S009 – Continued

p. 3.12-5: Paleontological Resources. Simplistic descriptions are used and will result in skewed analysis. Only 2 choices of sensitivity: High-vertebrates, rare, significant and Low: No or very low densities (same as unknown). This is a flawed methodology that will result in skewed results: Paleontological resources should be considered of high value if found, even if a low probability of discovery exists. Mammoth remains have been documented in San Luis Reservoir SRA, and additional important vertebrate fossils could be discovered in the construction process. S009-35

p. 3.12-20: Inconsistent discussion of sensitivities and paleontological resources potential. S009-36

p. 3.12-28 and 3.12-29: C. Paleontological Resources: The draft document states that sufficient information is not available at the program level to assess impacts and assure that mitigation strategies will reduce impacts to a less-than-significant level. The document infers that additional environmental assessment will allow more precise evaluation in "project-level environmental analysis" and concludes that potential impacts to cultural and historic resources are considered significant at the program level even with the application of mitigation strategies. Note that this reference to impacts to cultural and historic resources is included in the Paleontological Resources section (C). For this section, "cultural and historic resources" should be deleted and replaced with "paleontological resources". Because the document lacks comparative information for paleontological resources at the program level, it is not possible to evaluate and compare the paleontological resource effects from the various alternative alignments. S009-37

Even so, the proposed mitigation measures are not adequate to reduce impacts to a less than significant level. Avoiding impact to irreplaceable, one-of-a-kind fossil resources is superior to educating workers, recovery of fossils, construction site monitoring, and curation in accredited research facilities.

p. 3-12-30: Preparation of a paleontological resources treatment plan at the project level EIR/EIS does not constitute mitigation.

p. 3.13-3: Seismic hazards evaluation. Why is there no medium hazard for the stations? (This methodology may yield skewed results for potential impacts, similar to the paleontological resources methodology.) S009-38

p. 3.13-21: Spelling error, paragraph heading A: **Seismic**, not Siesmic.

p. 3.14-29: Spelling error: San **Luis** Creek and San **Luis** waterway (not Louis) S009-39

p. 3.16-11 F. Pacheco Alignment Alternative: Conclusion is not founded; "tunnel would not have any impacts to Sec. 4(f) or 6(f) resources". On the contrary, tunneling and cut and fill construction activities may present significant impacts to Pacheco SP and San Luis Reservoir SRA. The impact to park resources needs to be revealed, assessed, and avoided if at all possible. According to the strip maps and cross sections in the appendices, there will be a series of tunnels, cut and fill slopes, and at-grade segments. S009-40

The tracks would cross State Route 152 twice (station 54 +893 and 63+~600, Appendix page 2-D-31.) S009-40 cont'd

Appendices

Appendix 2-D is illegible in paper copy. On-line review at 200% provided better resolution; however this is a very awkward way to determine proposed project effects. The strip maps are of no value for evaluating impacts. The maps should show topography, hydrology, adjacent land-use, and watershed configuration. The segmented nature of the maps hampers analysis and determination of context and big picture issues. To facilitate meaningful review of impacts, maps should be developed to show shaded relief, hydrology, adjacent land-use and conservation land property boundaries. S009-41

There is no obvious discussion of tunnel spoil disposal alternatives in the document.

2-D 30 and 31: Pacheco Pass alignment. Impacts State Parks: Pacheco SP and San Luis Reservoir SRA. Tunnels near Pacheco SP and through San Luis Reservoir SRA will have construction related impacts, such as spoil disposal, difficult drilling/tunnel boring, water effects (shortage of water for drilling purposes, and interference with ground water hydrology). Effects of tunnels on natural springs and local water supplies for native plant and animal species should be described.

Summary List of Species Potentially Affected by Pacheco Pass Alternative

The attached list by park units summarizes species that may be impacted by the Pacheco Pass alignment, and which need to be evaluated. In addition, general concerns are listed. Please use this attached list and address project impacts to the species listed in all environmental documents for the proposed project S009-42

Mitigation

In the event that HST alignments through or in proximity to units of the State Park System are selected, California State Parks recommends consideration of the following mitigations, in addition to those referenced elsewhere in this letter, for natural, cultural, aesthetic and recreational impacts. Subsequent specific environmental documents, and/or more specific project proposals may result in additional or more specific recommendations.

Mitigation for impacts to units of the California State Park System include but are not being limited to: S009-43

1. Provide monetary compensation to the California Department of Parks and Recreation (and concessionaire if applicable) for revenues lost during construction due to closure or disruption of California State Park System units.

2. Provide monetary compensation to the California Department of Parks and Recreation on behalf of the people of the State of California for lost park and recreation use. (People of the State of Ca., et al. v. BP America Inc. et al. U.S. Dst. Ct., Central District of CA. No. 92-0837 R)

Comment Letter S009 – Continued

3. If necessary, due to closure during construction, provide alternative shuttle access service to park visitors.

4. For any loss of facilities, fund the California Department of Parks and Recreation for restoration to a natural state of the existing facility sites prior to project commencement.

5. Fund siting and planning studies as well as provide design and full development costs of facility replacement prior to project commencement.

6. In the event that impacts to a unit of the State Park System reduce the unit to less than park value, acquire for dedication to and with the approval of the California Department of Parks and Recreation, park sites of equivalent biological productivity, recreational opportunity, both in kind and in area, within the region of loss, and which are in the opinion of the California Department of Parks and Recreation, of sufficient potential to replace the natural, cultural, aesthetic and recreational values prior to project commencement.

7. Provide funding for the California Department of Parks and Recreation's preparation of Resource Inventory, General Plan, and Management Plan documents for all replacement sites.

8. Provide full reimbursement for all necessary plans, permits, and associated the California Department of Parks and Recreation staff time on all replacement sites.

9. Provide full market value for real property loss, including lease lands, prior to project commencement.

10. All construction equipment used within a ten-mile radius of units of the California State Park System will require a vehicle cleaning station (to wash undercarriages etc.) to assure protection against exotic plants from out of the area, and tarps under heavy equipment to catch grease/oil.

11. Provide, following any soil disturbance, revegetation with local native plants and a plan for ongoing control of exotics and maintenance.

12. In order to protect wetland resources, require best management practices to reduce erosion during construction, including sedimentation basins and their annual maintenance for the life of the development.

15. Redesign and construct cuts, fills, and aerial structures to reduce their visual impact to units of the State Park System.

16. To partially mitigate for loss of wildlife corridors and habitat fragmentation, provide, following consultation with and with the approval of the California Department of Parks and Recreation, dedicated conservation corridors between appropriate units of the State Park System and other protected public and private conservation lands prior to construction.

S009-43 cont'd

17. Following identification of wildlife corridors, strategically placed wildlife under-or over-crossings should be constructed of sufficient utility to provide ready use by wildlife.

18. Light control, shading, and daylight-hours only operations should be required as necessary, in prior agreement with the California Department of Parks and Recreation, to protect critical wildlife corridors, visitor use areas, and as safety requires.

S009-43 cont'd

Pacheco Pass versus Altamont Crossing

As previously described, the draft document does not provide adequate comparisons of impacts associated with the various route alternatives. Despite this lack, the document proposes to put forward a preferred alternative following receipt of public comment on the draft document. How this preferred alternative would be selected is not fully described. This presents a difficult and troublesome situation for California State Parks, because this is a critical time to provide momentum to the environmentally superior alternative, which has not been identified in the draft document. Absent additional documentation, the Altamont Pass route clearly offers environmental advantages over the many park and natural resource impacts associated with the Pacheco Pass route. The potential impacts of the Pacheco Pass route to park and reserve resources are significant. This area is one of the most significant and strategic landscape reserves preserving biological diversity in California. The State (California Department of Parks and Recreation and the Department of Fish and Game) and The Nature Conservancy have committed large amounts of resources in establishing this near-complete reserve. It makes little sense to run new transportation infrastructure through this relatively pristine and protected area in light of a more feasible, less environmentally-damaging alternative, the Altamont Pass route, which already has a major developed transportation corridor. For this reason, California State Parks recommends that the Altamont Pass route be put forward as the preferred alternative for future Bay Area-Central Valley environmental documents.

S009-44

Thank you for the opportunity to comment on the DEIR/EIS. California State Parks encourages the Authority and FRA to avoid direct, indirect and cumulative impacts to all units of the State park System. Please coordinate and consult with our department throughout the project environmental review and project development process. As more information details become available with respect to alignments and construction methodologies, please work to inform us, especially if the developing details result in changes in anticipated alignments and impacts.

S009-45

If you require additional clarifications on our comments, please contact Ms. Syd Brown at 916-653-9930, sbrow@parks.ca.gov or me at 916-653-6725 or rrayb@parks.ca.gov.

Sincerely,

Richard Rayburn
Chief, Natural Resources Division

Comment Letter S009 – Continued

cc:
Ruth Coleman, Director
Ted Jackson, Deputy Director, Park Operations
Don Monahan, State Park Superintendent V, Diablo Vista District
Matt Fuzie, State Park Superintendent V, Monterey District
Scott Wassmund, State Park Superintendent V, Central Valley District
Rick Le Flore, State Park Superintendent IV, OHMVR Division
Kathryn Tobias, Staff Counsel III, Legal Office
Lynn Rhodes, Chief, Northern Field Division
Tony Perez, Chief, Southern Field Division

Attachment:
List of sensitive species for parks potentially impacted by HST Pacheco Pass alignment

Sensitive Species & Issues for Parks Potentially Impacted by HST Project
This list by park unit should be used to evaluate potential effects of the California High Speed Rail project.

Pacheco SP
California red-legged frog
San Joaquin kit fox
Golden eagle
Badger
Impact of tunneling on springs and ponds
Access to Pacheco SP off Hwy 152

San Luis Reservoir SRA
San Joaquin kit fox
California Tiger Salamander
Bald eagle
Golden eagle
Swainson's hawk
Tri-colored blackbirds
Tule elk
Access to the park off Hwy 152 and Hwy 33

Great Valley Grasslands SP
California tiger salamander
Vernal pool fairy shrimp
Vernal pool tadpole shrimp
Swainson's hawk
Eryngium racemosum (delta button-celery)
Atriplex miniscula (lesser saltbush)
*Astragalus tener var. tener (*alkali milkvetch)

McConnell and George J. Hatfield SRAs
Swainson's hawk
Valley elderberry longhorn beetle

Caswell Memorial SP
Riparian brush rabbit
Riparian woodrat
Swainson's hawk
Valley elderberry longhorn beetle
Old growth riparian oak forest

General concerns
Noise and vibrations from large number of trains traversing the area
Aesthetic impacts to park visitors; views from park properties impacted by new rail line, overhead structures, cuts and fills.
Safety concerns

Response to Letter S009 (Richard Rayburn, Department of Parks and Recreation, October 26, 2007)

S009-1

The Authority and FRA acknowledge that the Department of Parks and Recreation would have preferred an extension of the public review time beyond the 30-day extension that was provided in response to earlier requests from the department and others.

S009-2

The Authority and FRA acknowledge the roles and mission of the Department of Parks and Recreation.

S009-3

The proposed project would not affect the entrance to Henry Coe State Park or the Dowdy Ranch Visitor Center. The alignment would be south of SR 152 near the entrance to Henry Coe and Dowdy Ranch Visitor Center.

The Authority and FRA have been committed to using existing transportation corridors and rail lines in the proposed HST system to minimize potential impacts on California's treasured landscape. A key Authority and FRA objective continues to be avoidance and/or minimization of potential impacts on cultural, park, recreational, and natural resources and wildlife refuges.

The development of HST alignment alternatives and station location 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. For instance, the Authority and FRA eliminated from further consideration two potential HST alignments crossing through Henry Coe State Park. The prior alignment through Henry Coe State Park was dropped from consideration in part due to comments from the Department of Parks and Recreation on the statewide program EIR/EIS. Future project-level environmental review will provide further opportunities to avoid and minimize the potential effects on parks, as more specific alignments and facilities are considered.

The Draft Program EIR/EIS reviewed at a program level the potential impacts of all of the HST alignment alternatives and station location options for both the Altamont and Pacheco Pass alternatives on the natural, cultural, and scenic resources for reasonable alternatives. The preliminary engineering and project-level environmental review will evaluate these potential impacts in more detail (e.g., potential impacts on Pacheco State Park, San Luis Reservoir State Recreation Area, George J. Hatfield State Recreation Area, Great Valley Grasslands State Park and the Martial Cottle Property, as well as the Bell Station entrance to Henry Coe State Park).

See Standard Response 2 regarding program level of analysis.

S009-4

Please see Response to Comment S009-3 regarding parks.

S009-5

Please see Response to Comment S009-3 regarding parks

S009-6

Comment noted. This Final Program EIS/FEIR includes a discussion of global climate change (Section 3.3, Air Quality, and 3.17, Cumulative Impacts).

S009-7

Please see Standard Response 3, Chapter 8, and Response to Comment S009-8 regarding the identification of Pacheco Pass as the Preferred Alternative.

S009-8

The Authority and FRA disagree with the commenter that the reasonable alternatives evaluated in the Draft Program EIR/EIS have potential to impact Henry Coe State Park and find the information and analysis in the Draft Program EIR/EIS, coupled with the extensive public comment on the Draft Program EIR/EIS, sufficient to identify the Pacheco Pass Alternative as the Preferred Alternative.

The Authority and FRA appreciate and respect the Department of Parks and Recreation statement favoring the Altamont route as the preferred alternative. Numerous others have offered a similar view, as shown in this volume of the Final Program EIR/EIS. The Authority and FRA have, however, identified the Pacheco Pass Network Alternative as the Preferred Alternative in this Final Program EIR/EIS, and this position is also supported by many, again as evidenced by the public comments in this volume of the Final Program EIR/EIS.

See Standard Response 3 and Chapter 8 regarding identification of Pacheco Pass as the Preferred Alternative.

S009-9

Section 3.15 acknowledges that there are protected lands of high biological value that should be avoided in the Mt. Hamilton area. The Authority and FRA disagree with the commenter's broad characterization that the area the Pacheco Pass alignment alternatives run through is relatively pristine. The potential impacts of the Pacheco Pass alignment alternative between Morgan Hill and the Central Valley were evaluated at the program level for impacts on biological resources and publicly owned lands, including those local, state, and federal resources, such as Henry W. Coe State Park and Pacheco State Park, which are within or near the Mt. Hamilton Project area identified for private conservation efforts by The Nature Conservancy and others. The program EIR/EIS acknowledged the potential for significant impacts on Mt. Hamilton Project area lands. There would be no impacts on Henry Coe State Park or Pacheco State Park. The Authority and FRA looked at the consequences of the project on those resources in that area (Section 3.15.3).

As noted in Section 2.3.2, Design Practices, use of existing transportation corridors would be maximized to avoid or minimize impacts, such as fragmentation or barriers to wildlife movement. Use of transportation corridors includes placing HST alignments either within or adjacent to major existing transportation corridors such as the existing rail corridor between Morgan Hill and Gilroy, SR 152, and Henry Miller Road. As shown on the current conceptual plans, more than 9 miles, about 41% of the 22 miles, of tunnel have been identified for the segment crossing between Morgan Hill and the San Luis Reservoir, and a portion of the alignment along Henry Miller Road (approximately 3 miles) would be on an aerial structure. HST tracks will be fully grade separated from all roadways, providing opportunities for wildlife movement corridors. See also Section 3.15.5 regarding the Authority's commitment to acquire agricultural, conservation, and/or open space easements for potential impacts in and around the GEA. The Authority and FRA are committed to working with CDFG and USFWS and other resource agencies in identifying locations, such as through the Mt. Hamilton Project area, along the HST alignments for wildlife passages, including overpasses or underpasses. Refer to Standard Response 5 and Response to Comment S006-7 regarding mitigation strategies.

Refer to Standard Response 3 and Chapter 8 regarding identification of Pacheco Pass as the Preferred Alternative. In addition to potential impacts on the Don Edwards San Francisco Bay National Wildlife Refuge, these Altamont network alternatives would also have potential impacts on other local and regional Bay Area parks and recreation areas.

S009-10

Although biological resource impacts were acknowledged in the Draft Program EIR/EIS, the Authority and FRA disagree that the introduction of an HST rail line as planned and considered in this Program EIR/EIS would present an unmitigatable barrier to wildlife movement and is likely to threaten the existence of many habitat communities and wildlife populations. As noted above, design practices have been and will continue to be part of the project to avoid, minimize, and mitigate impacts. Mitigation strategies to

minimize impacts on sensitive species and habitat and wildlife movement corridors have been included in this Final Program EIR/EIS. These include the following:

- Construct wildlife underpasses, bridges, and/or large culverts, to facilitate known wildlife movement corridors.
- Ensure that wildlife crossings are of a design, shape, and size to be sufficiently attractive to encourage wildlife use.
- Provide appropriate vegetation to wildlife overcrossings and undercrossings to afford cover and other species requirements.
- Establish functional corridors to provide connectivity to protected land zoned for uses that provide wildlife permeability.
- Design protective measures for wildlife movement corridors in consultation with resource agencies.
- Use aerial structures or tunnels to allow for unhindered crossing by wildlife.

In addition, as shown in current conceptual plans, more than 9 miles, about 41% of the 22 miles, of tunnel have been identified for the segment crossing between Morgan Hill and the San Luis Reservoir to minimize impacts on wildlife movement. Additional wildlife movement corridors from the Santa Clara County Habitat Conservation Plan have been depicted on Figure 3.15-3. This information further defines the wildlife corridors already presented. Future project-level environmental surveys and analyses will be coordinated with detailed engineering to further refine the HST alignments and station locations and avoid or minimize impacts to the greatest extent practicable. Field reconnaissance-level surveys are warranted in the Tier 2 analysis to determine existing plant and animal communities, habitat conditions, and critical habitat along the various Preferred Alternative alignments and surrounding areas. Also see Response to Comment F002-10 regarding wildlife movement. The Authority and FRA disagree with the assertion that the document suggests that fragmentation would not be an issue. On page 3.15-41 of the Draft Program EIR/EIS, it states that the alignment alternative (Pacheco Alignment Alternative) would bisect movement corridors through the Diablo Range. The document also states that the HST is not anticipated to impact the major drainages, which are used as wildlife movement corridors (because the HST tracks would be elevated at these locations).

S009-11

Again, as discussed above in Response to Comments S009-9 and S009-10, the HST would be implemented in accordance with design practices that would permit wildlife movement. This Final Program EIR/EIS includes a discussion of global climate change (Sections 3.3 and 3.17). Global climate change has been well established, but changes in local climate cannot be known at this time, and it would be speculative to provide this type of analysis.

S009-12

The use of tunnels for portions of the Pacheco Pass alignment alternative would provide the opportunity for aboveground wildlife movement corridors and linkages, in addition to the measures identified in Response to Comment S009-10. The Authority and FRA are committed to working with resource agencies and other entities in identifying locations along the HST alignments for wildlife passages, including overpasses or underpasses.

S009-13

The Authority and FRA reviewed the Pacheco State Park and San Luis State Recreation Area EISs. Please note that both facilities are beyond the 900 foot threshold identified in the Draft Program EIR/EIS.

S009-14

The Draft Program EIR/EIS identified potential impacts on biological resources and the extensive project-level studies that would be required to identify appropriate mitigation. Refer to Response to Comment S009-10 regarding wildlife linkages and future Tier 2 analysis. Mitigation strategies have been included to minimize impacts on vegetation/habitat during construction of the HST system within sensitive areas (as defined at the project level). This includes

in-line construction (i.e., use new rail infrastructure as it is built) to transport equipment to/from the construction site and to transport excavated material away from the construction to appropriate reuse or disposal sites.

The Pacheco Pass network alternative would not result in direct impacts on the San Luis Reservoir State Recreation Area or Pacheco State Park, both of which are located south of the HST alignment.

Mitigation strategies have been included in the project for impacts on parks and recreation areas (Section 3.16). Although we don't think it is appropriate at this time to commit to a rigid numerical standard for mitigation to biological impacts, the Authority and FRA have included commitments to provide funds for the acquisition of substantially equivalent substitute parkland or to acquiring/providing substitute parkland of comparable characteristics and restoration of affected park lands to a natural state and replace or restore affected park facilities.

The map showing wildlife movement corridors is provided as Figure 3.15-3. Additional wildlife movement corridors from the Santa Clara County Habitat Conservation Plan have also been depicted on Figure 3.15-3. Also refer Response to Comment S009-10 regarding mitigation measures for impacts on wildlife movement corridors. The type of construction and materials for the rail bed will not be known until project-level design, and specific issues, such as burrowing by squirrels and mortality of raptor species, will be addressed in future Tier 2 documents.

The locations and extents of embankment slopes and utility support structures will not be known until the project-level design and will be addressed in future Tier 2 documents. The biology analysis will address changes to species and habitat and identify mitigation measures, if necessary.

S009-15

The noise and vibration analysis for this program-level EIR/EIS is adequate for this stage of decision making. The Program EIR/EIS identifies potential noise and vibration impacts on sensitive receptors or receivers, such as residences areas, schools, hospitals, and parklands. Section 3.4 also discusses the potential benefits of adding grade separations for existing railroads. Because this is a program-level environmental document, the analysis of potential noise and vibration impacts broadly compares the relative differences in potential impacts between the alternatives and HST alignment options. General mitigation strategies are also discussed. The analysis shows that the application of noise barriers would result in a considerable reduction of potential HST noise impacts. With mitigation, HST segments with a high potential rating would be adjusted down to, at most, a medium rating. More detailed mitigation strategies for potential noise and vibration impacts and specific mitigation would be developed in the next tier (project-specific documents) of environmental analysis. See also Response to Comment S006-15.

S009-16

Executive Order 13112 requires federal agencies to combat the introduction and/or spread of invasive species in the United States. The order defines invasive species as

> *any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.*

In compliance with the executive order, the landscaping and erosion control methods identified for the project will not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions will be taken if invasive species are found in or adjacent to the construction areas. These include the inspection and cleaning of construction equipment and eradication strategies to be deployed should colonization occur (Section 3.15.5).

S009-17

See Standard Response 2 regarding program level of analysis.

Additional biological data, species, and habitat are provided in Appendix 3.15. Future project-level environmental analyses will include field reconnaissance-level surveys to determine existing plant

and wildlife habitat and critical habitat and evaluate the project's impact on ecosystems and interrelationships of habitats and communities.

S009-18

Chapter 7 and the Summary provide extensive information allowing for a comparison of the 21 network alternatives (possible combinations of alignments), the alignment alternatives, and the station location options. The Authority and FRA believe that these chapters and the tables therein enable a clear comparison of potential impacts in a manner that allows for the identification of a Preferred Alternative. Please also see Response to Comment S009-17.

S009-19

The alignment maps have been updated and Figure 3.16-1 has been added to this Final Program EIR/EIS to show publicly owned lands. In particular, note that Pacheco, Caswell Memorial, and Great Valley Grasslands State Parks; San Luis Reservoir, George J. Hatfield, Lake del Valle, and McConnell State Recreation Areas; and Carnegie State Vehicular Recreation Area are now shown on these maps. The Martial Cottle land is not depicted because it is not yet publicly owned. Other conservation lands are shown, to the extent that they are publicly owned.

S009-20

By design, the Authority and FRA located the HST alignments adjacent to or within existing transportation right-of-way to the extent possible. At times, however, the rights-of-way are not wide enough to accommodate the number of HST (and at times freight) tracks that are required in the corridor. For example, four HST tracks would be required at station locations. In some locations (e.g., along the UPRR Altamont alignment), six tracks (four HST and two freight) would be required at the stations. For these locations, additional right-of-way would be required or some of the tracks would need to be placed in tunnel or on an aerial structure.

The land use, right-of-way, and aesthetic impacts associated with this circumstance were recognized by representatives of cities along the Altamont alignment (e.g., Fremont, and the Tri-Valley area–Livermore and Pleasanton), which expressed major concerns regarding the impacts of a HST through their jurisdictions. As a result, Tri-Valley communities, represented by the Tri-Valley Policy Working Group and Technical Advisory Committee (i.e., the Tri-Valley PAC—a partnership that includes the Cities of Dublin, Livermore, Pleasanton, Danville, San Ramon, and Tracy along with transportation providers LAVTA, ACE, and BART) supported a concept of improving commuter rail services in the Altamont Corridor in concert with a Pacheco Pass HST alternative.

In addition, should the Altamont alternative serve San Francisco, a new San Francisco Bay crossing would be required, with associated impacts on the San Francisco Bay and the Don Edwards Wildlife Refuge. By comparison, for the Pacheco Pass alternative, the HST system can share tracks and right-of-way along the Caltrain Corridor and can be placed immediately adjacent to Henry Miller Road in the Central Valley.

S009-21

Section 3.16, Section 4(f) and 6(f) Resources, of the Draft Program EIR/EIS provides the methodology that was applied for the public parks and recreation facilities evaluation. As noted in Section 3.16-1:

> *Various sources were consulted to identify potential resources in each corridor, including available databases, studies, and other documents. These documents are listed in the references chapter of this document. To identify and quantify the potential impacts by resource type, the improvements included under each alignment alternative (HST Alignment Alternatives and HST station location options) were overlaid on available databases and maps. Two types of potential impacts on Section 4(f) and 6(f) resources were identified: direct and proximity.*
>
> *Direct Impact: 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.*

> *Proximity Impact: A physical feature of a proposed improvement has the potential to impact the resource as a result of its proximity to the resource.*
>
> *Potential impacts were assigned a qualitative ranking of high, medium, or low based on the proximity of the resource to the centerline of the proposed improvement. The rankings are summarized in Table 3.16-1.* (page 3.16-2)

Potential impacts on surface waters and groundwater are reviewed in Section 3.14, Hydrology and Water Resources, of the Draft Program EIR/EIS. Potential aesthetic impacts are reviewed in Section 3.9, Aesthetic and Visual Resources, and potential paleontological impacts are reviewed in Section 3.12, Cultural Resources.

The Authority and FRA understand the legal and regulatory requirements of Sections 4(f) and 6(f) and have made extensive efforts to avoid these resources, when feasible, and apply mitigation measures to minimize impacts on resources that would be potentially affected. Please also see Response to Comment L029-57.

S009-22

The proposed Pacheco Pass alignment alternative would pass within ½ mile of the Pacheco State Park at the closest point. As noted in the comment, most of the alignment that passes by the park would be in tunnel, except where it crosses over SR 152, 1 mile from Dinosaur Point Road. The HST alignment would also pass through Upper Cottonwood Creek Wildlife Area and be in tunnel for almost half of the 2.4 miles through the wildlife area. The Henry Miller alignment alternative would be almost 1 mile north of Lower Cottonwood Creek Wildlife Area. Mitigation strategies in Section 3.16.6 include designing and constructing cuts, fills, and aerial structures to avoid or minimize visual impacts on the state park system; application of measures to reduce proximity impacts during construction and operation; development and implementation of construction practices to minimize impacts on park operations; as well as other measures to minimize and/or compensate for the loss of park land.

S009-23

The HST alignment has been adjusted to avoid the San Luis Reservoir State Recreation Area and the O'Neill Forebay, which are now both more than 900 ft from the alignment. As a result, the alignment would not affect road service to adjoining lands, nor would it have a direct impact on the current campground site. Impacts on park revenues are also not anticipated.

During the preliminary engineering and project-level environmental review phase, the Authority and FRA will continue to pursue, with the help of State Parks and others, methods to avoid or reduce direct, indirect, and cumulative impacts from the construction and operation of a HST system on the state's critical natural resources, including the State Park System.

Refer to Response to Comment S009-10 regarding mitigation measures for impacts on wildlife movement corridors. To mitigate impacts on sensitive areas and habitat (as defined at the project level), in-line construction (i.e., use new rail infrastructure as it is built) will be used to transport equipment to/from the construction site and to transport excavated material away from the construction to appropriate reuse or disposal sites.

At the project level, the Authority and FRA will continue efforts to avoid, minimize, and mitigate impacts on conservation lands.

S009-24

An HST bridge would be placed over the nearby river so as to not interfere with the recreational boating experience associated with McConnell State Recreation Area. The bridge would be designed to minimize the potential visual impacts. Public access to the facility would not cause loss of public access because river travelers would be able to access the park itself. Please also see Standard Response 3 and Chapter 8 regarding the identification of Pacheco Pass as the Preferred Alternative. Also see Response to Comment S0006-15 regarding future noise and mitigation studies.

S009-25

The Preferred Alternative identified in this Final Program EIR/EIS is the Pacheco Pass Network Alternative, San Francisco and San Jose Termini, along Henry Miller Road and would not result in any direct impact on the Great Valley Grasslands State Park. Please see Response to Comments S006-4 and S006-5 in response to the GEA. The GEA North alignment alternative would result in a direct impact on this park, as noted in Section 3.15.3 of this Final Program EIR/EIS.

S009-26

The Authority and FRA appreciate the information that the California Department of Parks and Recreation provided regarding the status of the Martial Cottle property and request that the department keep us informed regarding the development of this site so that impacts can be appropriately evaluated during the preliminary engineering and project-level environmental review phase of the HST project.

S009-27

Section 3.13, Geology and Soils, includes an evaluation of seismic hazards, fault crossings, slope stability, difficult excavation, oil and gas fields, and mineral resources. The section states the following regarding slope stability and areas of potentially difficult excavation:

> *Slope stability is evaluated based on the slope gradient and geologic formations or units present along each alignment and at each facility site, as shown in statewide mapping compiled by Jennings (1977, 1991). Each mapped geologic units is assigned a rating for inferred slope stability, based primarily on lithology (physical characteristics of the rock formation) and age. This approach allows the identification of areas at risk for slope instability. A conservative 200-ft (60-m) buffer is included around each identified area of instability.* (page 3.13-3)

> *Areas of potentially difficult excavation are identified based on bedrock geologic characteristics in combination with the presence of faults of any age, based on statewide mapping compiled by Jennings (1977, 1991) and information from selected 1:250,000-scale geologic map sheets for the study regions published by the California Geological Survey. Each fault crossing is conservatively assumed to be approximately 600 ft (185 m) wide.* (page 3.13-4)

This section recognizes the geologic hazards through the Diablo Range.

> *The proposed Gilroy to San Luis Reservoir alignment segment crosses the Diablo Range at grade and in a series of tunnels. Locally, steep slopes along this segment are potentially unstable. (See Figure 13.3-6, Areas of Unstable Slopes). There would be little to no concern about slope stability where the Pacheco alignment crosses the nearly flat topography of the Santa Clara Valley and the Central Valley or in the tunnels through the Diablo Range. Considering the length of the alignment, the potential for slope stability impacts is low along the Pacheco alignment.* (page 3.13-19)

> *The most likely areas of difficult excavation would be the proposed cut slopes and tunnels in the Diablo Range between Gilroy and the San Luis Reservoir. Rocks of the Franciscan Complex are highly variable and include some rock units that are typically hard, and fracture zones are common along this alignment segment. (page 3.13-19)*

For the Altamont alignments, the section notes:

> *All of the proposed alignment segments that cross the Diablo Range traverse steep and potentially unstable slopes. There would be little to no concern about slope stability where the alignments cross the nearly flat topography of the San Francisco Bay margin, the Livermore Valley, and the Central Valley or where they cross the East Bay hills in tunnel. In addition, considering the lengths of the alignments, the potential for slope stability impacts is low through the Diablo Range.* (page 3.13-19)

> *The most likely areas of difficult excavation would be the tunnel through the East Bay Hills and the Diablo Range crossings where rocks of the Franciscan Complex are highly variable and include some rock units that are typically hard, and fracture zones are common.* (page 3.13-19)

The Authority and FRA agree that avoidance of these geologic hazards is preferable and, to the extent possible, the conceptual

alignments presented in the Draft Program EIR/EIS have avoided these hazards.

Consistent with the Department of Parks and Recreation recommendations, geologic conditions and hazards (particularly where the alignment crosses the Diablo Range) will be a critical component of the more detailed project-level environmental review and preliminary engineering. The Draft Program EIR/EIS states the following with regard to subsequent analysis:

> *As described in Method of Evaluation of Impacts above, this analysis was performed generally on the basis of existing data available in GIS format. The data provided in this section are intended for planning purposes, are not meant to be definitive for specific sites, and have not been independently confirmed. More detailed geologic/geotechnical studies would be required at the project level and likely would include subsurface exploration, laboratory testing, and engineering analyses to support detailed alignment design and mitigation of potential impacts associated with geologic and soils conditions, including seismic hazards, slope stability, areas of difficult excavation, areas of potential oil and gas along proposed tunnel alignments, and mineral resources. In addition, the detailed geologic/geotechnical studies should address expansive and corrosive soils.* (page 3.13-23)

With regard to tunnel impacts on groundwater, Section 3.14, Hydrology and Water Resources Section of the Draft Program EIR/EIS states:

> *There is also potential for impacts on groundwater in areas of the system where tunneling or substantial excavation would be necessary. For the portions of the HST alignment alternatives in tunnel, geologic exploration, including groundwater sampling, would be completed prior to constructing the proposed tunnels. The geologic/soils/groundwater conditions would be evaluated prior to and monitored during construction to aid in the development of construction techniques and measures to minimize effects on groundwater and surface water resources. Based on available geologic information and previous tunneling projects in proximity to proposed tunnels, the Authority plans to fully line tunnels with impermeable material to prevent infiltration of ground- or surface waters. Infiltration of ground and surface waters into tunnels is undesirable for operations and maintenance reasons and increases the potential for adverse impacts on ground and surface waters. All reasonable measures would be taken to avoid water infiltration. In addition, it is assumed that tunnel boring machines would be appropriately equipped with shielding to minimize the infiltration of higher pressure groundwater during the boring process.* (page 3.14-49)

S009-28

Figure S.4-1 has been updated to show publicly owned lands.

S009-29

The label *Percentage of Departures Delayed* was inadvertently cut off from the top of the bar chart but has been added to this Final Program EIR/EIR. On Figure 1.2-4, the top bar chart has been labeled *Percentage of Departures Delayed–1999*.

S009-30

Figure 2.5-1 has been updated to show publicly owned lands.

S009-31

Figure 2.5-7 has been updated to show publicly owned lands. At the project-level, the Authority and FRA will consider private conservation easement lands at greater detail and seek to minimize impacts on them.

S009-32

The map now shows the location of Carnegie State Vehicular Recreation Area and Lake del Valle State Recreation Area, as well as regional parks. Please also see Response to Comment S009-31.

S009-33

Because the alignment passes over the Pacheco Pass, it is mostly in a tunneled alignment. Two cut/fill segments are located near Pacheco State Park.

One is within 3, 000 ft of the park's western boundary at a location where the alignment passes under SR 152 in a cut. The segment is

approximately 2,600 ft long and more than 120 ft deep. It is unlikely that the tracks or overhead contact system would be visible from anywhere in the park. The top of the slopes of the cut would be visible, but overtime would re- vegetate and blend in with the surrounding landscape.

The second segment is more than 1 mile from the park and approximately 1 mile in length. It consists of both a cut and fill segment, varying on average from a 150 ft cut to a 120 ft fill. The segment is separated from both the park and SR 152 by a ridge, blocking it from view.

These conditions render the visual impact of the proposed HST alignment from Pacheco State Park as *None*, especially when considering the *High* visual impact of SR 152 in the same area.

S009-34

The Authority and FRA are keenly aware of the visual sensitivity of the Pacheco Creek area. Development of the design and visual elements of the bridges and HST alignment through this area will include consultation with stakeholders and coordination with public agencies with interests in the affected area, (e.g., open space groups, Caltrans, and Department of Parks and Recreation).

With regard to excavated soils, Section 3.1, Construction Impacts, of the Draft Program EIR/EIS states:

> *To avoid or limit potential impacts along the surface above the tunnels, the selected HST system has limited surface access for ventilation and/or evacuation through tunnel design. The potential impacts associated with construction access roads would be greatly limited, and avoided altogether in some sensitive segments (as defined at the project level), by using in-line construction, i.e., by using the new rail infrastructure as it is built to transport equipment to and from the construction site and to transport excavated materials away from the construction area and to appropriate re-use or disposal sites. To avoid the creation of access roads in sensitive areas (as defined at the project level), it may be necessary to conduct geologic exploration using helicopter transport for drilling equipment and restoring sites after use, which would result in minimal surface disruption. Small pilot tunnels would be used where more extensive subsurface geology information is needed.* (page 3-18-7)

S009-35

The methodology for categorizing the potential paleontological sensitivity is appropriate for a program-level analysis. The rating of high or low does not take away from the potential to identify resources as part of the Tier 2 project-level environmental analysis. The alignment segment from San Luis Reservoir to Valley Floor near the San Luis Reservoir State Recreation Area was identified to have a high sensitivity.

S009-36

The discussion has been revised for the alignment alternatives discussed in Section 3.12.3, East Bay to Central Valley, to match the results shown in Table 3.12-1.

S009-37

The text on top of page 3.12-29 in the Draft Program EIR/EIS was not part of C. PALEONTOLOGICAL RESOURCES but is part of the overall discussion of 3.12.6.

Comparative information on paleontological resources by alignment alternative is included in Table 3.12-A in the appendices and summarized in Section 3.12.3.

As noted in Section 3.12.5, as a design practice the Authority and FRA are committed to avoiding potential impacts on cultural resources through careful alignment alternative design and selection. The Authority is committed to avoiding impacts on cultural resources to the extent feasible and practical.

The preparation of a paleontological resources treatment plan is included as part of subsequent analysis (Section 3.12.7) to be conducted as part of the Tier 2 project-level environmental analyses. Specific mitigation measures will be developed as part of this treatment plan.

S009-38

As noted in Section 3.13.1, Regulatory Requirements and Methods of Evaluation, in "Geology and Soils," the rating system for the potential for surface rupture for HST was "High if any part of the site is within 200 ft (60 m) of an active or potentially active (Quaternary) fault; otherwise, low" (page 3.13-3). This methodology was applied uniformly for all stations.

S009-39

The spelling of *seismic* and *Luis* have been corrected.

S009-40

Pacheco State Park and the San Luis Reservoir State Recreation Area would not be affected by the alignment alternatives in the San Jose to Central Valley Corridor. These recreational areas are located south of the proposed alignment alternatives.

S009-41

Please see Response to Comment S009-40.

Appendix 2D is at sufficient level of detail for the program level of analysis. The alignments are overlaid on color photo-imagery of the corridors. If additional information such as requested in the comment were put on the maps, they would become more illegible. The Authority created these maps without the additional information with two primary goals: 1) to let the satellite imagery speak for itself and 2) to reduce the number of maps to reduce cost and the unnecessary use of paper. The Authority is able and willing to share its alignment files with a requesting party such as the Department of Parks and Recreation so that they can make their own maps with the alignment data.

In Section 3.18, Construction Methods, there is an acknowledgement that this project:

> *has the potential to generate large quantities of material—from pavement demolition, clearing and grubbing, and soil/rock—that is anticipated to be suitable for reuse in the construction of the proposed HST facilities. Potential uses include aggregate for concrete and fill material for other portions of the line.*

Also the Construction Methods section states that:

> *by using the new rail infrastructure as it is built to transport equipment to and from the construction site and to transport excavated materials away from the construction area and to appropriate reuse or disposal sites.*

It is the Authority's intention to reuse or dispose of the tunnel spoils in the most useful way possible.

S009-42

These species are listed in Appendix 3.15-A. The California tiger salamander was added to the GEA North Alignment Alternative (note that the GEA North Alignment Alternative is not included as part of the preferred network alternative). The project alternatives are not located near the McConnell or George J. Hatfield State Recreation Areas or the Caswell Memorial State Park.

S009-43

Detailed mitigation measures for the HST project will be defined in the project-level environmental review and preliminary engineering phase of the project. At the program level, the Authority and FRA have included broad-level mitigation strategies that will be further refined in future project-level environmental documents. The broad-level mitigation strategies listed in Section 3.16, as well as other sections of the Program EIR/EIS, generally account for those listed for this comment.

1. See Section 3.16.6, number 11, regarding compensation for the temporary loss of revenue. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
2. See Section 3.16.6, number 6, regarding compensation for the lost park and recreation use. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
3. See mitigation strategies in Section 3.1.5 regarding the use of offsite parking and shuttles as well as the preparation of the

traffic management plan, which could include the use of shuttles for park visitors during construction. Also see Section 3.16.6, number 10, regarding scheduling of construction to minimize impacts. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.

4. See Section 3.16.6, number 7, regarding restoration to a natural state. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
5. See Section 3.16.6, number 8, regarding planning studies and design. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
6. Should impacts from the HST system be considered to reduce the park value of a California Department of Parks and Recreation system unit, the Authority and FRA will work collaboratively with the Department of Parks and Recreation. See Section 3.16.6, number 6, regarding compensation for the loss of park value. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
7. See Section 3.16.6, number 8, regarding planning studies. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
8. See Section 3.16.6, number 8, regarding planning studies. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
9. The Authority and FRA will provide fair market value, consistent with federal and state acquisition laws and regulations, for real property loss incurred by the California Department of Parks and Recreation. See Section 3.7 regarding the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
10. Construction vehicle cleaning to prevent the spread of weeds or invasive species is included as a mitigation strategy in Section 3.15.5. In addition, the preparation of biological resource management plans is included as a mitigation strategy to ensure the long-term perpetuation of the existing diversity of habitats in the project area and adjacent urban interface zones. Specifics of these mitigation strategies, including the appropriate areas to be covered, will be developed as part of the Tier 2 environmental analysis.
11. To the extent possible, disturbed soil will be revegetated with local native plants. This is generally identified in Section 3.15.5 as part of the preparation of biological resource management plans. Specifics of this mitigation strategy will be developed as part of the Tier 2 environmental analysis.
12. Mitigation strategies, including erosion control best management practices, are discussed in Section 3.14.5. This is also identified in Section 3.15.5 as part of the preparation of biological resource management plans. Specifics of these mitigation strategies will be developed as part of the Tier 2 environmental analysis.
13. See Section 3.16.6, number 4, regarding minimization of visual impacts. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
14. As noted in Section 3.15.5, functional corridors would be established to provide connectivity to protected land zoned for uses that provide wildlife permeability. Additional measures are discussed in 3.15.5 for mitigating impacts on wildlife corridors. Specifics of mitigation strategies will be developed as part of the Tier 2 environmental analysis.
15. As noted in Section 3.15.5, wildlife crossings would be of a design, shape, and size to be sufficiently attractive to encourage wildlife use. Overcrossings and undercrossings for wildlife would be appropriately vegetated to afford cover and other species requirements.
16. As part of the preliminary engineering and project-level EIR/EIS, the Authority and FRA will work with the California Department of Parks and Recreation to avoid or minimize impacts from both construction and operation of the HST system, including lighting,

shading, protection of critical wildlife corridors, and visitor use areas.

S009-44

The Authority and FRA determined that the extensive information contained in the Draft Program EIR/EIS and the substantial public comment received on the draft (including comments from the Department of Parks and Recreation) are sufficient to define a Preferred Alternative, as identified in this Final Program EIR/EIS. Please see Standard Response 3 and Chapter 8 regarding identification of the Pacheco Pass as the Preferred Alternative. The underlying rationale for the Preferred Alternative is provided in the document entitled, *Draft Staff Recommendations: Preferred Network Alternative, HST Alignment and Station Locations*, included as Appendix 8A of this Final Program EIS/EIR. Definition of the Pacheco Pass Alternative as the Preferred Alternative took into account numerous factors, as noted in the report. Impacts on the biologically diverse pristine areas—the critical park and preserve resources—through the Diablo Range were not taken lightly but were weighed against multiple other impacts and benefits of the various alignment alternatives and station location options.

The Authority and FRA note that the Altamont alignment alternatives that serve San Francisco have impacts on the San Francisco Bay and the Don Edwards Wildlife Refuge and do not agree with the Department of Parks and Recreation overall conclusion that the Altamont alternatives are less environmentally damaging.

The Authority and FRA have made substantial efforts, at this program and conceptual planning level, to reduce impacts along the Preferred Alternative, including extensive use of tunnels through the Diablo range. During the project-level environmental review and preliminary engineering, more detailed mitigation measures will be developed to further reduce or eliminate the impacts on these resources.

S009-45

The Authority and FRA will continue to coordinate and consult with the Department of Parks and Recreation throughout the development of the HST system, including during the project-level environmental review and preliminary engineering. The Authority and FRA will continue to pursue, with the help of Department of Parks and Recreation and others, methods to avoid or reduce direct, indirect, and cumulative impacts from the construction and operation of a HST system on the State's critical natural resources, including the State Park System. The Authority and FRA appreciate the contact information and offer to provide additional information or clarification regarding the comments.

Comment Letter S010 (John Garamendi, Lieutenant Governor, October 15, 2007)

RECEIVED
NOV 30 2007
BY:

S010

LIEUTENANT GOVERNOR JOHN GARAMENDI

October 15, 2007

Quentin Kopp, Chair
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Comments on the Bay Area to Central Valley Draft EIR/EIS for California HSR

Dear Chairman Kopp:

I regret that I could not personally attend the hearing that you scheduled in Sacramento. I greatly appreciate that you reopened the process to give more people the opportunity to participate. I am confident that with more advanced notice and publicity a larger group would have turned out. Obviously, your ultimate decision will affect Sacramento and the surrounding areas; therefore, input from this constituency is particularly relevant. I also appreciate that you have extended the comment deadline, and I have taken advantage of that extension to gather additional information, to weigh comments from the Sacramento hearing, and to review the draft environmental impact statement in more detail. Following are my comments on the draft Bay Area to Central Valley Environmental Impact Report and Statement. S010-1

First, I would like to convey my enthusiastic support of the High Speed Rail (HSR) project in California. As I have traveled this state throughout my 32 years of public service, I have witnessed first hand the reality of our congested transportation infrastructure. California can no longer continue to support the increasing traffic of its rapidly growing population. S010-2

Assembly Member Jim Costa and I authored laws in 1990 to initiate the development of this project. Evidently, there is still much progress to make, yet I am tremendously proud of the progress the state of California and the Authority have made thus far. I am hopeful that the public input you have received is providing meaningful guidance. S010-3

The Authority is charged with the duty of choosing a high speed rail route on behalf of Californians, taking into consideration the states natural resources, parks, farms, and wetlands and meeting the responsibility of choosing the least environmentally damaging option. S010-4

STATE CAPITOL, ROOM 1114, SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 445-8994

In this context, recorded evidence clearly favors the Altamont route alternative. Connecting the Bay Area to the Central Valley using the Altamont route will best serve the entire state. It is a superior route when evaluated economically and environmentally. This is true now and the argument for Altamont only improves as we look into the future. S010-5

Improving air quality and reducing greenhouse gases is currently a major goal of the State of California. Governor Schwarzenegger and the Legislature have already helped make California the national leader in decreasing carbon emissions. AB 32 codifies this commitment and requires greenhouse gases to return to 1990 levels by 2020. The California San Joaquin Valley is quickly earning the dubious reputation of having the worst air quality in the nation, by generating high amounts of gas from mobile sources. The Altamont route alternative is a superior way to meet the essential goals set forth by AB 32 because it will serve a larger and more rapidly growing portion of the Central Valley. S010-6

The ability to reduce traffic in the highly populated areas of San Joaquin, Stanislaus, Alameda, Contra Costa, Modesto and Merced counties will enable us to reduce emissions in the state's most polluted and traffic congested areas and fulfill the AB 32 mission by the 2020 deadline. The Altamont Pass route clearly provides direct service to millions more Californians than the Pacheco Pass alternative. Serving the largest number of people with the greatest efficiency must be priority when selecting a route for HSR. S010-7

Advocates for the Pacheco route suggest that the Altamont Pass alignment cannot serve San Jose, San Francisco, and Oakland efficiently, and will therefore greatly disadvantage the San Jose Silicon Valley. Both San Jose and Oakland/SF can be served with direct service to and from Southern California via the Altamont Pass route. A "T" type route could be constructed with one branch of the "T" going north from Fremont to Oakland and San Francisco across the San Francisco Bay, and a second branch going south to San Jose. The additional travel time for San Jose via the Altamont route is less than ten minutes. This time difference seems insignificant when measured against the clear advantages to integrating the northern part of the Central Valley with California's major metropolitan areas, as well as allowing for maximum ridership, reducing traffic, and improving air quality. S010-8

It is imperative that the initial plan for the high speed rail system allow for future expansion to major metropolitan centers, which is essential to the economic and environmental progress of California. The Altamont route is a better choice in this regard, reaching farther north, and allowing for eventual inclusion of Sacramento, at significantly lower cost. S010-9

The draft EIR/EIS asserts that capital costs, aesthetics, and traveling time are essentially the same between the Altamont and Pacheco routes. Yet, there are some important environmental differences pointed out by the report: S010-10

- A far greater number of farmlands will be disrupted along the Pacheco route than the Altamont route. The EIR/EIS points out that as much as 600 additional acres of farmland will be disrupted along the Pacheco route. S010-11

Comment Letter S010 – Continued

- The EIR/EIS shows a significant difference between the effects high speed rail would have on floodplain areas along the Pacheco and Altamont routes. The Pacheco Pass has the potential to impact as many as 250 additional acres of floodplain when compared to the Altamont alternative. S010-12

- The Pacheco alignment crosses mostly undeveloped and unpopulated rural areas creating a transportation pattern where none currently exist, whereas the Altamont route follows Highway 99 and the I-580 corridor and could significantly reduce automobile transportation. S010-13

The draft EIR/EIS fails to address some significant environmental impacts that could have a drastic effect on the selection of the better route alternative. The following issues of the two route alternatives should be studied further before the final draft EIR/EIS is released: S010-14

- While the draft EIR/EIS points out a slight difference in the number of endangered species impacted along both routes, it fails to show the specific impacts high speed rail would have on the habitat. For instance, the portions of the Pacheco route are home to one of fifteen important international shore bird habitats. This area could be detrimentally affected by vibration of the high speed rail. S010-15

- The draft EIR/EIS fails to analyze or compare the negative impacts of growth high speed rail could bring to rural areas along the Pacheco and Altamont pathways. This economic growth could have further effect on the environmental viability of these areas. S010-16

- The draft EIR/EIS makes no mention of the Grassland Ecological Area, the largest wetland complex in California that would be affected by the Pacheco route alternative. S010-17

- It is my view, that post-AB 32, the environmental impacts of large capital projects should include a thorough review of greenhouse gas emissions resulting from such projects. Because of such requirements, I believe that the failure of the EIR/EIS to compare the net differences between green house gases when evaluating Altamont vs. Pacheco makes the document deficient. S010-18

Sincerely,

JOHN GARAMENDI
Lieutenant Governor

Response to Letter S010 (John Garamendi, Lieutenant Governor, October 15, 2007)

S010-1

The Authority and FRA are pleased with the interest shown in the statewide HST system and in the number of people, agencies, and organizations that have taken the time to provide comments on the Draft Program EIR/EIS and attend the public hearings held throughout northern California.

The Authority and FRA are keenly aware that the decisions they make regarding HST alignment and station locations will affect not only Sacramento but the entire State of California. The Authority and FRA are pleased that they were able to offer the opportunity for citizens, agencies, and organizations to attend public hearings not only in Sacramento but throughout northern California and the Central Valley, with eight hearings held in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento.

The Authority and FRA are also pleased that they were able to extend the public review comment period on the Draft Program EIR/EIS from September 28 to October 26, 2007, in response to requests from agencies and the public, thus allowing for the extensive public comments that we have received on the Draft Program EIR/EIS.

S010-2

The Authority and FRA appreciate the Lieutenant Governor's support for the HSR project in California and agree that there is a need to address the ever-increasing congestion levels on our transportation system.

S010-3

The Authority and FRA acknowledge and appreciate the Lieutenant Governor's early involvement in the planning and legislative actions for an HST system in California. The Authority and FRA agree that much progress has been made and much remains to be done. As shown in this volume of the Final Program EIR/EIS, the Authority and FRA have received extensive public input via a substantial number of public and agency comments on the Draft Program EIR/EIS, and this public input has clearly assisted the Authority Board in its deliberations.

S010-4

The Authority and FRA understand and take very seriously their obligations to the State of California and the overall purpose of the HST Program. Chapter 1, "Purpose and Need and Objectives," of the Draft Program EIR/EIS notes that:

> *the purpose of the Bay Area HST is to provide a reliable high-speed electrified train system that links the major Bay Area cities to the Central Valley, Sacramento, and Southern California, and that delivers predictable and consistent travel times. Further objectives are to provide interfaces between the HST system and major commercial airports, mass transit and the highway network and to relieve capacity constraints of the existing transportation system in a manner sensitive to and protective of the Bay Area to Central Valley region's and California's unique natural resources.* (page 1-4)

The Authority and FRA also understand the legal and regulatory environment (e.g., NEPA and CEQA) within which the program must proceed.

S010-5

The Authority and FRA appreciate and respect the Lieutenant Governor's statement favoring the Altamont route as the preferred alternative. Numerous others have offered a similar view, as shown in this volume of the Final Program EIR/EIS. The Authority and FRA have, however, identified Pacheco Pass as the Preferred Alternative in this Final Program EIR/EIS, and this position is also supported by many, again as evidenced by the public comments in this volume of the Final Program EIR/EIS. Please see Standard Response 3 and

Chapter 8 regarding the identification of Pacheco Pass as the Preferred Alternative.

S010-6

Comment acknowledged. The Final Program EIS/FEIR includes a discussion of global climate change (Section 3.3).

S010-7

The impact of the HST system on air quality would primarily come from the reduction of intercity auto trips. The ridership, vehicle emission, and air emission reductions are generally equivalent for the Pacheco and Altamont alternatives. Section 3.3 has been refined to show a comparison of the air emission reductions for Pacheco Pass and Altamont Pass alternatives.

S010-8

The Pacheco Pass alternative identified in this Final Program EIS/EIR as the Preferred Alternative would not involve a San Francisco Bay crossing. Please see Standard Response 3 and Chapter 8 regarding the identification of Pacheco Pass as the Preferred Alternative.

The two Altamont Pass network alternatives that require a new transbay tube, including the one proposed by the Lieutenant Governor, would have high potential environmental impacts and considerable construction issues. These alternatives would have more than 36 acres of potential direct impacts on the San Francisco Bay. They would have 38.8 acres of potential impacts on water bodies (lakes and San Francisco Bay), whereas the Oakland and San Jose Termini Altamont Pass network alternative would have 2.3 acres of potential direct impacts.

The cost of the additional 8.8-mile HST segment needed to implement a new transbay tube is estimated at about $4.6 billion—over $500 million per mile. Moreover, there is only slightly higher ridership and revenue potential (less than 2% higher ridership or 1.0–1.6 million passengers per year by 2030) when comparing the transbay tube alternative via the East Bay versus the related Altamont Pass network alternative that terminates in Oakland.

To implement alternatives that included a new transbay tube, coordination would be required with the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act, USFWS, and the California Coastal Commission. Crossing the Bay would also be subject to the USACE, CDFG, and Bay Conservation and Development Commission permit process. Please also refer to Response to Comment S010-5.

Please also see Response to Comment L001-2 for a discussion of service to the Central Valley.

S010-9

Please see Response to Comment L001-2 for a discussion of service to the Central Valley and to Sacramento.

S010-10

The Draft Program EIR/EIS does not assert that the capital costs or travel times are virtually the same for the Altamont Pass and Pacheco Pass alternatives but rather provides actual values by alignment and network alternative for these metrics. The reader can therefore calculate the differences among the alignment and network alternatives and do a direct comparison. Visual and aesthetic impacts are also described on an alignment basis. The Authority and FRA agree that there are important environmental differences among the Altamont Pass and Pacheco Pass alternatives.

S010-11

Comment acknowledged.

As noted in Chapter 7, the Altamont Pass and Pacheco Pass network alternatives present a range of reasonable alternatives for the purpose of analyzing potential environmental effects, such as those on agricultural lands. The Pacheco Pass network alternatives do have additional farmland impacts as a result of including the BNSF-UPRR alignments, while the Altamont Pass network alternatives included the UPRR alignments through the Central Valley. Compared to the Altamont Pass network alternatives using the UPRR alignments, farmlands impacts for the BNSF-UPRR alignments were

identified to be higher by about 250 acres. Subsequent Tier 2 environmental documents will analyze both the BNSF-UPRR and UPRR alignments.

As noted in Section 2.3.2, Design Practices, use of existing transportation corridors would be maximized to avoid or minimize impacts. Use of transportation corridors includes placing HST alignments either within or adjacent to a major existing transportation corridors. In addition, future project-level environmental analyses will be coordinated with detailed engineering to further refine the HST alignments and station locations and avoid or minimize farmland impacts to the greatest extent practicable.

S010-12

By placing HST alignments either within or adjacent to existing transportation corridors, impacts on the floodplain would be limited to locations where the alignments would be outside an existing corridor. As noted in Section 3.14, the San Jose to Central Valley corridor alignment alternatives extend at-grade or on aerial structure through the 100-year floodplains. The largest area of floodplain being crossed is between Gilroy and the Diablo Range, with other locations near Morgan Hill and along Henry Miller Road. Existing transportation facilities adjacent to the proposed HST already act as a barrier to floodflows at many of these locations. Where the HST would have an impact, measures would be implemented to restore the floodplain to its prior operation by constructing culverts under the tracks to convey anticipated storm flows and to minimize ponding. Impacts on the floodplain from aerial structures would be limited to column footings. Future Tier 2 project-level environmental analyses will be coordinated with detailed engineering to further refine the HST alignments and station locations and avoid or minimize impacts to the greatest extent practicable.

S010-13

Ridership forecasts do not show a major difference in Vehicle Miles Traveled (VMT) or in vehicle trip reductions on I-580 and SR 99 for the Altamont alternative compared with the Pacheco alternative. For I-580 between Livermore and I-5, the Pacheco alternative achieves a 5.4% reduction in peak traffic, while the Altamont alternative achieves a 5.7% reduction. For SR 99 between Ripon and Merced, the Pacheco alternative achieves a 2.8% reduction in peak traffic, while the Altamont alternative achieves a 3.0 % reduction (Table 3.1-2 in Section 3.1, Traffic, Transit, Circulation, and Parking).

S010-14

Each of the subject impact categories are discussed below.

S010-15

Several design elements have been employed to minimize or avoid direct and indirect impacts on resources of concern, including tunneling, elevated alignments, and alignments adjacent to existing transportation rights-of-way. The environmental analysis for the Draft Program EIR/EIS was conducted at a program level and identifies the need for field reconnaissance-level surveys to be conducted in the future at the project level. These future surveys will determine specific habitat conditions and impacts along the Henry Miller alignment alternative and the entire preferred HST network alternative. These more detailed surveys will identify specifically where impacts on wetlands, sensitive habitat, and special-status species could occur and where focused species surveys are required. The Henry Miller alignment alternative and other alignment alternatives using the Pacheco Pass will be further designed at the project level to avoid or minimize potential impacts. Broad program mitigation strategies have been identified and will be further refined and applied at the project level to mitigate impacts.

Where potential vibration impacts may occur, including sensitive habitats, measures would be employed to minimize those impacts. This includes using train and track technologies that minimize ground vibration, such as state-of-the-art suspensions, resilient track pads, tie pads, ballast mats, or floating slabs.

S010-16

See Standard Response 4 regarding growth. Please also see Chapter 5.

S010-17

The GEA was identified in the Draft Program EIR/EIS (Section 3.15.2) and is in this Final Program EIR/EIS. Please see Response to Comments S006-4 and S006-5.

S010-18

Section 3.3 of this Final Program EIR/EIS includes the greenhouse gas emissions from the two major alternatives (Altamont Low, Pacheco Low).