

California High-Speed Rail Authority



RFP No.: HSR 13-57

**Request for Proposal for Design-Build
Services for Construction Package 2-3**

**Book IV, Part F.5 – Environmental
Compliance Manual**

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- Attachment 1: Environmental Re-Examination Process Guidance
- Attachment 2: ECP Outline
- Attachment 3: Programmatic Agreement
- Attachment 4: Archaeological Sensitivity Map DRAFT



Abbreviations

Acronym	Definition
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ATP	Archaeological Treatment Plan
BETP	Built Environment Treatment Plan
BO	Biological Opinion
CEQA	California Environmental Quality Act
CRCM	Cultural Resources Compliance Manager
CWA	Clean Water Act
ECP	Environmental Compliance Plan
EMMA	Environmental Mitigation Management and Assessment
ERA	Environmentally Restricted Areas
ESA	Environmentally Sensitive Area
FED	Final Environmental Document
FGDC	Federal Geospatial Data Committee
FRA	Federal Railroad Administration
GA	Governmental Approval
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HALS	Historic American Landscape Survey
IECP	Interim Environmental Compliance Plan
LRP	Legally Responsible Person
MF	Merced-Fresno
MMEP	Mitigation Monitoring Enforcement Program
MMRP	Mitigation Monitoring Reporting Program
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NTP	Notice to Proceed
PA	Programmatic Agreement
PCM	Project Construction Manager
PJD	Preliminary Jurisdictional Delineation
PMT	Program Management Team
PPV	Peak particle velocity
RFP	Request for Proposal
SAGA	Supplemental or Amended Governmental Approvals
SHPO	State Historic Preservation Officer
SOI	Secretary of the Interior



Acronym	Definition
SPCC	Spill Prevention, Control, and Countermeasures
STU	Surface transect units
SWRCB	State Water Resources Control Board
TESC	Temporary Erosion and Sediment Control
USFWS	U.S. Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

1.0 Introduction

The California High-Speed Rail Authority (Authority) and Federal Railroad Administration (FRA) are the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) lead agencies, respectively, for the California High Speed-Rail Project (HSR). The Authority is the Project owner and works in partnership with the FRA as the Project is, in part, federally funded. Both agencies are bound by the confines of state and federal law to demonstrate compliance with all Environmental Requirements, including but not limited to the Final Environmental Documents (FEDs) and the Governmental Approvals (GAs), Supplemental or Amended Governmental Approvals (SAGAs), and any subsequent or supplemental CEQA and NEPA documents required for the Project.

In no event will Contractor's implementation of, compliance with, or reliance upon this Environmental Compliance Manual (Manual):

- Relieve Contractor of any obligation to perform and comply with all Environmental Requirements;
- Limit Contractor's obligation to perform and comply with all Environmental Requirements;
- Constitute evidence of Contractor's satisfaction of the Environmental Requirements; or
- Limit the indemnity provided by Contractor to the Authority with respect to any failure by the Contractor to satisfy the Environmental Requirements.

This Manual explains some of the procedures required of the Contractor to comply, and demonstrate compliance, with the Environmental Requirements and describes the framework that the Authority has developed to facilitate compliance with these requirements by the Contractor and/or Authority as applicable.

This Manual serves three functions. First, the Manual provides guidance for the Contractor in conducting the environmental compliance work. Second, the Manual provides guidance for the Contractor to follow in development and implementation of an Environmental Compliance Plan (ECP), which will detail how the Contractor will implement and demonstrate compliance with all Environmental Requirements, including, without limitation, those associated with the FEDs, GAs, SAGAs, and related avoidance, minimization and mitigation measures. Preparation of and approval by the Authority of the ECP is required in accordance with Section 42.2 of the General



Provisions. Finally, this Manual provides guidance to the Project Construction Manager (PCM) for use in managing and overseeing the Contractor's compliance with the ECP.

Except as otherwise defined in this Manual, defined terms indicated by initial capitalization have the same meanings as set forth in the Contract Documents.

With regard to the organization of this Manual, many of the cultural requirements for the Project are specific and do not integrate well into the general nature of other sections of the document. Discussions of the cultural requirements are contained completely within Section 10.2.

1.1 Legal Framework

This Manual, by necessity, is general in nature as not all FEDs and GAs will have been obtained or finalized as of the date of this Manual. Additionally, the Contractor is independently obligated to identify all activities it may need to undertake to remain in compliance with the Environmental Requirements with respect to the planning, design, engineering, and construction of the Project. Therefore, this Manual provides specifications based on what is currently known regarding the Environmental Requirements of the Project and on what contractors must typically do to satisfy the compliance obligations of the Environmental Requirements, including without limitation the FEDs and GAs.

This Manual includes requirements that the Contractor must satisfy to ensure that all work complies with terms, conditions, requirements, avoidance, minimization, conservation and mitigation plans and measures of the Environmental Requirements, including, without limitation, those associated with the following:

- The FEDs, including any subsequent or supplemental CEQA or NEPA documents required for the Project;
- The Environmental Footprint, the Regulated Resources Map, the Environmental Constrained Footprint, and the Required Surveys GIS Data Layer;
- The Monitoring Enforcement Program (MMEP)/Mitigation Monitoring and Reporting Program (MMRP);
- The GAs, including SAGAs and Authority-Provided Governmental Approvals; and
- The minimization, mitigation, and conservation plans and measures associated with the GAs, including, without limitation (1) the Section 106 Programmatic Agreement (PA), Memorandum of Agreement (MOA), Archaeological Treatment Plan (ATP), Built Environment Treatment Plan (BETP) (collectively, the "Section 106 Documents"); (2) the federal Endangered Species Act Section 7 Biological Opinion and Incidental Take Statement (the "Biological Opinion"); (3) and the Compensatory Mitigation Plan(s) for the federal Clean Water Act Section 404 Permit, the federal Clean Water Act Section 401 Certification, the California Fish and Game Code Section 1600 Streambed Alteration Agreement provisions, the California Endangered Species Act Section 2081 permit, and any and all other GAs (collectively, the "Compensatory Mitigation Plan(s)").



This Manual also includes requirements to guide the Contractor in developing and providing the Authority with information, analyses, plans, reports and other materials that are sufficient to satisfy the Environmental Requirements, including requirements related to:

- Environmental Compliance Plan;
- Environmental Communications Protocols (as described in Section 6.0);
- Worker Environmental Awareness Program (as described in Section 5.0);
- Environmental Mitigation Management and Assessment (EMMA) (as described in Section 7.0);
- Contractor Environmental Submittals (as described in Section 42.6.2 of the General Provisions);
- The Authority's Environmental Re-Examination Process(es); and
- Project close-out procedures

Finally, this Manual includes requirements to assist the Contractor in assuring that:

- The Environmental Compliance Team, including the Environmental Compliance Manager, have sufficient experience and qualifications to assure compliance with the Environmental Requirements; and.
- Appropriate certifications are provided by Contractor's Environmental Compliance Team members.

1.2 Environmental Compliance Program – Structure and Roles and Responsibilities

The Authority is committed to developing an environmental compliance program that provides an infrastructure in which environmental compliance can be realized. The Authority requires its contractors to adhere to the mandatory standards of compliance articulated in this Manual. Execution of these mandatory standards of compliance will ensure that the program is successfully implemented. The Authority will monitor compliance, with the assistance of a Project Construction Manager, which includes ensuring that the Contractor complies with and implements all of the Environmental Requirements, including but not limited to those associated with the FEDs and the GAs.

1.3 Authority Commitments

In order to obtain approval to construct the Project, the Authority has agreed to comply with a number of commitments in consultation with interested parties and state and federal regulatory agencies. Although the Authority has contractually delegated a large portion of these responsibilities to the Contractor, the Authority, as the Project owner, holds the ultimate responsibility for fulfilling the Environmental Requirements. The Authority, as a lead agency, is required to demonstrate compliance with the Environmental Requirements during all phases of design and construction.

The Authority has developed positive working relationships with the various state and federal regulatory agencies and other interested parties and will demonstrate compliance in an ethical



and transparent manner. All of these components combine to create the Authority's commitment to developing an environmental compliance program that supports implementation and demonstration of compliance with all Environmental Requirements.

The Authority will be responsible to the Contractor for performing the following:

- Providing copies of all FEDs and GAs, including any supplemental information, as well as applications;
- Facilitating meetings during which the development and requirements of all FEDs and GAs are discussed (as described in Section 3.0);
- Reviewing and approving documents in a timely manner submitted by the Contractor to ensure they are consistent with the Authority's commitments and interested party requirements;
- Directing all communication with the various state and federal regulatory agencies and other interested parties; and
- Performing audits and inspections of the Contractor's environmental compliance documentation.

1.4 Contractor Responsibilities

The Contractor is required to design and construct the CP 2-3 in accordance with the Environmental Requirements, including the FEDs and GAs, and requirements set forth in this Manual.

Specifically, the Contractor's responsibilities include, without limitation, the following:

- Compliance with all Environmental Requirements including but not limited to all applicable local, state, and federal environmental Laws that protect biological, archaeological, cultural and historic resources.
- Independently review the FEDs and GAs as they are issued to identify all Environmental Requirements, including all terms, requirements, conditions, and avoidance, minimization, conservation and mitigation programs, plans, measures, and design features required for CP 2-3.
- Submit Contractor Environmental Submittals to the Authority, including but not limited to, the ECP, Regulated Resources Map, Environmental Constrained Footprint, and Required Surveys GIS data Layer.
- Review of certain Technical Contract Submittals by the Environmental Compliance Manager in accordance with Section 42.6.1 of the General Provisions. to ensure that they comply with all Environmental Requirements.
- Reconcile and bring into compliance certain Technical Contract Submittals where they do not comply or they deviate from the Environmental Requirements.
- Implement all conditions and requirements of the FEDs, GAs, SAGAs, or any additional CEQA/NEPA review or documentation, such as, but not limited to, installation of exclusionary and/or silt fencing, protection and treatment plans, etc.



In furtherance of its obligations, the Contractor will, without limitation:

- Develop an ECP that is compliant with this Manual and with the Authority's environmental compliance program.
- Perform environmental review and coordination, both internally and with the Authority, during planning, design, engineering, and construction phases of the Project.
- Implement all Environmental Requirements including, without limitation, those measures set forth in the MMEP and MMRP, the Biological Opinion, the Section 106 Documents, and the Compensatory Mitigation Plan(s).
- Conduct and complete all preconstruction requirements, prerequisites and clearances, including all preconstruction surveys.
- Implement a monitoring, documentation and reporting program throughout construction that includes use of the EMMA system.
- Develop and keep current environmental geospatial data, including the Required Surveys GIS Data Layer, such that at all points during the Work (including both design and construction-related Work) the most current and accurate information is available in GIS format (e.g., impact footprint, survey results, resource protection requirements; and Environmentally Sensitive Area (ESA) locations).
- Ensure environmental compliance for all Project changes. These responsibilities include without limitation: Determining whether any Project change that may result in a Variation (e.g., any Variation associated with design and condition changes, changes that require additional right-of-way, changes due to newly discovered Regulated Resources, ATCs, Design Variances, VECPs, Betterments, or Project Design Changes) requires any additional CEQA/NEPA review and documentation and/or SAGAs (including environmental permitting);
- Implementing the Authority's Environmental Re-Examination Process(es) (Attachment 1
- Coordinating with the Authority to implement all environmental review, analysis, and permitting activities required by the Environmental Re-Examination Process(es) and applicable environmental Laws;
- Coordinating internally with Contractor's environmental, planning, design, engineering and construction staff regarding the Environmental Requirements;
- Foster good relationships with federal, state, and local agencies; tribes; and local stakeholders by ensuring that the commitments the Authority has made are reflected in the Project's final design and are fulfilled during construction. The Contractor will accomplish this by meeting or exceeding all Environmental Requirements; and
- Provide all close-out and finalization actions and reports for environmental permits.

1.5 Design Innovation and Technology

The design-build process is an effective way to deliver transportation projects to the taxpayers on time and within budget, and can be done while protecting the environment. The Authority, however, recognizes that the design-build process is considered by many regulatory agencies to be a different way of doing business, and has therefore worked with federal, state, and local agencies; tribes; and local stakeholders to identify strategies for ensuring environmental



protection and compliance of the Project with the Environmental Requirements, including the FEDs and GAs.

In accordance with Section 42.5 of the General Provisions the Contractor bears the sole responsibility and risk arising from any need for obtaining any SAGAs necessary for any Variation; and paying for and providing all supporting technical and environmental information, drawings, plans, analyses, materials and documentation determined to be necessary by the Authority in connection with any additional CEQA/NEPA review or, if required, additional CEQA/NEPA review and documentation and/or SAGAs. Prior to proceeding with any Variation, the Contractor shall obtain Authority approval using the Environmental Re-Examination Process(es). Due to the complexity of the Project, review and approval of any Variation (depending on its scope as compared to what the then-existing environmental documentation clears) may require significant documentation and analysis and lengthy review processes for state and federal regulatory agencies and other interested parties.

2.0 Components of an Environmental Compliance Program

The purpose of the environmental compliance program is to verify and document that the Project is in compliance with all the Environmental Requirements. The Contractor is responsible for implementing the Authority's environmental compliance program. The Authority's environmental compliance program is reliant on two primary documents to cover various aspects of compliance assurance and quality control for the Project. These documents (described below) are designed to work together to create a solid compliance framework while also allowing for adaptation to specific needs of individual locations or sections of the Project.

2.1 Environmental Compliance Manual

This Environmental Compliance Manual is the document prepared by the Authority and the FRA to guide the environmental compliance program. It provides the framework under which the Contractor will submit environmental compliance documentation to the Authority and sets forth the requirements of the Environmental Compliance Plan that the Contractor must develop. Several of the sections below specifically discuss the Environmental Compliance Plan and its required content. Additionally, other sections in this Manual (e.g., Communication, Monitoring and Training) that are specific to a particular issue or resource type will reference back to the Environmental Compliance Plan. The Contractor's Environmental Compliance Plan will be inclusive of all topic areas included in the Environmental Compliance Manual.

2.2 Environmental Compliance Plan

The Contractor must prepare an Environmental Compliance Plan (ECP), which is the primary environmental management document. The ECP identifies the Environmental Requirements for the Project and defines the procedures the Contractor will implement to satisfy such requirements. The ECP outlines the Contractor's approach to environmental management throughout the construction phases with the primary aim of ensuring compliance with the Environmental Requirements.



2.2.1 Function

The ECP has four primary functions:

- Identifies constraints as seen by the Contractor early in the process and aids in the development of the compliance methods.
- Provides a guide for the Contractor's team on how to implement and document its own compliance program.
- Provides a forum for the Contractor and Authority to develop solutions to environmental constraints early in the process.
- Demonstrates to the Authority and FRA that the Contractor understands the Environmental Requirements of the Project and knows how to successfully implement a compliance program.

2.2.2 Process and Plan Elements

The Contractor will provide the Authority with a complete draft ECP in accordance with Section 42.2 of the General Provisions. The Contractor's Environmental Compliance Manager will be responsible for submitting the draft ECP. The Authority will review the draft ECP in accordance with Section 42.2 of the General Provisions.

The draft ECP shall become final upon approval by the Authority. A final ECP must be completed not later than 30 calendar days prior to the commencement of any construction activities.

The ECP will consist of all of the elements described in this Manual. An example outline meeting the minimum requirements of an acceptable ECP is provided in Attachment 2) although the Contractor is encouraged to adapt and enhance the outline to meet the standards as necessary. The Contractor will submit the ECP, including all updates via EMMA. The Contractor's Environmental Compliance Manager shall maintain a hard copy of the ECP at the Contractor's construction office.

The Contractor will develop the ECP according to the general guidance of this Manual and take into account the specific operating circumstances (e.g., right-of-way access, permit conditions specific to geography, fundamentals of construction methods, etc).

The ECP shall cover all aspects of Project implementation from design review, preconstruction surveys and clearances to the close-out of the Project.

The ECP shall include a comprehensive and detailed checklist of all Environmental Requirements, including those detailed in the FEDs and GAs. The list of the Environmental Requirements shall not be simply a reiteration of the requirements. Rather, the Contractor shall synthesize the environmental measures and conditions contained in the Environmental Requirements, compare them against site-specific conditions, and consider this information while developing the design and construction methods that employ a feasible approach to building the Project while maintaining environmental compliance.



The ECP must detail a method for conducting routine assessments to determine whether it is performing its primary function. The ECP must identify criteria or methods that measure its performance. In addition to the ECP updates required in Section 42.5 of the General Provisions, the Contractor will update or amend the ECP to ensure adaptive management have been applied to ensure the ECP is performing its primary function.

The ECP shall assign Contractor staff and Subconsultants, and detail roles and responsibilities of all Environmental Compliance Team members involved in environmental compliance for the Project. The ECP shall detail how the Contractor's compliance tracking processes and data capture requirements (including, without limitation, preparation and update of the Required Surveys GIS Data Layer) will document compliance with all Environmental Requirements using EMMA.

The ECP shall include procedures to identify and rectify environmental non-compliance. Discovery of all non-compliance shall be communicated to the Authority within 24 hours or less, if a shorter time is otherwise specified in the Environmental Requirements, including applicable Laws, the FEDs, and/or the GAs.

The ECP shall describe all of the environmental issues that need to be managed during construction and provide a strategic approach on how the Contractor will control and manage these issues during construction.

2.2.3 Compliance Monitoring, Inspections, and Audits

The Contractor shall describe in detail in the ECP how compliance monitoring will be implemented as required by the Environmental Requirements. To assist in tracking compliance, the Authority has developed an environmental commitment tracking tool, EMMA, described in detail in Section 7.0. Contractor shall use EMMA to document compliance with all Environmental Requirements and with the procedures outlined in the ECP.

The Authority will establish a schedule of inspections and audits of the Contractor and its Environmental Compliance Team to ensure that established standards of environmental controls are being maintained by the Contractor and in accordance with the final Authority-approved ECP.

2.2.4 Compliance and Non-Compliance/Corrective Action Report

The Contractor shall describe in detail in the ECP how it will investigate, communicate, and resolve observations of non-compliance. Once a non-compliance event is identified, the ECP will describe the timeframe in which the non-compliance will be resolved, how it will be documented and what further action will be taken if the non-compliance issue is not resolved within the identified timeframe.

The Contractor shall electronically submit written records of compliance, incident or non-compliance/corrective action reports to the Authority via EMMA. These written records will include the date, location, and description of the non-compliance event, photo documentation, documentation of attempts to remedy the discrepancies or issues; and signatures of the on-site monitor, Contractor representative, and PCM representative.



All incidents of non-compliance will evaluate the need for corrective action. These may include changes to work instructions (frequency of testing, test method etc.), updates or amendments to the ECP, further staff training, or other appropriate corrective actions. Incidents of non-compliance shall be reviewed by the Contractor's Environmental Compliance Manager and form a part of construction meeting agendas. It is the Contractor's responsibility to immediately initiate corrective actions, and once completed, provide documentation that corrective actions have been taken to address the issues raised in the non-compliance/corrective action report. The Contractor shall electronically submit such documentation to the Authority via EMMA within 72 hours of issuance of the non-compliance/corrective action report and will require review and approval by the Authority before the issue is considered resolved.

If requirements of the ECP are not fulfilled and appropriate and corrective action is not taken, a non-compliance action report will be prepared and electronically submitted via EMMA by either the Authority or the Contractor, as applicable. A non-compliance action report will be issued if the responsible party makes no effort to resolve the problem after an incident has been documented and reported. The non-compliance action report will document the responsible party's lack of responsiveness and provides the final opportunity for resolution of the issue. Throughout the process of reporting, the responsible party will initiate and confirm completion of appropriate corrective actions.

In accordance with the "Suspension for Cause" clause (Section 39.1) of the General Provisions, the Authority may at any time order the Contractor to suspend Work due to a non-compliance event, as necessary to protect the environment and prevent further non-compliance.

2.2.5 Management Review

The Authority will establish a management review process to ensure the suitability and effectiveness of the ECP. The Authority will review the suitability and effectiveness of the ECP bi-annually or more often if required as a corrective and/or preventative action in response to an environmental non-compliance event or the outcomes of an environmental audit or if required by a statutory body.

2.2.6 Interim ECP

An Interim ECP (IECP) is required prior to conducting field preconstruction. To facilitate preliminary field investigation (e.g., geotechnical survey, etc.) in support of preliminary design, the Contractor will submit an Interim ECP (IECP) specific to the proposed field investigation work. The IECP will include all applicable information (i.e., environmental issues and constraints for the locations where field investigation work will occur). The information provided in the IECP will be incorporated into the draft and final ECP when submitted to the Authority in accordance with this section. To fulfill the ECP requirements for proposed work, the Contractor shall submit an IECP that includes at a minimum a Temporary Erosion and Sediment Control (TESC) Plan, a Spill Prevention, Control, and Countermeasures (SPCC) Plan, a Fugitive Dust Control Plan, an Unanticipated Archaeological Discovery Plan, and any reference documents to the Authority for review and approval prior to the start of construction activities. The IECP shall also contain a discussion of how to operate in absence of any GAs, if any are still in the acquisition phase.



3.0 Final Environmental Documents and Government Approvals

The Authority will be responsible for obtaining the FEDs, as well as the Authority-Provided GAs.

At the time of Contract award, it is expected that all FEDs and GAs required for the ROD will have been obtained, but other GAs required for the Project will remain outstanding. A listing of all Authority-Provided GAs is located in Section 6.1 of the Special Provisions.

3.1 Acquisition and Sequencing

The Contractor's schedule shall take into consideration potential early work in absence of certain post-award GAs. The Contractor's Environmental Compliance Team shall determine what Work can occur while specific GAs are outstanding. Additionally, the Contractor's Environmental Compliance Team shall prepare an IECF for maintaining compliance during this initial period of the Project (refer to Section 2.3, Interim Environmental Compliance Plan). Activities during this interim period are likely to include, but are not limited to, surveys, aerial photometry, geotechnical work and other processes to facilitate early design.

The Contractor is obligated to identify all GAs that may be needed to design and construct the Project. Some GAs required for the Project are listed in Section 6.1 of the Special Provisions, including which party (Authority or Contractor) is responsible for the acquisition of the GA.

3.2 Compliance during Design

The compliance efforts and involvement of the Contractor's Environmental Compliance Team are required during the early phases of design. The Contractor will be expected to know the specific details of the Environmental Requirements and then use that knowledge to actively assist during advancement of design.

3.2.1.1 Environmental Compliance Report

The Environmental Requirements, including the FEDs and GAs, are based on specific descriptions of the Project that helped determine the scope of the impacts and related mitigation measures. These descriptions include the identification of specific limits of work, the specific infrastructure being constructed and its location as well as the methods of how this work will be performed. Any changes to these descriptions may require additional CEQA/NEPA review and documentation or SAGAs. Therefore, for all Technical Contract Submittals identified in Section 42.6.1 of the General Provisions, the Contractor will provide an Environmental Compliance Report signed by the Environmental Compliance Manager certifying that the submittal (a) is within the scope of the analysis and findings of the GAs and FEDs and complies with all Environmental Requirements; or (b) requires further review and analysis and potentially amendment of those GAs and FEDs pursuant to applicable Law as implemented through the Authority's Environmental Re-Examination Process(es).

For the Contractor to prepare an accurate Environmental Compliance Report, the Contractor's design and Environmental Compliance Team must have a thorough understanding of the design as well as the methods of construction being proposed as compared to the underlying project-description that was the basis for the FEDs and GAs. The Contractor shall determine if the



descriptions of the design elements match how the FEDs and GAs portrayed the activities and what resource information was used as a basis for any impact assessments. The Contractor is obligated to note in its Environmental Compliance Report any Variation and the potential resolution.

A Variation may have a number of resolutions depending on the type and location. It may require updating the environmental footprint with some level of additional analysis, obtaining additional CEQA/NEPA review and documentation or SAGA or deciding that the change does not result in any new impacts and nothing is required. The report will document the components of the Project that are maintaining compliance and those components that are not in compliance with the Environmental Requirements, including the FEDs and GAs. For those items that are not in compliance, the Contractor shall provide proposed/anticipated steps to resolution pursuant to the Authority's Environmental Re-Examination Process(es).

3.3 Governmental Approvals

As stated previously, the Authority may direct that Work begin before some GAs have been obtained (if those GAs are not required for that Work) and the Contractor shall be required to operate under such conditions for a period of time. Once all the GAs have been acquired the Contractor will attend a meeting with the Authority (as described in Section 6.1.5) to provide a comprehensive background of all the environmental permits as well as discuss interpretations of specific measures or conditions.

The following discussion focuses on what the Contractor will need to develop in the ECP that is above and beyond/supplemental/additional to what is specified in the permits or the Permit Table in the Special Provisions.

3.3.1.1 Waters and Water Quality

The Authority has conducted surveys for wetlands and other waters within the Project area and has identified those features within the Project limits as part of the Project Preliminary Jurisdictional Delineation (PJD). The Contractor is not required to conduct additional surveys for wetlands and other waters. However, if the Contractor identifies an area within the Project limits that may qualify as a wetland or other water that was not mapped in the PJD (for reasons such as but not limited to the wetland and/or waters developed between the time the PJD was approved and initiation of construction) as such, the Contractor will notify the Authority prior to initiating construction-related activities to determine if further coordination and appropriate modifications to permits or other environmental documents must occur.

3.3.1.2 General Construction Permit (NPDES)

The Project is required to obtain and adhere to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit thereby demonstrating compliance with the Clean Water Act (CWA). As the Project owner (title holder of the land or the owner of a utility), the Authority is the Legally Responsible Person (LRP) and as such has ultimate responsibility for ensuring that those permit conditions are completed. As specified in the Contract, the Authority has delegated the responsibility of complying with the permit conditions to the Contractor.



The Contractor shall complete the following to ensure compliance with the NPDES permit:

- Prepare, implement and update a SWPPP;
- Implement and maintain stormwater pollution prevention best management practices; and
- Perform pre-storm, storm and post-storm stormwater pollution prevention site inspections.

The Authority, as the LRP, provides final electronic approval of the aforementioned tasks which in turn is submitted (via the SMARTS web portal; see explanation below) to the State Water Resources Control Board (SWRCB) for final approval. The Contractor is provided coverage under the Authority's NPDES permit and is considered compliant with both state and federal water quality laws when both the Authority and the SWRCB have approved the aforementioned submittals via electronic signature.

3.4 Environmental Re-Examination Guidance

Prior to proceeding with any Variation, as defined in Section 1.2 of the General Provisions, the Contractor shall obtain Authority approval using the Environmental Re-Examination Process(es). The Authority and the FRA have prepared the *California High-Speed Rail Project Environmental Re-examination Process* document (Version 1, April 2014), which presents a standardized approach that the Authority, FRA, and the Authority's contractors/consultants can follow to evaluate Variations. The document articulates the procedural and substantive steps required for environmental review of Variations not previously evaluated by the Authority and FRA.

Pursuant to Section 42.5 of the General Provisions, the Contractor is required to use this process prior to proceeding with any Variation to help determine whether the Variation (1) would require additional CEQA/NEPA review and documentation; and/or (2) would require any SAGAs. The Authority's Re-Examination Process(es) is included as Attachment 1. All documentation in support of the Re-Examination Process(es) shall be prepared by the Contractor in accordance with Section 42.5 of the General Provisions.

4.0 Environmental Compliance Team

4.1 Qualified Personnel

In the ECP, the Contractor will identify the members of the Environmental Compliance Team, as described below. The Environmental Compliance Team will be engaged during early design phases following NTP and further engaged prior to construction in the creation of the ECP and technical management plans as required by the Environmental Requirements, including the FEDs, MMPP/MMRP, and associated GAs.

4.2 General Environmental Personnel

4.2.1 Environmental Compliance Manager

The Environmental Compliance Manager shall be the Authority's single point of contact with the Contractor for all environmental issues. The Environmental Compliance Manager shall be



responsible for the overall environmental compliance for the Project, and will function as principal technical advisor and coordinator for environmental issues. The ECP will identify all critical roles, responsibilities, and authorities of the Environmental Compliance Manager. The ECP shall identify how the Environmental Compliance Manager will interact with the Authority's environmental compliance program staff. The ECP shall name the Environmental Compliance Manager by name. The Environmental Compliance Manager will be assigned to the Project full time through completion of the Project. The Contractor may replace the Environmental Compliance Manager subject to written approval by the Authority in accordance with Section 4.1 of the General Provisions. If, during the course of the Project, the Authority finds that the Environmental Compliance Manager is not ensuring implementation of the ECP, the Authority may require replacement of the Environmental Compliance Manager in accordance with Section 4.4 of the General Provisions.

The Environmental Compliance Manager will also be responsible for the following:

- Developing the submittals described in this section necessary to support the efforts to obtain and comply with the Environmental Requirements.
- Integrating with the design team during plan preparation to ensure compliance with the Environmental Requirements as well as the implications of changes to design that may result in Variations that require additional CEQA/NEPA review and documentation or SAGAs.
- Coordinating with engineers early in the design stages to ensure they are aware of Environmental Requirements related to their discipline.
- Reviewing engineering plans to ensure the Project's design complies with the Environmental Requirements.
- Facilitating weekly Environmental Compliance Team meetings to coordinate with the Authority's environmental compliance program staff about critical permitting and compliance issues.
- Meeting with the Contractor's management staff on a weekly basis to ensure the Project schedule reflects timing restrictions consistent with those identified in the Environmental Requirements and to provide notifications to the Authority for upcoming work.
- Ensuring and providing documentation that the Work complies with all Environmental Requirements, included those set forth in the FEDs, GAs, and any SAGAs.
- Acting as a liaison between the Authority, the design team and the construction personnel (e.g., submitting reports, discussing changes to the Project, communicating compliance issues).
- Maintaining the authority and means to bring the Project into compliance and/or stop work if the Project is in violation of any Environmental Requirement.
- Identifying when a non-compliance event is occurring or has occurred and ensuring the Authority's notification procedure is implemented.



4.2.2 Specialist Personnel

The following staff roles are expected to be a part of the Contractor's Environmental Compliance Team to ensure compliance with the Environmental Requirements. They will not all be engaged full time; however, all of them are expected to be knowledgeable about the Project specifically within their individual discipline areas and to be available to assist at any time during the Project. One or more of these specialist positions may be filled by one single individual provided that (a) the individual meets the qualifications of each of the positions he/she will fill; and (b) it does not result in any scheduling conflicts and/or simultaneous duties that result in lack of compliance (in the Authority's sole discretion to decide) this Manual or the Environmental Requirements. In the event of (a) or (b), the Authority reserves the right to require the Contractor to hire separate individual(s) to fill the conflicting positions, at no cost to the Authority.

4.2.3 Geographic Information Systems (GIS) Specialist

The Contractor shall identify a GIS Specialist responsible for processing and interpreting, as necessary, all GIS-related environmental files provided by the Authority and preparing GIS files related to environmental resources managed by the Contractor's Environmental Compliance Team. The GIS Specialist must have at least two years of experience processing, interpreting, and creating GIS files related to environmental studies including the mapping of environmental footprints, sensitive environmental resources, engineering plans, and accessor parcels in urban and rural settings.

4.2.4 Regulatory Specialist – Waters

The Contractor shall designate a Regulatory Specialist – Waters to be responsible and advise on matters related to water regulations (Section(s) 401 and 404, Porter-Cologne Act, CDFW 1602). This person will have a minimum of five years of experience permitting water resources including experience performing wetland delineations, assessing wetland functions and values and analyzing wetland impacts.

4.2.5 Regulatory Specialist – Special-Status Species

Contractor shall designate a Regulatory Specialist – Special-Status Species to be responsible and provide advice on matters related to special-status species regulations (ESA and CESA). This person will have a minimum of five years of experience permitting for incidental take including experience preparing biological assessments, assessing habitat and conducting species surveys for the region of the Project.

4.2.6 Project Paleontologist

Contractor shall designate a qualified Project Paleontologist with a minimum of five years of experience managing paleontological resources during active construction to prepare paleontological resources management plans, manage paleontological compliance including implementation of mitigation and permit conditions, coordinate construction activities and to liaise with regulatory oversight agency representatives. The Project Paleontologist will comply



with the Environmental Requirements, including the obligations as stated in the associated FEDs and GAs.

4.2.7 Paleontological Monitors

The Contractor shall hire additional qualified Paleontological Monitors, as needed, when construction activities occur in more than one sensitive area simultaneously. Qualified monitors will have at minimum a Bachelor's Degree in Geology, Paleontology or related discipline and one-year of experience monitoring active construction sites. Monitors will be directed by the Project Paleontologist.

4.2.8 Project Biologist

The Contractor shall designate a Project Biologist meeting qualifications as stipulated by the USFWS minimum academic qualifications for a Wildlife Biologist. In addition, the Project Biologist will have at least five years of experience managing biological resources during active construction to prepare biological resources management plans, manage biological compliance including implementation of mitigation and permit conditions, coordinate construction monitoring activities and biological monitors and to liaise with regulatory oversight agency representatives. The Project Biologist will comply with the Environmental Requirements, including the obligations stated in the FEDs and GAs.

4.2.9 Project Botanist

The Contractor shall designate a qualified Project Botanist with a minimum of five years of experience managing botanical resources during active construction and post-construction re-vegetation phases to prepare botanical resources management plans, manage botanical compliance including implementation of mitigation and permit conditions, coordinate construction monitoring and re-vegetation activities and to liaise with regulatory oversight agency representatives. The Project Botanist will comply with the Environmental Requirements, including the obligations stated in the FEDs and GAs.

4.2.10 Biological Monitors

The Contractor will hire additional qualified Biological Monitors, as needed, when construction activities occur in more than one area simultaneously. Qualified monitors will have at a minimum a Bachelor's Degree in Biology and one-year of experience monitoring active construction sites. Monitors will be directed by the Project Biologist.

4.2.11 Cultural Resources Compliance Manager

Within 30 days of NTP, the Contractor will designate a Cultural Resources Compliance Manager (CRCM). In accordance with Programmatic Agreement (PA) Stipulation III, the CRCM must meet the qualifications of a historian, architectural historian, or archaeologist as set forth in the U.S. Secretary of the Interior's professional qualification standards and as required by the PA. Note that the CRCM could also serve as the Principal Investigator Archaeologist or the Principal Architectural Historian, as appropriate.



The Contractor's CRCM will prepare and submit to the Authority weekly compliance reports in accordance with the requirements of the Archaeological Treatment Plan (ATP) and Built Environment Treatment Plan (BETP). The Contractor's CRCM will prepare and submit to the Authority, for review and comment, semi-annual status reports in accordance with the schedule for submittal that are provided for in the MOA from NTP until Final Acceptance. The Authority will have 30 days to review and comment on these reports. Reports will be revised based on comments received.

4.2.12 Principal Investigator Archaeologist

Contractor will designate a Principal Investigator Archaeologist meeting the U.S. Secretary of the Interior's Professional Qualifications Standards (36 C.F.R. Part 61) to provide expertise in completing the inventory, evaluation, and mitigation of archaeological resources, as well as coordinating the construction monitoring activities that may impact cultural resources throughout the duration of the Project. The Principal Investigator Archaeologist will adhere to the requirements and obligations of the ATP.

4.2.13 Archaeological Monitors

Contractor will hire qualified Archaeological Monitors, in compliance with the monitoring requirements outlined below under Section 10.2 and in the draft ATP and in the Contractor-prepared Archaeological Monitoring Plan. Qualified monitors will have at minimum an Associate's Degree in Anthropology and one year of experience monitoring construction sites or a Bachelor's Degree in Anthropology and six months of experience monitoring active construction sites. Monitoring will follow the procedures outlined in the draft ATP.

4.2.14 Native American Monitors

Contractor will retain the services of Native American Monitors identified by the Authority as having a traditional affiliation to the Project area and/or signatories to the Section 106 MOA in accordance with specification outlined under Section 10.2 and in the draft ATP.

4.2.15 Principal Architectural Historian

Contractor will designate a Principal Architectural Historian meeting the U.S. Secretary of the Interior's Professional Qualifications Standards (36 C.F.R. Part 61) to provide expertise in conducting inventories, evaluations, mitigation and monitoring construction activities for built environment historic resources. The Contractor shall provide expertise in completing the mitigation of adverse effects to historic properties throughout the Project. Additional experts shall be retained as necessary to fulfill mitigation obligations, such as, but not limited to, photographers for Historic American Building Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS), or historical architects and structural engineers for stabilization of historic buildings. In accordance with PA Stipulation III, all work will be carried out by or under the direct supervision of persons meeting the U.S. Secretary of the Interior's Professional Qualifications Standards and who will be approved by the Authority.



All work related to cultural resource will be conducted in accordance with the requirements of the MOA, draft ATP, and draft BETP, and be directly overseen by the CRCM.

4.2.16 Qualified Stormwater Pollution Prevention Plan Developer

As required by the Construction General Permit (as defined in Section 10.3), Contractor will designate and retain on staff at all times a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD). The QSD shall be responsible for oversight and review of the preparation, accuracy, site specificity, and completeness of all analyses and work necessary to develop Permit Regulatory Documents (PRDs) that comply with all Water Quality Conditions, as further set forth in Section 10.3. The Authority shall have the right to approve the Contractor's QSD.

4.2.17 Qualified Stormwater Pollution Prevention Plan Practitioner

As required by the Construction General Permit (as defined in Section 10.3), Contractor will designate and retain on staff at all times a Qualified SWPPP Practitioner (QSP). The QSP shall be responsible for oversight, review, preparation or implementation, accuracy, completeness, and compliance with the Water Quality Conditions of all analyses, BMPs, inspections, monitoring, reports and work necessary to implement the Construction General Permit, the SWPPP, and the other Water Quality Conditions, as further set forth in Section 10.3. The Authority shall have the right to approve the Contractor's QSP.

4.2.18 Water Quality Engineer

As required by the Construction General Permit (as defined in Section 10.3), Contractor will designate and retain on staff at all times one or more qualified California licensed engineer(s) acceptable to the Authority to perform all engineering work required by the Construction General Permit.

5.0 Worker Environmental Awareness Training Program

The ECP shall outline the Contractor's plan for a Worker Environmental Awareness Program (WEAP) that conforms to various training requirements contained within the MMMP/MMRP as well as conditions in GAs (Biological Assessment/Opinion, CDFW 2081 and Archaeological Treatment Plans). The program will include an accountability process to document trained workers and ensure that all field personnel have been trained.

The Contractor shall administer the WEAP to all on-site personnel including surveyors, construction engineers, employees, contractors, Contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The Contractor will implement the WEAP throughout the life of the Project, including site preconstruction, construction, and closure.

All field personnel regardless of their position and role shall undergo cultural resources training as outlined in the ATP, BETP, and MMMP/MMRP prior to beginning work on site. Training shall be provided by the CRCM or under direction of the CRCM. This training will otherwise conform to the requirements of the WEAP.



The Contractor shall electronically submit employee sign-in sheets to the Authority via EMMA on a monthly basis or more frequently if necessary and those records will comprise a portion of the Monthly Environmental Compliance Report submittal.

6.0 Environmental Communications

As part of the ECP, the Contractor's Environmental Compliance Manager will develop, document and implement an Environmental Communications Protocol. The Environmental Communications Protocol will describe the process to be used for non-compliance reporting; unanticipated discoveries of Regulated Resources; personnel's roles; procedures for internal and external communications; and communications with the Authority.

The Environmental Communications Protocol will include organizational charts that identify the Contractor's Environmental Compliance Manager, members of the Environmental Compliance Team, and any other personnel who will be assisting the Environmental Compliance Manager to ensure compliance with all Environmental Requirements. It will discuss the personnel's roles and communication procedures to be used for the internal and external communications, and communications with the Authority. At a minimum, the Environmental Communications Protocol will include the elements described in the following sections.

6.1 Meetings

6.1.1 Weekly Environmental Coordination Meetings

The Contractor's Environmental Compliance Manager will organize and implement weekly meetings during design and construction to ensure that the Project design and implementation satisfies the Environmental Requirements, and to identify which construction elements such as locations, work activities, weather conditions, and times of day present the greatest risk of non-compliance with the Environmental Requirements to the environment. In addition, the Environmental Compliance Manager will review best management practices at these meetings, to avoid and minimize risk. The Contractor shall invite the Authority to attend these meetings. The Environmental Compliance Manager will use the EMMA database and the construction schedules to identify Environmental Requirements pertaining to upcoming work activities.

6.1.2 Environmental Kick Off (Data Transfer) Meetings

Pursuant to Section 42.1 of the General Provisions, to support the Contractor's acquisition of historical and baseline environmental knowledge, a required knowledge transfer workshop (independent of the GIS data meeting described below) will occur. In attendance will be the Authority's environmental team and the Contractor's Environmental Compliance Manager, and the Contractor's lead Environmental Compliance Team personnel. Additional focused subject meetings will be required.

Thirty days prior to the initiation of ground-disturbing activities (demolition, clearing, grading) the Environmental Compliance Team and the Authority's environmental compliance program staff will begin meeting every other week to discuss the program.



6.1.3 GIS Meeting

Pursuant to Section 42.1 of the General Provisions, to facilitate the transfer of geospatial data, the Authority is requiring a minimum of three meetings to review the data and its development, present the file structure and naming convention and provide the specifications for maintaining and updating the data. At a minimum, these meetings will be attended by the Contractor's GIS Specialist. Data related to cultural resources and the National Historic Preservation Act Section 106 process will be transferred only when the CRCM is in attendance. No data will be transferred prior to the initial meeting of this group.

6.1.4 Cultural Resources Meeting

Pursuant to Section 42.1 of the General Provisions, the Contractor shall attend a meeting scheduled by the Authority to facilitate the Contractor team's understanding of the Project's cultural resources and current progress in the Section 106 process. This meeting will at a minimum be attended by the Principal Architectural Historian and the Principal Investigator Archaeologist (described in Section 4).

6.1.5 Governmental Approval Acquisition Update Meeting

Once all GAs are obtained, the Contractor shall attend a meeting scheduled by the Authority to discuss the implications of the GAs and their conditions. The Authority will provide background, including consultation history on all of the permits, as well as any GIS data specifically related to the acquisition of the GAs. The Contractor shall be responsible for reviewing the language and using its familiarity of the Project design and construction methods to determine if any conditions contain language the Contractor believes is unclear. The meeting will focus discussion around approaches to resolving any conflicts, interpretations and determining if any SAGAs may be necessary.

6.1.6 Environmental Preconstruction Meeting

The Contractor shall organize and participate in an environmental preconstruction meeting with the Authority at least 30 days prior to the start of construction. During the environmental preconstruction meeting, the Contractor will discuss its ECP, including its WEAP, to demonstrate how the Contractor will satisfy the Environmental Requirements by, among other things, meeting permit conditions and fulfilling environmental commitments. The Contractor will discuss its construction schedule and identify the early construction elements. These meetings will be held in person and at a minimum will be attended by the Contractor's Environmental Compliance Manager, Project Biologist, CRCM, and the lead field monitor.

6.1.7 Orientation Meetings

Prior to commencement of construction, the Contractor shall meet with the Authority to address environmental compliance documentation requirements. The Contractor shall be responsible for obtaining, maintaining, and reviewing all documents and records required in the Contract for compliance with the Environmental Requirements and other Contract requirements.



6.2 Protocols

6.2.1 Protocol for Internal Communications

The ECP shall contain the following information related to how the Contractor's Environmental Compliance Team will communicate:

- A description of the organization of Contractor's Environmental Compliance Team and reporting structure including roles and responsibilities.
- A description of the coordination and communication between the environmental, design and construction staff.
- A clear discussion regarding "stop work" authority including who on the team has this authority, how it will be executed, and examples of what the decision thresholds are to prevent violations of the Environmental Requirements.
- The process for identifying and responding to non-compliance events and discussion of the differences between non-compliances and violations and how the different levels of compliance will be recorded.

6.2.2 Protocol for External Communications

Within the ECP, the Contractor shall describe procedures for external communications received by the Contractor's Environment Compliance Team. These communications could originate from the public, regulatory agencies, tribes, or other stakeholders. The Contractor shall include a description of the process for relaying these communications to the Authority as appropriate. Under no circumstances should the Contractor's Environmental Compliance Team initiate these communications or substantively respond to them without advanced approval from the Authority.

6.2.3 Protocol for Communication with the Authority's Team

All communications from the Contractor's Environmental Compliance Team to the Authority will conform to the Environmental Communication Protocol described in the ECP. All communications regarding environmental compliance or environmental data or information will include at a minimum the environmental lead for the Authority.

The ECP will detail how the Contractor will manage routine Project record communications through the Authority's web-accessed database EMMA.

7.0 Environmental Compliance Tracking System

The Contractor will document compliance with all Environmental Requirements using EMMA.

EMMA is a database created to document compliance. The database allows users to record implementation of compliance through the use of record forms designed specifically for each discipline. The status of each Environmental Requirement is tracked in EMMA through phases of pre-initiation, in-process, and upon successful completion of each requirement, that requirement's status is noted as completed in the system. The system allows for various records



documenting compliance to be aggregated into summaries showing a comprehensive record of all actions documenting compliance with The Environmental Requirements and ultimately, the meaningful mitigation of impacts. EMMA also functions as a reference library of Environmental Requirements. Each requirement may be accessed for review of commitment text, reporting requirements, implementation mechanisms and status of the requirement as well as documents associated with requirements such as permits and reporting programs. This reference library is available to all users.

Compliance records submitted in EMMA by monitors require review and approval by supervisory staff prior to being made available for Authority review and approval. Once records are approved, they are made accessible for review by regulatory agencies and stakeholders.

Monitoring forms provided by EMMA will be completed as comprehensively as possible with details entered directly onto discipline- or activity-specific forms and corroborated with applicable maps, photos, logs, or other supporting documentation. Monitoring forms will be completed for each instance of construction monitoring, clearance survey, resource management or completion of Environmental Requirements and should be submitted to the Authority for review per reporting schedule requirements as directed by the MMEP, the terms and conditions of the Environmental Requirement or upon completion of the compliance activity. Environmental Requirements associated with design require reporting corroborated with examples of design compliance and should be submitted with or prior to completion of final design. Documentation must be associated with the pertinent Environmental Requirement(s) in order to be deemed complete.

A list of the Contractor's initial EMMA users including technical specialists, field leads and monitors will be provided by the Contractor at least 30 days prior to ground-disturbing activities. All the Contractor's identified initial users will attend at least one EMMA training session with the Authority in person to be scheduled no later than 14 days prior to ground-disturbing activities.

All management plans produced by the Contractor's Environmental Compliance Team will also be uploaded into the EMMA system and associated with pertinent requirements. Reports summarizing environmental compliance documentation produced by EMMA will be utilized for the purposes of invoicing.

8.0 Geospatial Data Specifications

8.1 Resource Data

The environmental geospatial data will be provided by the Authority to the Contractor during the GIS meeting (refer to Section 6.1.3) after NTP. The Contractor shall be responsible for maintaining and amending the data throughout the duration of the Contract. The datasets provided will be clearly linked to various documents (e.g., EIR/EIS, 404 and 2081 permit application, Archaeological Survey Report) and will reflect the purpose of the document. This organization will allow the Contractor to understand how each impact was communicated to the appropriate agency(ies).



8.2 Environmental Footprint

The Environmental Footprint included in the FEDs based on the Project description and anticipated impacts of the construction as described. The GIS data displays the footprint concept as both direct and indirect zones. Any change to the Project description (as analyzed in the FEDs) has the potential to change the footprint including the limits of direct and indirect impacts. If a change is being considered or is necessary, the Contractor must evaluate the change through the Environmental Re-Examination Process(es) discussed in Section 3.4 and in Section 42.5 of the General Provisions.

The Contractor will be responsible for developing an Environmental Constrained Footprint as defined in Section 1.2 of the General Provisions, demonstrating the Contractor's understanding of the physical subarea within the Environmental Footprint that may, in compliance with any additional constraints imposed in connection with the Regulated Resources, GAs, SAGAs, and/or applicable environmental Law.

A proposed design change or Variation must still be evaluated through the Authority's Environmental Re-Examination Process(es) even if it does not require expansion of the Environmental Footprint.

8.3 Required Surveys GIS Data Layer

The Contractor shall produce a Required Surveys GIS Data Layer as defined in Section 1.2 of the General Provisions, indicating where various types of surveys and clearances are required across the Project. This task will require synthesizing the data provided across all Environmental Materials. Due to the organization described above, specific Project locations may have requirements spanning several documents and data layers. There may be wetlands described in the Section 404 application that have required species surveys discussed and displayed in the Biological Assessment.

This task will allow the Contractor to display their understanding of the Project requirements and their ability to synthesize all of this information to maintain compliance with the Environmental Requirements.

The Required Surveys GIS Data Layer shall also be included in the ECP.

9.0 Monitoring

Monitoring is an integral aspect of the part of environmental compliance as it establishes how the Project is performing against the Environmental Requirements, including compliance objectives and targets. In addition to the monitoring specifically required by the Environmental Requirements, including the FEDs and GAs, the ECP will include a proposed level of monitoring to provide a thorough documentation of environmental compliance.

Maintaining a good record of positive compliance across all commitments demonstrates to the Authority and the FRA that the Contractor understands the Environmental Requirements of the Project and knows how to successfully implement a compliance program. It also assists the



Authority with maintaining positive relationships with the interested parties and becomes incredibly useful when dealing with the inevitable non-compliance events as they occur on the Project. Many measures and conditions do not have a specific monitoring requirement; however, the Authority requires documentation of these at appropriate intervals. EMMA is constructed to encourage good documentation of all commitments.

The ECP must include a schedule and procedures for monitoring and reporting in order to:

- Identify a process to ensure appropriate monitors are available when required at specific locations.
- Document that monitoring and all associated activities (e.g., recorded observations, photos, GPS) occur as required.
- Demonstrate compliance with the Environmental Requirements, including regulatory conditions and objectives and targets established by the FEDs and GAs.

The Contractor shall regularly monitor and report on dust, noise, vibration, and water quality. The frequency of this monitoring and reporting will be dictated by requirements of the planning obligation, Section 106 agreements and the objectives and targets set forth in the ECP.

In addition, monitoring may be required as a result of a complaint, a request by a statutory body, or a trigger point in an inspection or checklist being exceeded. Monitoring and reporting should also reflect any requirements identified or commitments made in the FEDs or GAs.

10.0 Resource-Specific Technical Specifications

10.1 Biological Resources

The Environmental Requirements, including the FEDs and GAs, set forth the specifications relative to biological resources are contained within the FEDs and GAs. The following sections describe additional requirements that the Contractor shall implement.

10.1.1 Conducting Biological Surveys and Studies

In all cases surveys will be performed by Contractor personnel who have previous experience surveying for a particular resource. All survey personnel will submit their resumes for record through EMMA. The timing of surveys will be consistent with the requirements in the MMEP or GAs. Where not specified in protocols or technical memoranda, surveys will take into account the behaviors and life history of the resource being surveyed.

In cases where surveys are seasonally restricted, the Contractor shall schedule the Work to allow for an appropriate survey period prior to any activities in those locations requiring surveys.

The ECP will include all survey requirements within the Project limits



10.1.2 Establishment of Environmentally Sensitive Areas/Environmentally Restricted Areas

The Contractor shall clearly identify all Environmentally Sensitive Areas (ESA) and Environmentally Restricted Areas (ERA) on the conformed plans to be used in the field. All fencing shall conform to descriptions in the FEDs and GAs. The Contractor shall identify each fenced location with signs indicating whether it is an ESA or ERA. The Contractor shall post such signs on the fencing at least every 200 feet. Signs shall be legible from 100 feet and at least one sign shall be visible from any approach angle.

ESAs are areas within the construction zones containing suitable habitat for special-status species and habitats of concern that may allow construction activities, but have restrictions based on the presence of special-status species or habitats of concern at the time of construction. ERAs are areas outside the construction footprint that must be protected in-place during all construction activities.

In cases where work must occur in locations where suitable habitat exists and determinations have not yet been made, ESAs shall be fenced based on an assumed presence of the resource until such a time as a determination can be made. This includes preconstruction and preparatory activities.

10.1.3 Required Plans

The MMEP/MMRP as well as several GAs describe a number of plans that must be developed prior to construction activities. The Contractor is responsible for preparing these plans unless otherwise directed by the Authority. The Contractor shall schedule to allow for plan review and approval by the Authority prior to the commencement of construction activities. The ECP should include an anticipated schedule for these plans including Authority review timeframes necessary for revision and approval. Authority review periods will be consistent with Section 8.1 of the General Provisions.

10.2 Cultural Resources

A PA for the CHSR Program was executed in July 2011 by the FRA, the Authority, the Advisory Council on Historic Preservation (ACHP), and the State Historic Preservation Officer (SHPO) for compliance with Section 106 of the National Historic Preservation Act. The PA provides an overall framework for conducting the Section 106 process throughout the CHSR and outlines the approach for consultation with tribes and interested parties, as well as the identification and treatment of historic properties prior to, during, and after construction of each section of the CHSR (Attachment 3).

The PA also requires that a section-specific MOA be developed to document the consultation with signatories and interested parties and to outline the agreed upon mitigation to address the adverse effects of the Project identified through the Section 106 process. An MOA will be executed for the Fresno to Bakersfield Section (which encompasses CP 2-3) concurrent with the ROD/NOD.



The Fresno to Bakersfield MOA stipulates the treatment measures that will be applied to the known significant cultural resources impacted by the Project. The MOA requires that two treatments plans be developed: an Archaeological Treatment Plan (ATP) and a Built Environment Treatment Plan (BETP). Drafts of these plans have been developed and outline the treatment measures that will be applied to each known resource. These plans will be provided in an addendum to the RFP.

The MOA was developed with input sought from the consulting parties, including the City of Fresno, Fresno County, the City of Merced, the Santa Rosa Rancheria Tachi Yokuts Tribe, the Table Mountain Rancheria, the Picayune Rancheria of the Chukchansi Indians, the Tule River Indian Tribe, the North Fork Rancheria of Mono Indians, the Cold Springs Rancheria of Mono Indians, the California Valley Miwok Tribe, the North Fork Mono Tribe, and the Chowchilla Tribe of Yokuts Indians. As additional inventories and evaluations are completed, or new impacts are identified as a result of final design, continued consultation will be required. The Authority will retain the primary responsibility for consultation with the signatories and consulting parties to the MOA.

The Contractor shall complete the cultural resources investigations. This may include conducting pedestrian archaeological surveys, archaeological site evaluations, archaeological data recovery excavations, and construction monitoring as detailed in the below scope of work. These tasks form the core of the Contractor's scope of work outlined below.

The MOA and draft treatment plans outline the requirements for identifying historic properties. The MOA and treatment plans have been developed in concert with the Final EIR/EIS to coordinate the mitigation required by NEPA, CEQA, and Section 106. The MOA and treatment plans provide specific performance standards that ensure that each impact outlined in the Final EIR/EIS will be avoided, minimized, or mitigated.

All Work completed pursuant to the Contract must conform to the requirements of the PA, MOA, and treatment plans.

All preconstruction compliance obligations must be completed prior to construction including any agency review periods for deliverables outlined in the MOA or treatment plans.

10.2.1 Archaeology Requirements

The general parameters for archaeological studies, mitigation, and archaeological monitoring are provided in the draft ATP.

The Contractor shall identify all archaeology requirements in the ECP. All archaeological protection measures shall be included on construction plans prior to commencing any work in the area covered by the construction plan. All personnel responsible for ensuring that cultural protection measures are in place and that such protection measures are adequate (as described in Section 4.0) will be properly trained on planned construction activity and provided with copies of all construction plans. Contractor shall be responsible for ensuring that the protection measures outlined in the ATP or BETP are maintained throughout the period of construction.



10.2.2 Draft Archaeological Treatment Plans

The Authority has prepared draft treatment plans, including a Draft ATP for the entire Fresno to Bakersfield section. The Contractor will be responsible for revising the Draft ATP and developing a Final ATP for the Project. Guidelines for the Final ATP will be outlined in the draft ATP and are described in the PA Attachment C, Section E.

10.2.3 Inventory

In accordance with Section 106 of the PA and MOA's provisions for phased identification, the Contractor shall complete the preconstruction archaeological inventory program pursuant to the draft ATP. Approximately 20 to 30 percent of the archaeological APE has been subjected to a pedestrian inventory to identify archaeological resources. The Contractor shall complete an archaeological inventory of the unsurveyed portions of the APE. The Authority estimates that approximately 3,240 acres will require survey.

If Project elements extend outside of the current APE and the APE needs to be expanded, the Contractor shall determine what additional studies are needed, including but not limited to addendum or supplemental archaeological survey reports, findings of effect or treatment plans.

10.2.4 Geoarchaeology

The Contractor shall be responsible for any desktop or field efforts outlined in the draft ATP.

A desktop geoarchaeological effort and limited field investigation was undertaken for the Project prior to completion of Final EIR/EIS.

10.2.5 Evaluation

In accordance with Section 106 of the PA and MOA's provisions for phased identification, the Contractor shall prepare a preconstruction archaeological testing plan and implement a preconstruction archaeological testing program for known resources as outlined in the draft ATP in order to locate significant archaeological deposits in the APE. The Contractor shall not conduct this investigation until the Authority has granted the appropriate permissions. The Contractor shall conduct the archaeological testing consistent with the methods described in the draft ATP.

10.2.6 Treatment/Data Recovery

At least one known archaeological site, CA-TUL-473 in the APE for the Project will require treatment. The site was recorded in 1977 as a "sparse scatter of lithic debitage and artifacts spread over a plowed field." No intact or discrete deposits were recorded. Given the proximity of this site to Tulare Lake, it appears to be a large site that had been disturbed and re-deposited over a large area, possibly due to the construction of bermed holding ponds that were constructed and are flooded as part of Alpaugh Irrigation District activities.

The site has not been resurveyed for this Project due to lack of parcel access and its original site record has not been updated since recordation. A survey undertaken just to the south for solar development included a pedestrian survey of the southern boundary of the site; however



no archaeological materials were noted as a result. Based on this information, the initial conclusion was that the site was destroyed. In consulting with the SHPO, they responded that not enough information is available to determine whether the site is eligible for the National Register of Historic Places or the California Register of Historic Resources.

The Contractor shall conduct an inventory and evaluation of CAL-TUL-473.

When access to the parcel is obtained, the Contractor shall conduct surveys and evaluative testing for CA-TUL-473 in order to assess the site's integrity and significance. Work will begin with a thorough pedestrian survey of the site followed by the excavation of surface transect units (STU) across the site. This work will include a combined program of auguring, trenching, and STU to be placed throughout the site boundaries.

Should the testing determine that intact deposits are present at the recorded location of CA-TUL-473, work will include controlled excavation of areas with indications of intact subsurface deposits and the site will be evaluated for significance in accordance with the procedures outlined in the draft ATP. If the deposits are found significant under Section 106 and CEQA, additional provisions found in the draft ATP will be followed if avoidance is determined to be infeasible.

10.2.7 Monitoring

Ground-disturbing activities will occur in areas that have been identified as either the known location or vicinity of a known archaeological site, or in an area known to be sensitive for the presence of buried archaeological resources.

As described in Section 4.2, the Contractor shall retain Archaeological Monitors and Native American Monitors to monitor for cultural resources as required by the draft ATP. The Authority will retain the primary responsibility for identifying the Native American groups from which to select monitors and will provide to the Contractor a list of Native American groups to contact for monitors as well as the basis for rotating monitors on the list. Details for Native American monitoring is provided in the draft ATP.

The draft ATP includes a draft archaeological sensitivity map (Attachment 4). The Contractor shall update the archaeological sensitivity map after the Contractor-conducted archaeological inventories in accordance with the draft ATP. The Contractor shall prepare a monitoring plan that outlines the requirements for an Archaeological Monitor to monitor during all ground-disturbing construction activities in areas of archaeological sensitivity, and specifies in detail the requirements and locations where archaeological monitoring will be conducted, including monitoring by Native American Monitors. For reference, the Authority has provided the draft archaeological sensitivity map included as Attachment 4.

The Contractor shall produce monitoring logs and submit them to the Authority electronically via EMMA as part of the submittal of complete daily records.

Monitoring logs shall include at a minimum the following:

- Start and stop times of monitoring;



- The description of construction activities and location of monitoring;
- Name(s) of monitoring personnel; and
- Cultural resources observations.

The Contractor shall notify the Authority of any cultural resource discoveries made by the Contractor or any Contractor-Related Entity in accordance with Section 34.1 of the General Provisions.

10.2.8 Final Archaeological Treatment Plans

The Contractor shall prepare a final ATP and a final BETP for the Project after completing the archaeological inventory, and final design, and in accordance with the requirements outlined in the MOA and draft ATP and draft BETP.

10.2.9 Archaeological Discoveries

The Contractor shall immediately notify the Authority of any discoveries of previously unknown cultural and historical resources in accordance with the procedures outlined in the MOA and ATP and Section 34.1 of the General Provisions. The Contractor and all Contractor-Related Entities shall cease work immediately in the area of the discovery until further notice from the Authority, unless work is required to ensure the safety of the workforce and public.

In the event of an archaeological discovery, the Contractor shall comply with all notification and procedures outlined in the draft ATP and final ATP and Section 34.1 of the General Provisions. The procedures for the discovery and treatment of Native American human remains are outlined in the ATP. Work will not recommence in the area of a discovery until all measures as set out in the contract documents governing discoveries have been completed and the Authority has notified the Contractor that work can recommence.

If archaeological resources are found during construction, the Contractor and Contractor-Related Entities will be required to follow the measures outlined in the draft and final ATP. The Authority will be responsible for notifying and consulting with Native American signatories to the MOA.

10.2.10 Built Environment Requirements

Contractor and Contractor-Related Entities shall comply with all requirements detailed in the Draft BETP.

Known built environment resources within the APE, including buildings and cultural landscape features, have been identified during previous inventories. After award, Contractor will be provided these inventory and evaluation reports. These resources and their protection measures will be mapped on construction drawings by Contractor in coordination with the CRCM. The Contractor shall install, maintain, and monitor all necessary protection measures to ensure that both the built environment and the cultural landscape are protected. If any event inadvertently adversely impacts the built environment and the cultural landscape, the Contractor shall immediately notify the Authority and implement further additional protection measures to



prevent further impacts and mitigate consequences, as specified in CUL-MM#14 mitigation measure in the Fresno to Bakersfield Final EIR/EIS and the BETP.

10.2.11 Draft Built Environment Treatment Plans

The Authority has prepared draft treatment plans, including a draft BETP for the entire Fresno-Bakersfield section. The Contractor shall be responsible for revising the draft BETP and developing a Final BETP for the Project. Guidelines for the final BETP will be outlined in the Draft BETP and are described in the PA Attachment C, Section E (Attachment 3).

10.2.12 Inventory, Evaluation and Treatment

The Contractor shall ensure that during final design any potential additional adverse effects are identified as compared to those evaluated and disclosed in the FEDs. The Contractor shall develop design modifications that will avoid additional adverse effects, if feasible. If Project elements extend outside of the current APE and the APE needs to be expanded, the Contractor shall determine what additional studies are needed, including but not limited to addendum or supplemental historic architectural survey reports, findings of effect or treatment plans.

The Contractor shall be responsible for any additional studies and associated costs that may result from any Contractor proposals (if the Authority approves them following completion of the Section 106 compliance process and the Environmental Re-Examination Process(es) as required) that depart from the already approved elements of the Project, such as, but not limited to, expansions of the APE and the identification of additional adverse effects. The Contractor shall be responsible for mitigating any associated effects determined to be adverse. Mitigation may include, but will not be limited to, HABS, HAER, and HALS. Should the Findings of Effect (FOEs) determine that the effects will be adverse, the Authority will determine mitigation, in consultation with the MOA signatories, which may include, but will not be limited to, HABS, HAER, and HALS.

10.2.13 General Treatment Measures

The Contractor shall develop the measures and methods to fully comply with the general avoidance measures stipulated in the MOA, ATP and BETP and outlined below.

10.2.13.1 General Avoidance Measure #1 – Noise Effects

Operational noise has the potential to cause indirect adverse effects on historic properties that have an inherent quiet quality that is part of a property's historic character and significance (36 CFR 800.5[a][2][iv] and [v]). Although there are no resources where operational noise impacts are anticipated other than those described below, changed circumstances could lead to such effects. Accordingly, the objective of this treatment is to develop design solutions or construction methods to minimize adverse operational noise effects on historic properties that have qualities that make them sensitive noise receptors. The primary requirement of this treatment is to document the consideration of operational noise reduction methods and assess the reduction of operational noise levels associated with the alternative designs. If alternatives are deemed infeasible, or would not notably reduce noise impacts, this will be clearly explained in a technical memorandum for use in conferring with the MOA consulting parties.



10.2.13.2 General Avoidance Measure #2 – Vibration Effects

Steps taken to address potential adverse effects on historic properties include developing methods to avoid construction vibration effects. Potential structural damage caused by construction vibration is anticipated only from impact pile driving at very close distances to buildings. Vibration from impact pile driving during construction could reach up to 0.12 inch/second (in/sec) peak particle velocity (PPV), or approximately 90 root mean square vibration velocity level, decibels [VdB], at 135 feet from the Project centerline. This level could cause the physical destruction, damage, or alteration of historic properties within 135 feet. Because impact pile driving could cause indirect adverse effects, alternative construction methods causing vibration of less than 0.12 in/sec PPV will be employed near historic properties, or CEQA historical resources, located within 135 feet from the Project centerline. Implementation of this condition (development of alternative construction methods) will minimize adverse vibration effects on historic properties.

The Contractor shall use alternative construction methods causing vibration of less than 0.12 in/sec PPV near historic properties, or CEQA historical resources, located within 135 feet from the Project centerline.

10.2.13.3 General Mitigation Measure #1 – Plan for Inadvertent Damage

The following general mitigation measures have been developed to mitigate effects to multiple historic properties in the Project area.

Contractor shall prepare and implement a plan for repair of inadvertent damage to minimize inadvertent adverse effects on historic properties caused by project construction activities. The plan content will be detailed in the BETP and will be developed before construction begins. The plan will use any survey or preconstruction photographic documentation prepared for the historic property as part of the baseline condition for assessing damage. The plan will describe the protocols for documentation of inadvertent damage (should it occur), as well as notification, coordination, and reporting to the SHPO and the owner of the historic property. The plan will direct that inadvertent damage to historic properties will be repaired in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (U.S. Department of the Interior 1995). The plan will be developed in coordination with the Authority and the FRA, and will be submitted to the SHPO for review and comment.

10.2.13.4 General Mitigation Measure #2 – Recordation/Documentation of Historic Properties

Contractor shall document in detailed recordation that includes photography all historic properties that will be physically altered, damaged, relocated, or destroyed by the Project. This documentation may consist of preparation of updated recordation forms (DPR 523), or may be consistent with the HABS, the HAER, or the HALS programs; a Historic Structure Report; or other recordation methods detailed in the BETP. The recordation undertaken by this treatment would focus on the aspect of integrity and significance that would be affected by the Project for each historic property subject to this treatment. For example, historic properties in an urban setting that would experience an adverse visual effect should be photographed to capture exterior and contextual views; interior spaces would not be subject to recordation if they would not be affected. Consultation with the SHPO and the consulting parties will be conducted for the



historic architectural resources to be documented. Recordation documents will follow the appropriate guidance for the recordation format and program selected.

Before construction, consultation with the SHPO will be initiated by the Authority and other relevant parties to the MOA to identify the appropriate level of documentation. In general, photography should capture views of the historic property from multiple views, and could include reproduction of historic images as well. All fieldwork necessary for photographic documentation, architectural or engineering drawings, cartography, and/or digital recordation through geographic information or global positioning systems (GIS and GPS, respectively) will be completed before Project construction begins. The written data will include a historic narrative for the historic property.

Preparation of the photo documentation may require coordination with an interdisciplinary team, and may include an architectural historian, a historian, and a photographer. The BETP will detail the qualification standards for these preparers. The FRA and the Authority will submit the documentation prepared by the Contractor to the SHPO for review and comment. The BETP will also identify the distribution of printed and electronic copies of the photo documentation as well as permanent archival disposition of the record, if applicable.

The Contractor shall document in detailed recordation any historic properties that are physically altered, damaged, relocated, or destroyed by construction of the Project.

10.2.14 Property Specific Treatment for Known Resources

The following section identifies the full range of avoidance measures and mitigation measures for each historic property adversely affected by the Project. The Contractor shall be responsible for the implementation and associated costs of these avoidance and mitigation measures.

10.2.14.1 South Van Ness Entrance Gate, Fresno

Relocate Van Ness Gate to another Fresno Street

The South Van Ness Entrance Gate will be relocated to another location in the city of Fresno to avoid its destruction and minimize the direct adverse effect of physical damage or alteration. This treatment will partly mitigate the indirect adverse effect caused by the permanent closure of South Van Ness Avenue, but the relocation would require evaluation under the criteria of adverse effect and the property may still be adversely affected by the Project. A relocation plan will be prepared prior to relocation implementation. The relocation plan will include input from consulting parties regarding relocation of the Van Ness Gate structure to provide a comprehensive and thorough approach that will best meet the needs of the parties and the property. The relocation plan for the historic property will take into account its historic site and layout. The plan will also provide for stabilization of the structure before, during, and after the move, as well as inadvertent damage.

Prepare Recordation/Documentation

The Contractor shall prepare recordation documentation of the South Van Ness Entrance Gate, including current photographs and historic images, to mitigate the indirect adverse effect from the construction of the Project. Photography shall capture views of the gate as a structure that



spans an active roadway and may be used in the relocation plan and/or the preparation of interpretive or educational materials. (See “General Mitigation #2 – Recordation/Documentation” for a more detailed description of this mitigation measure.) The fieldwork necessary for this mitigation measure (e.g., photography and reproduction of historic images), will be conducted before construction begins. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.

Prepare Interpretive or Educational Materials

The Contractor shall ensure that interpretive or educational materials regarding the history of the Van Ness Gate are prepared. The interpretive or educational materials will provide information regarding this specific historic property and the aspects of its significance that will be affected by the Project. Interpretive or educational materials could include, but are not limited to: brochures, videos, websites, study guides, teaching guides, articles or reports for general publication, commemorative plaques, or exhibits. The interpretive or educational materials will utilize images, narrative history, drawings, or other material produced for the mitigation described above, including the additional recordation prepared, or other archival sources. The interpretive or educational materials may be advertised, and will be made available to the public. The interpretive materials may be made available in physical or digital formats, at local libraries, historical societies, or public buildings.

10.2.14.2 Washington Irrigated Colony Rural Historic Landscape (WICRHL)

The Washington Irrigated Colony Rural Historic Landscape is a historic property that includes four contributors that require treatment:

- Washington Colony Canal
- North branch of Oleander Canal
- 7870 S. Maple Avenue
- 7887 S. Maple Avenue

General Mitigation

The Washington Irrigated Colony Rural Historic Landscape will be subject to mitigation measures to minimize noise and vibration effects. The Contractor will also be required to prepare a plan for repair of inadvertent damage and historic recordation/documentation. (See General Avoidance Measures #1 and #2, and General Mitigation Measures #1 and #2.) The reduction of the noise and vibration will minimize effects on this rural historic landscape district along the Project route. The plan for repair of inadvertent damage will identify specific contributing elements, such as canals, within the district that may require this treatment.

Updated recordation documentation of the Washington Irrigated Colony Rural Historic Landscape will be prepared to mitigate the indirect adverse effect from construction of the Project. Photography will capture views of the district and its contributing elements and may be used in the preparation of interpretive or educational materials. The fieldwork necessary for this mitigation measure (e.g., photography, mapping, and reproduction of historic images), will be conducted before construction begins. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.



Develop Protection and Stabilization Measures

Protection and stabilization measures will be developed before Project construction for any contributing elements of the Washington Irrigated Colony Rural Historic Landscape that may require protection, such as historic irrigation canals. This treatment will ensure that adverse effects on the historic property will be minimized to the extent possible. Such measures could include physical barriers or canal wall stabilization to protect historic properties from construction activities (e.g., excavation, grading, construction equipment, or laydown areas).

Avoid Historic Architectural Resources at the Fresno Heavy Maintenance Facility Site

To avoid potential direct and indirect adverse effects, and direct and indirect substantial adverse changes that could be caused to historic irrigation canals by construction of the heavy maintenance facility at the Fresno Works–Fresno HMF Site, the facility will be sited and constructed north of BNSF milepost 991.6. This treatment will avoid potential direct adverse effects to the two historic canals located south of that point that could be caused by construction of the facility.

Prepare Recordation/Documentation

Recordation/documentation of the Washington Irrigated Colony Rural Historic Landscape will be prepared to mitigate adverse effects caused by construction of the Project. The updated recordation will include identification, description, and photography of contributing elements, character-defining features, and other elements of the landscape district such as canals and streets. This documentation may consist of preparation of updated recordation forms (DPR 523), or other recordation methods stipulated in the BETP, and will be used to update the documentation of the remaining contributing elements of the district. (See General Mitigation Measure #2 for a more detailed description of this treatment measure.) The fieldwork necessary for this mitigation measure (e.g., photography, as-built drawings, cartography, or digital recordation) will be implemented before construction begins. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.

Prepare Interpretive or Educational Materials

The Washington Irrigated Colony Rural Historic Landscape historic property will be subject to historic interpretation or preparation of educational materials regarding its history. The interpretive or educational materials will provide information regarding this specific historic property and the aspects of its significance that would be affected by the Project. Interpretive or educational materials could include, but are not limited to: brochures, videos, websites, study guides, teaching guides, articles or reports for general publication, commemorative plaques, or exhibits. The interpretive or educational materials will utilize images, narrative history, drawings, or other material produced for the mitigation described above, including the additional recordation prepared, or other archival sources. The interpretive or educational materials should be advertised, and made available to, and/or disseminated to the public. The interpretive materials may be made available in physical or digital formats at local libraries, historical societies, or public buildings.



10.2.14.3 Peoples Ditch

Develop Protection and Stabilization Measures

Protection and stabilization measures will be developed before Project construction for the segments of the Peoples Ditch that will be retained adjacent to Project Work that will alter the canal. This treatment will ensure that adverse effects on this historic property will be minimized to the extent possible during work that will alter a segment of the canal structure. Such mitigation measures will include, but are not limited to protection of the above ground historic canal from construction activities, specifically the demolition, re-alignment, and/or underground piping of a section of the canal.

Prepare Recordation/Documentation

Recordation documentation of the adversely affected portion of People's Ditch will be prepared to mitigate the adverse effects of construction of the Project. Photography will capture views of the canal within the context of the larger historic landscape to which it contributes and may be used in the preparation of interpretive or educational materials. (See "General Mitigation #2 – Recordation/Documentation" for a more detailed description of this mitigation measure.) The fieldwork necessary for this mitigation measure (e.g., photography and reproduction of historic images), will be conducted before construction begins. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.

Plan Repair of Inadvertent Damage

A plan for repair of inadvertent damage of the Peoples Ditch will be prepared and implemented as a treatment to minimize adverse effects caused by Project construction activities on the portions of the canal structure adjacent to the Project. (See "General Mitigation #1 – Plan for Inadvertent Damage" for a more detailed description of this mitigation measure.) The plan will be developed before construction begins. The plan may use the preconstruction photographic documentation prepared for the photo recordation (above) as the baseline condition for assessing damage and will include the protocols for documentation of inadvertent damage (should it occur), notification, coordination, and reporting to the SHPO and to the landowners or land-owning agencies.

10.2.14.4 Lakeside Cemetery

General Mitigation

The Lakeside Cemetery will be subject to mitigation measures to minimize noise and vibration effects (see General Avoidance Measures #1 and #2). The Contractor will also be required to prepare a plan for repair of inadvertent damage and historic recordation/documentation. (See General Mitigation Measures #1 and #2.) The noise reduction measure is proposed because operational noise has the potential to cause indirect adverse effects on the Lakeside Cemetery, which has an inherent quiet quality that is part of its historic character and significance (36 CFR 800.5[a][2][iv] and [v]). Preliminary Project design options, such as sound walls, have been developed to help reduce noise impacts and follow the FRA methodologies for noise abatement. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.



Updated recordation documentation of the Lakeside Cemetery will be prepared to mitigate the indirect adverse effects of construction of the Project. Photography will capture views of the property and its character-defining features and may be used in the preparation of protection plan. (See “General Mitigation #2 – Recordation/Documentation” for a more detailed description of this mitigation measure.) The fieldwork necessary for this mitigation measure (e.g., photography, mapping, and reproduction of historic images), will be conducted before construction begins. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.

Develop Protection and Monitoring Measures

Protection measures for the Lakeside Cemetery will be developed prior to construction of the Project. This mitigation would ensure that inadvertent adverse effects on this historic property will either be avoided entirely, or minimized to the extent possible. Such treatment measures could include, but are not limited to, the following: installation of protective barriers around the historic property to prevent accidental damage from construction activities (e.g., excavation, grading, construction equipment, or laydown areas).

Prepare Archival Photo Documentation

Recordation/documentation of the Lakeside Cemetery will be prepared to mitigate the indirect adverse effects of construction of the Project. Photography should capture views of and from the cemetery to show the existing context of the property to Kent Avenue and the surrounding area. The fieldwork necessary for this mitigation measure (e.g., photography, as-built drawings, cartography, or digital recordation) will be implemented before construction begins. (See General Mitigation Measure #2 for a more detailed description of the recordation/documentation mitigation measure.)

Visual Screening

The Lakeside Cemetery will be subject to visual screening planting that will consist of the installation of trees and/or shrubs placed to minimize the view of the Project from the property. This treatment will help reduce or minimize adverse effects on the cemetery. Plant species will be selected on the basis of their mature size and shape, growth rate, and drought tolerance. No species that is listed on the Invasive Species Council of California’s list of invasive species will be planted. Visual screen planting may be undertaken in the form of boundary planting on the affected property, planting at affected viewpoints, and/or planting on Project property as appropriate. This treatment will be developed in consultation with the landowner or land-owning agencies, as well as the SHPO and the MOA signatories. The visual screen planting treatment will include preparation of a planting plan that utilizes evergreen tree or shrub species and will take into account the growth rate, growth habit, and ultimate height and width for the selected species, to ensure that the visual screen can be accomplished effectively. Details of the specifications and implementation of this mitigation measure will be presented in the BETP.

10.2.15 Monitoring

The Contractor shall be responsible for implementing the monitoring requirements outlined in the draft BETP, including periodic monitoring for built environmental resources throughout the duration of construction.



10.2.16 Unanticipated Impacts

It is anticipated that during the design and construction of the Project unanticipated impacts to the built environment will be identified. The procedures to deal with these discoveries are outlined in the MOA and BETP. Contractor will immediately inform the Authority of all such discoveries. Authority will liaise with other parties regarding how unanticipated impacts will be handled to comply with the MOA and BETP for unanticipated impacts. Contractor and Contractor-Related Entities will cease work immediately in the area of the unanticipated impact unless work is required to ensure the safety of the workforce and general public.

Additional treatment and/or data recovery excavations that are required as a result of the Contractor's discoveries are not included in this RFP and will be negotiated separately.

10.2.17 Final Built Environment Treatment Plans

Draft treatment plans were prepared by the Authority to advance the development of mitigation measures for inclusion in this Contract but are based on incomplete inventory and design information. For this reason, the MOA calls for the Contractor to prepare a final BETP for each construction package. Under this contract, the Contractor will be responsible for the preparation of final treatment plans for the Project. After obtaining access to all remaining parcels, completing the archaeological inventory, and final design, Contractor will prepare final treatment plans in accordance with the requirements outlined in the MOA and draft treatment plans.

10.2.18 Additional Section 106 Review

The Contractor shall complete the following tasks in accordance with the MOA, treatment plans, and all other subsequent agreements and documents that describe the treatment of historic resources. The Contractor shall immediately notify the Authority where the Contractor or any Contractor-Related Entity identifies project design elements requiring changes in the APE or new Section 106 compliance, identifies an archaeological site or feature, identifies potential for previously unidentified built environment impact. In accordance with Section 42.5 of the General Provisions, the Contractor shall not proceed with any Variation until it has obtained Authority approval using the Environmental Re-Examination Process(es).

The Contractor shall review the preliminary and final design to:

- Identify design modifications needed to avoid any additional adverse effects;
- Identify when project elements extend outside of the current APE and recommend the extent to which the APE needs to be expanded; and
- Identify when the design cannot avoid additional adverse effects to resources and identify minimization or mitigation measures or make further recommendations in the treatment plans. In consultation with the Authority, the Contractor shall determine additional studies needed, including but not limited to supplemental ASRs, HASRs, FOEs or treatment plans.

10.2.19 Additional Section 106 Approvals

The Authority will approve the MOA and treatment plans. The Authority will retain responsibility for reviewing the deliverables prepared by the Contractor in compliance with the MOA and



treatment plans and will be responsible for coordinating deliverable reviews for all MOA signatories.

Mitigation measures for all potential resource types are identified in the PA, MOA, draft treatment plans and Mitigation Monitoring and Enforcement Plan as well as other documents (legal settlements, municipal agreements, etc). In cases where the Contractor or Contractor-Related Entities identify project design elements requiring changes in the APEs or new Section 106 compliance, the Contractor identifies archaeological site or feature, or the Contractor identifies potential for previously unidentified built environment impact, the Contractor will immediately notify the Authority. In accordance with Section 42.5 of the General Provisions, the Contractor shall not proceed with any Variation until it has obtained Authority approval using the Environmental Re-Examination Process(es).

During design, the Contractor will analyze the effects of each design element as it relates to historic properties and report, develop, and implement any required mitigation as required by the MOA and treatment plans. Such analysis will be included in the Environmental Compliance Report for design submittals.

Additional effects and mitigation resulting from the Contractor-developed design will require additional Section 106 compliance and MOA signatory and interested party consultation. The Contractor will support the Authority by preparing all draft and final deliverables for project approval and be aware of all required review times as outlined in the MOA and treatment plans and plan construction activities accordingly.

The Contractor shall be responsible for implementing all measures and requirements developed to avoid, minimize and/or mitigate adverse effects to historic properties and outlined in the MOA, the BETP and ATP. Tasks vary throughout design, construction, and post-construction activities.

In accordance with Section 42.5 of the General Provisions, subject to the review and approval of the Authority, the Contractor will prepare and provide all technical work, analyses, permit applications, and other information, materials and documentation determined necessary by the Authority in exercise of its sole discretion to evaluate any Variation and any related additional CEQA/NEPA review and documentation and/or SAGAs. Should the FOEs determine that the effects will be adverse, the Authority, in consultation with the signatories of the MOA, will determine the appropriate mitigation, which may include, but will not be limited to, the HABS, HAER, and HALS. The Contractor will be responsible for fulfilling such Environmental Requirements.

The completion of all mitigation obligations outlined in the draft treatment plans are the responsibility of the Contractor. The Contractor shall track the fulfillment of all approved mitigation obligations in EMMA through the submittal of records, summary records, and/or exported reports.



10.2.20 Post-Project Mitigation

The Contractor shall implement all post-Project mitigation measures detailed in the MOA and the draft and final treatment plans. This work includes, but is not limited to, post-construction conditions assessments to ensure that construction activities have not inadvertently impacted historic properties or to ensure that stabilization measures were successful at avoiding impacts.

10.3 Water quality compliance

The Contractor is required to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2012-00-6-DWQ NPDES No. CAS0000002, issued July 1, 2010, as amended (“Construction General Permit” or “CGP”), which constitutes the state and federal Clean Water Act permit applicable to discharges of storm water and runoff from the HSR construction areas, as well as applicable water quality control conditions of other GAs, including without limitation, the conditions of the Master Streambed Alteration Agreement, the Clean Water Act Section 404 Permit, and the Clean Water Act Section 401 Certification. Collectively, the CGP requirements and applicable water quality control conditions of other GAs are referred to in the ECM as the “Water Quality Conditions.” Key capitalized terms used in this Section 10.3 and not defined herein or in the Contract shall have the same meaning as set forth in the CGP.

The Contractor is responsible for all activities and costs associated with obtaining and maintaining coverage under, implementing, and assuring compliance with all terms and conditions of the CGP. However, as the agency responsible for acquiring and owning the right-of-way for HSR construction, the Authority maintains an interest in assuring that the Contractor properly complies with all Water Quality Conditions.

10.3.1 General Construction Provisions

Under the CGP, the Legally Responsible Person (LRP) is the agency that possesses a real property interest in the land upon which the construction or land disturbance activities will occur. The Authority is the public agency that will possess a real property interest in the land upon which HSR construction and disturbance (including demolition) will occur. Therefore the Authority is the LRP for the HSR pursuant to the requirements of the CGP.

However, because the Contractor will conduct and/or will be responsible for all construction activities, the Contractor remains the discharger-in-fact under the CGP.

Further, pursuant to the Contract, the Contractor, as the discharger-in-fact and party responsible for construction, remains responsible for all fees, costs, activities and CGP discharger responsibilities, and is required to obtain and maintain coverage under, and assure compliance with all GAs, including the CGP, as well as all applicable Laws.

Notwithstanding any provisions of procedures specified in this ECM, or terms and conditions of the CGP or any other GAs or SAGAs, the Contractor shall remain liable and responsible for any failure to comply with the CGP (including, without limitation, any bypass, upset, or any failure to properly conduct, prepare or implement accurate and complete documents, plans, BMPs, tests,



monitoring, or inspections), as well as any failure to comply with any other Water Quality Conditions.

10.3.2 Preparation of Permit Regulatory Documents and Obtaining Coverage Under CGP

The Qualified SWPPP Developer (QSD) (as described in Section 4.2.15) shall be responsible for oversight, preparation, accuracy, site specificity, completeness and compliance with the Water Quality Conditions of the following Permit Regulatory Documents (PRDs), without limitation: the risk assessment, the SWPPP (and all construction BMPs selected for implementation therein), the Site Map, the Certification Statement, the Notice of Intent, and, either: (a) the Post-Construction Water Balance Calculations Report (and all post-construction BMPs identified therein) as required by the CGP, or (b) an appropriate Post-Construction BMP technical assessment (and all post-construction BMPs) as specified in any applicable Authority-specific MS4 permit.

Upon completion by Contractor of the PRDs, Contractor's QSD shall provide the PRDs to the Authority's designated Project Construction Management Team Water Quality Manager (PCM Water Quality Manager), and shall certify to the PCM Water Quality Manager that all PRDs are complete, accurate, appropriate for the construction site, and in compliance with the Water Quality Conditions.

Upon receipt of the PRDs and the QSD's certification thereof, the PCM Water Quality Manager shall have a reasonable time to review the PRDs, and thereafter, the PCM Water Quality Manager may approve and sign, disapprove and reject, or require changes to the PRDs or any BMPs or other features of the PRDs, as necessary to assure compliance with the Water Quality Conditions.

The PCM Water Quality Manager shall, in coordination with Contractor's QSD, identify and designate those persons on Contractor's staff who will be authorized "data submitters" to submit and electronically file, subject to the QSD's oversight and after the PCM Water Quality Manager's approval and signature, all PRDs and fees necessary to obtain a waste discharger identification and coverage for construction activities under the CGP.

10.3.3 Implementing Water Quality Requirements During Construction

Once a waste discharger identification is obtained, Contractor's Qualified SWPPP Practitioner (QSP) (as described in Section 4.2.16) shall be responsible for oversight, review, preparation or implementation, accuracy, completeness, and compliance with the Water Quality Conditions of all analyses, BMPs, inspections, monitoring, reports and work necessary to implement the CGP, the SWPPP, and the other Water Quality Conditions, including, without limitation:

- a. Proper operation, implementation, maintenance, update, revision and modification of the SWPPP and its identified site-specific BMPs;
- b. Preparation, implementation and submission of rain event action plans;
- c. Implementation of visual monitoring and observations, and preparation and submission of required reports;



- d. Implementation of required runoff water quality testing, preparation of required monitoring data and reports, and submission of required monitoring reports;
- e. Comparison of monitoring data to numeric action limits when required by the CGP, implementation of all responsive actions required in response to any numeric action limit exceedances, and preparation and submission of any mandated numeric action limit exceedance reports;
- f. Implementation of any required bioassessment monitoring and testing, and preparation and submission of required bioassessment monitoring reports;
- g. Implementation of required periodic, pre-rain event, and post-rain event inspections, including an annual inspection, and preparation and submission of inspection reports as required by the CGP, including preparation and submission of the annual report;
- h. Maintenance at the construction site of the SWPPP, copies of the GAs and any SAGAs, and copies of all other required inspections, reports, data, and information required to be on-site pursuant to the Water Quality Conditions;
- i. Facilitation of construction site entry and water quality inspections by regulators and municipal operators of separate storm sewers receiving discharges as specified in the CGP;
- j. Implementation and documentation of regular water quality training for all Contractor's employees, subcontractors and other construction staff as required by the Water Quality Conditions.
- k. Operation, maintenance and monitoring in accordance with CGP requirements of any activated treatment system BMPs that Contractor may choose to implement, including implementation of all CGP requirements related to any activated treatment system discharge testing, monitoring and compliance with numeric action limits.

Upon completion by Contractor of any inspections, plans, reports, documents, or data collection required to be submitted or electronically filed pursuant to the CGP, including, without limitation, any of those documents referenced above, Contractor's QSP shall provide such inspections, plans, reports, documents, or information to the PCM Water Quality Manager, and shall certify that the inspections, plans, reports, documents, and information are complete, accurate, appropriate for the construction site, and in compliance with the Water Quality Conditions.

Upon receipt of such inspections, plans, reports, documents, or information required to be submitted or electronically filed pursuant to the CGP and the QSP's certification thereof, the PCM Water Quality Manager shall have a reasonable time to review such documents and information, and thereafter the PCM Water Quality Manager may approve and sign, disapprove and reject, or require changes to the plans, documents, BMPs, or monitoring, inspection and testing practices, etc., as necessary to assure a submission that is accurate and in compliance with the Water Quality Conditions.

The PCM Water Quality Manager shall, in coordination with Contractor's QSP, identify and designate those persons on Contractor's staff who will be authorized "data submitters" to submit and electronically file, subject to the QSP's oversight and after the PCM Water Quality



Manager's approval and signature, all CGP implementation related inspections, plans, reports, documents and information.

10.3.4 Completion of Construction and Terminating CGP Coverage

Upon completion of construction activities, the Contractor's QSP shall provide, and certify to the PCM Water Quality Manager, that the following reports, documents, and plans are complete, accurate, appropriate for the Project site, and in compliance with the Water Quality Conditions:

- a. As-built plans identifying all post-construction structural BMPs implemented, and demonstrating compliance of post-construction BMPs with the Water Quality Conditions;
- b. A notice of termination properly demonstrating that CGP coverage can be terminated pursuant to the terms and conditions of the CGP;
- c. A copy of the effective Clean Water Act Section 402 NPDES permit providing regulatory coverage for discharges to receiving waters of post-development runoff from the completed construction site; and
- d. Any other documents, plans, reports or information requested by the PCM Water Quality Manager that may be necessary to demonstrate compliance with the Water Quality Conditions, or other applicable Laws.

Upon receipt of the reports, documents or plans set forth above, the PCM Water Quality Manager shall have a reasonable time to review such documents, and thereafter may approve and sign, disapprove and reject, or require changes to the document, BMPs or other Project design features as necessary to assure a submission that is accurate and in compliance with the Water Quality Conditions.

The PCM Water Quality Manager shall, in coordination with Contractor's QSP, identify and designate those persons on Contractor's staff who will be authorized "data submitters" to submit and electronically file, subject to the QSP's oversight and after the PCM Water Quality Manager's approval and signature, all completion related plans, reports, documents, and information.

11.0 Project Close-Out Requirements

The Contractor shall verify that it has complied with all Environmental Requirements prior to beginning Project close out. Portions of the Project that are completed well ahead of other work will go through environmental close out as soon as is practicable after Work is completed.

The ECP will also explain how the Contractor will transition out of its environmental responsibilities between Substantial Completion and Final Acceptance to ensure compliance with ongoing environmental conditions or measures (including management and monitoring requirements).

Close out will include but not be limited to the following:



- Clean up and delivery of all GIS data associated with the Project or portion of the Project. Clean-up refers to removing erroneous or dated information fields and applying a naming convention that is consistent across the data (file and file names) and fully detailing the metadata per the Federal Geospatial Data Committee (FGDC) standards. To sum, clarity on how data was used to determine impact acreage calculations should be provided.
- As-builts for all work. The as-builts will have all environmental resources and ESAs clearly displayed and in the correct locations in reference to the work.
- A close-out document as detailed below.

11.1 Environmental Commitment Close-Out Report

The Contractor shall prepare an Environmental Commitment Close-Out Report to summarize overall compliance with the Environmental Requirements, including permit conditions, performance standards and environmental commitments. At a minimum, the Contractor's Environmental Close-Out Report will include the following in detail:

- Fulfillment descriptions completed for all Environmental Requirements, including permit conditions, performance standards and environmental commitments
- Environmental Requirements the Contractor was unable to fulfill, and why
- Significant compliance deficiencies or incidents that may have occurred during the life of the Project and the corrective actions taken
- Future requirements for maintaining permanent BMPs, such as cleaning detention ponds

The Contractor shall complete the Environmental Commitment Close-Out Report within 30 calendar days of Substantial Completion. The Contractor may submit the Environmental Commitment Close-Out Report in stages as discrete elements of work are completed.



List of Attachments

- Attachment 1: Environmental Re-Examination Process Guidance
- Attachment 2: ECP Outline
- Attachment 3: Programmatic Agreement
- Attachment 4: Archaeological Sensitivity Map DRAFT



Attachment 1: Environmental Re-Examination Process Guidance

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014



**California High-Speed Rail Project
Environmental Re-Examination Process Guidance
Version 1, April 2014**

The purpose of this Environmental Re-Examination Process Guidance document (Guidance) is to assist the California High Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA), in complying with the requirements of the California Environmental Quality Act (CEQA)¹ and the National Environmental Policy Act (NEPA) generally during the post-approval project implementation phase. This Guidance may also assist the Authority and FRA in determining whether pending or approved applications for resource agency permits require revision.

This Guidance presents a standardized approach that the Authority, FRA, and the Authority's contractors/consultants² can follow to evaluate project changes, new information, changed circumstances, or design refinements that could result in impacts to the environment that are different from the impacts evaluated in the relevant Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) and considered in the environmental permitting process. Examples of such project changes, new information, changed circumstances, or design refinements include the following: need for expanded right-of-way acquisition; alignment shifts; different size or type of structure; new road closure; new or different construction staging area; new or different construction method; or a change in the nature and severity of environmental impacts.

Any project changes, new information, changed circumstances, or design refinements (referred to collectively in this Guidance as variations) that were not previously evaluated in the relevant EIR/EIS and environmental permitting documents should be assessed. Typically, although not exclusively, this assessment would occur during project development at the following types of milestones: (a) prior to design/build contract award; (b) review and consideration for approval of design/build contractor baseline reports, in-progress engineering submittals and/or construction drawings, as might be required by the underlying contract; and (c) review and consideration of change orders (or design-refinement or alternative technical concept approval that does not require a change order) that involve physical components. However, in some circumstances, such an assessment may also be appropriate as directed by the Authority or FRA before the preparation of a Final EIR/EIS or during project construction.

The starting point for this assessment and evaluation of environmental impacts associated with the variation is the analysis contained in the EIR/EIS and the environmental/resource permitting documents. This Guidance can help ensure a consistent approach to the analysis of all variations so the Authority and FRA may determine:

- 1) Whether the variations would result in changes to the environmental impacts already analyzed in the relevant EIR/EIS and the type of environmental document that might be

¹ Whether CEQA, and potentially other state environmental permitting laws, apply to the project is currently under court review; users of this Guidance should assume these laws apply until instructed otherwise.

² Whether use of this Guidance is binding and required as a contractual matter as to any particular consultant or contractor will be determined in the contract between the Authority and the consultant or contractor (or related sub-contract). If a contractor or consultant is in doubt about whether this Guidance applies, the contractor or consultant should seek written confirmation from the Authority.

necessary to comply with CEQA and NEPA for decisions affecting or affected by the proposed variation; and

- 2) Whether implementation of the variations would require new permits or approvals or modifications to environmental applications, approvals, permits or related documents (e.g., permitting related analyses – such as Section 404(b)(1) or a Section 7 Biological Opinion.); and
- 3) Whether environmental matters justify or preclude authorization of a proposed design refinement (as applicable).

In order to effectively use this Guidance, it is necessary to understand the scope of the project evaluated in the EIR/EIS as well as the scope of the project covered by the permitting documentation.³ The relevant project elements and the location of those elements must also be known.

This Guidance or some of its elements may be followed prior to the completion of a Final EIR/EIS to assist the Authority and FRA in determining whether there are substantial changes in the proposed action that are relevant to environmental concerns or whether there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. This Guidance is also useful for the consideration of variations at the post-EIR/EIS milestones noted above. In addition, review of variations using this Guidance could occur during project construction.

This Guidance is structured to support, not duplicate or replace the Authority's contract change control and configuration management processes.

Users of this Guidance should consult the Authority's environmental staff at any point in the process if questions develop. In-process consultations will help ensure that required analysis is performed and that excessive or incorrect analysis is not done.

This Guidance involves the following three steps:

Step 1. Conduct Preliminary Environmental Re-Examination of Variations.

Using available information, undertake a reconnaissance-level environmental assessment of the variations for submission to the Authority and FRA and prepare a description, along with the reason and timing of the design refinement for Authority review as described further in Section B below.

- A. Preliminary Environmental Re-Examination.** For every variation, complete a Preliminary Environmental Re-Examination using Attachment B1 – CEQA/Permitting Preliminary Environmental Re-Examination and Attachment B2 – NEPA/Permitting Preliminary Environmental Re-Examination as templates. Include the following information:

³ Permitting documentation can vary in both timing and scope from the preparation and approval of the EIR/EIS. Accordingly, there is a need to understand *both* the scope of the project evaluated in the CEQA/NEPA documentation and, independently, the scope of the project covered by the permitting documentation.

- Compare variations to existing environmental data, including existing EIR/EIS, issued or pending permits, and permit-related documents to determine the potential for new impacts and/or new parcels that are impacted that were not previously identified.
- Identify potential changes to permits or other approvals (e.g., Section 4(f) or change in the Least Environmentally Damaging Practicable Alternative (LEDPA)).
- Identify data gaps.
- Identify the potential for public controversy.

B. Variation Package. Whenever a variation is proposed, prepare a variation package to provide the basis for a Preliminary Environmental Re-Examination. The package should include the following information (see Attachment A – Variation Template):

1. Description of variation.
2. Reason for variation.
3. Time by which refinement needs to be implemented and the reason for the timing.
4. Recommended Approach.

C. Determination of Further Review. Submit the Preliminary Environmental Re-Examination (Attachments B-1 and B-2), and the Variation Packet (Attachment A- Step 1) if applicable, to the Authority to make a determination as to which course of action noted below to follow:

1. If the variation is a design refinement, either:
 - Advance the design refinement for additional environmental review or documentation,
 - Delay additional environmental review on the design refinement, and recommend when the design refinement should be reconsidered, or
 - Reject the design refinement.

The Authority determines whether to move each design refinement forward for a more detailed assessment prior to making a commitment to implementation (i.e., inclusion in an RFP, contract, or change order).

2. If the variation involves new information or changed circumstances and the Preliminary Environmental Re-Examination identifies the potential for environmental impacts that were not previously analyzed, inform FRA and proceed to Step 2.

Step 2: Conduct Any Necessary Environmental Analysis. Prior to commencing Step 2, the user of this Guidance should consult with Authority environmental staff to confirm the adequacy and appropriateness of the scope of the user's intended Step 2 analysis and documentation. For variations where the Preliminary Environmental Re-Examination (Attachments B1 and B2) indicates the variation is likely to result in environmental impacts that differ from those previously analyzed in the Draft or Final EIR/EIS, conduct an environmental analysis, including site surveys where necessary, and provide a brief written documentation of the analysis using

Attachment C- Environmental Re-Examination as a template. Apply the same methodology for determining impacts as was used in the analysis described in the EIR/EIS. The level of analysis for the variation should be the level that is necessary to answer the questions identified below. In general, the analysis of the variation should be conducted at the same level of detail, but no greater detail than the analysis in the EIR/EIS and applicable permit related documents.

The analysis shall answer the following questions:

- Does the variation present a distinct difference from the project impacts (including construction effects) as analyzed in the EIR/EIS, discussed in the CEQA Findings/ROD, or addressed in permit-related documents, including differences in impacts to regulated resources such as waters of the United States, Waters of the State, habitats or sensitive species, receiving waters, cultural or 4(f) resources, etc.?

If so, note the reference to where it is addressed, if at all, in the applicable environmental documentation, and identify specific additional technical studies that are needed. If not, explain why.

- Is the same type of impact caused by the variation already evaluated in the EIR/EIS and/or permit related documents?
- Do the EIR/EIS or project-related documents include mitigation measures for the impacts of the variations, and will these mitigation measures adequately address the impacts of the variations?
- Are there design features described in the EIR/EIS, or existing avoidance and minimization measures in permit-related documents, available to reduce additional, different or substantially more severe environmental impacts anticipated as a result of the variation?
- Are there any additional mitigation measures available to reduce additional, different or substantially more severe environmental impacts anticipated as a result of the variation?
- Would any necessary additional avoidance, minimization or mitigation measures cause new adverse impacts? If so, can these adverse effects be avoided or mitigated?
- Are additional or more severe impacts offset by other variations that have been approved or are being considered concurrently (e.g., a change in acreage of wetlands impacts may result in a net total that falls within permit thresholds)?
- Does the inclusion of the variation (1) alter the analysis in the Final EIR/EIS of whether a cumulatively considerable impact exists in a particular resource area, and (2) if a cumulatively considerable impact exists, does the variation alter the conclusion in the EIR/EIS of whether the project's incremental contribution to that impact is cumulatively considerable?

Note that Attachment C must include sufficient comparison, detail and analysis to establish the link between the evaluation of the environmental impacts of the variation and the conclusion set forth in Attachment D (see Step 3 below).

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Step 3. FRA and Authority determine whether variations require additional CEQA or NEPA documentation and permit changes. Based on the analysis provided in Step 2, prepare three draft determinations: a CEQA Determinations and Conclusions, a NEPA Determinations and Conclusions, and a Permitting Determinations and Conclusions.

- A. CEQA Determinations and Conclusions:** The Authority makes a determination as to whether any additional CEQA documentation (including whether a subsequent EIR or supplemental EIR is required pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163) is required before proceeding with the variation. This determination shall be documented using the template provided in Attachment D1 – CEQA Determinations and Conclusions.
- B. NEPA Determinations and Conclusions:** The FRA makes a determination as to whether a supplement to the EIS is required pursuant to CEQ regulations (40 CFR 1502.9) This determination shall be documented using the template provided in Attachment D2 - NEPA Determinations and Conclusions.
- C. Permitting Determinations and Conclusions:** The Authority determines whether there are new significant or more severe impacts for the variations that would have regulatory permitting consequences, including new or more severe impacts to jurisdictional resources subject to environmental permitting, such as waters of the U.S., waters of the state, habitats of sensitive species, discharges to receiving waters, etc. and all other relevant resources evaluated under CEQA/NEPA. In making this determination, the Authority, in consultation with FRA, shall determine if an amendment to any project permit document is required as a result of the variations. This determination shall be documented using the template provided in Attachment E. This assessment shall be based on the information developed in Step 2.

For any design refinements, the Authority, in consultation with FRA, shall make a determination as to whether or not to pursue the design refinement following these determinations.

ATTACHMENTS

**ATTACHMENT A, STEP 1:
VARIATION PACKET TEMPLATE**

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
ATTACHMENT A: VARIATION PACKET TEMPLATE - DRAFT

This template is for describing a proposed variation. Information to be supplied in completing **this template constitutes Step 1** described as part of the California High-Speed Rail Authority Environmental Re-examination Process Guidance. When completed for a particular variation, this template together with the templates in Attachments B1 and B2, jointly constitute the preliminary assessment package.

1. **Project Section:** _____
2. **Title of Variation:** _____
3. **Recommended Approach:** Describe what the recommended approach is for addressing the proposed variation _____
4. **Description of Variation:** Identify the proposed variation, including technical details such as changes to horizontal footprint, vertical profile, construction activities, and project features identified in the EIR/EIS and where the variation would occur. Also describe the potential implications of the change in terms of cost, schedule, environmental review, and ROW acquisition. Identify whether there are permit-related documents that will need to be revised or amended as a result of the variation, and if so, identify which permits are implicated.
5. **Reason/Need for Variation:** Identify the source of the proposed variation (e.g., local government or utility; proposal from D/B contractor; ROW acquisition related variation), why there is a change being proposed, and the justification/ benefit of the variation.
6. **Alternatives:** Discuss any alternative approaches for addressing the variation. _____
7. **Staff Involvement:** Provide the names of key staff (i.e., names, locations and disciplines) that have been involved in advancing the change for consideration. _____
8. **Time by Which Change Needs to be Implemented:** Provide a reason for the timing. _____
9. **Figures:** Include figures that show the original design and footprint compared against the variation and footprint of the proposed change. _____
10. **Attachments:** Include PDF/KMZ/GIS attachments depicting the variation to form a basis for the revised footprint.

**ATTACHMENTS B1 AND B2, STEP 1:
CEQA AND NEPA PRELIMINARY
ENVIRONMENTAL RE-EXAMINATIONS**

**PRELIMINARY ENVIRONMENTAL
EVALUATION CONSULTATION
FOR THE CALIFORNIA HIGH-SPEED RAIL PROJECT**

For the user following Step 1 of the Environmental Re-examination Process Guidance, this worksheet provides directions for the preliminary evaluation of variation that were not previously evaluated in a California High-Speed Rail project Draft or Final EIR/EIS required under the California Environmental Quality Act (CEQA). It is designed to provide the California High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) with the initial evaluation and information needed to make a determination as to whether variations should move forward into a more detailed environmental evaluation process.

DIRECTIONS

Please answer the following questions, fill out the checklists and attach maps showing the previously approved design and the proposed variation and the impact on project footprint and parcel acquisitions as defined in the previously approved environmental document.

PROJECT SECTION

LIST CURRENT, APPROVED ENVIRONMENTAL DOCUMENTS (e.g., EIR/NOD, Neg Dec/Mitigated Neg Dec, Subsequent EIR/NOD, Addendum) If Addendum, briefly describe.

Title: Date: Type and Date of Last Discretionary Action

Title: Date: Type and Date of Last Discretionary Action

Title: Date: Type and Date of Last Discretionary Action

REASON FOR EVALUATION

BRIEF DESCRIPTION OF VARIATION RELEVANT TO ENVIRONMENTAL CONCERNS BEARING ON THE PROJECT SECTION (CEQA GUIDELINES SECTION 15162)

HAVE ANY NEW OR REVISED LAWS OR REGULATIONS AFFECTING THE ENVIRONMENTAL IMPACT ANALYSIS FOR THIS PROJECT BEEN ENACTED OR ADOPTED SINCE APPROVAL OF THE LAST ENVIRONMENTAL DOCUMENT? If yes, please explain.

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ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
 ATTACHMENT B1: CEQA/PERMITTING PRELIMINARY ENVIRONMENTAL
 ASSESSMENT

- NO
 YES

WILL THE VARIATION HAVE THE POTENTIAL TO CAUSE A CHANGE IN THE DETERMINATION OF IMPACTS FROM WHAT WAS DESCRIBED IN THE ORIGINAL ENVIRONMENTAL DOCUMENT FOR ANY OF THE AREAS LISTED BELOW? For the topical areas listed below and checked “No,” please provide a brief written explanation and attach to this Preliminary Environmental Evaluation. Topical areas checked “Yes” are to be evaluated as part of Step 2 of the Environmental Re-examination Process Guidance.

Transportation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Air Quality and Global Climate Change (Greenhouse Gas)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Noise & Vibration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Electromagnetic Fields and Electromagnetic Interface	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Public Utilities and Energy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Biological Resources and Wetlands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hydrology and Water Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Energy and Public Utilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Geology, Soils, and Seismicity (i.e., Mineral Resources)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous Materials and Wastes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Safety and Security (i.e., Public Services)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Socioeconomics and Communities (i.e., Population/Housing)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Station Planning, Land Use and Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Agricultural Lands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parks, Recreation, and Open Space	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Aesthetics and Visual Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cultural and Archaeological Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Regional Growth	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cumulative Impacts	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
 ATTACHMENT B1: CEQA/PERMITTING PRELIMINARY ENVIRONMENTAL
 ASSESSMENT

Will the variation result in the acquisition of properties not identified in the Final EIR/EIS? Yes No

Will the variation cause a change in construction impacts? Yes No

Have the following potential construction effects changed?

Construction timing commitments? Yes No

Temporary stream diversion? Yes No

Temporary delays and detours of traffic? Yes No

Temporary impacts on business? Yes No

Other construction impacts including noise? Yes No

Does the variation have the potential to result in revised permits or other approvals under the following state regulations?

CDFW Section 2081 Incidental Take Permit Yes No

California Endangered Species Act

CDFW Section 1602 Streambed and Lake Alteration Agreement Yes No

State Water Resources Control Board Section 401 Permit Yes No

State Water Resources Control Board Section 402 Permit Yes No

State or Local Encroachment Permits (Caltrans, city/county, or Special Districts) Yes No

Use of Title 14 Lands Yes No

CPUC Approvals Yes No

Air District Construction Permits Yes No

Hazardous Materials Yes No

California Coastal Commission Permits Yes No

Bay Area Conservation and Development Commission Permits Yes No

State Water Resources Control Board Storm Water NPDES Permits Yes No

Regional Water Quality Control Board Dewatering Permits Yes No

Other Yes No

Will the variation likely result in substantial public controversy? Yes No

BRIEFLY EXPLAIN:

Will the Variation likely affect cost, schedule, or contractual due dates? Yes No

If Yes, briefly explain affect:

RECOMMENDATION FOR LEAD AGENCY CONSIDERATION

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
ATTACHMENT B1: CEQA/PERMITTING PRELIMINARY ENVIRONMENTAL
ASSESSMENT

Does the variation warrant additional environmental evaluation?

Yes No

LIST OF ATTACHMENTS:

Submit two paper copies of this form, attachments, and a transmittal letter recommending a CEQA finding to the address below. Or you may submit one electronic version to the appropriate Authority environmental planner.

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

phone: (916) 324-1541
fax: (916) 322-0827

SUBMITTED BY:

By signing this, I certify that to the best of my knowledge this document is complete and accurate.

Name [Title], [Organization]	Date
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WORKING DRAFT; CHANGES PENDING

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**PRELIMINARY ENVIRONMENTAL
RE-EXAMINATION CONSULTATION
FOR THE CALIFORNIA HIGH-SPEED RAIL PROJECT**

For the user following Step 1 of the Authority’s Environmental Re-examination Process Guidance, this worksheet provides directions for the preliminary evaluation of variations that were not previously evaluated in a California High-Speed Rail project (“Project”) Draft or Final EIS prepared in compliance with the National Environmental Policy Act (NEPA). It is designed to provide the Federal Railroad Administration (FRA) and the California High-Speed Rail Authority (Authority) with the initial evaluation and information needed to make a determination as to whether variations should move into a more detailed environmental evaluation process.

DIRECTIONS

Please answer the following questions, fill out the checklists, and attach maps showing the previously approved design, the Variation, and the impact the Variation would have on the Project footprint and/or parcel acquisitions as defined in the previously approved environmental document(s) as specified herein.

PROJECT SECTION

LIST CURRENT APPROVED ENVIRONMENTAL DOCUMENTS (e.g., EIS/ROD, Supplemental EIS, etc.)

Title:	Date:	Type and Date of Last Discretionary Action
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Title:	Date:	Type and Date of Last Discretionary Action
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Title:	Date:	Type and Date of Last Discretionary Action
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REASON FOR EVALUATION

BRIEF DESCRIPTION OF VARIATION RELEVANT TO ENVIRONMENTAL CONCERNS BEARING ON THE PROJECT SECTION (40 CFR 1502.9)

HAVE ANY NEW OR REVISED LAWS OR REGULATIONS AFFECTING THIS PROJECT SECTION BEEN ENACTED OR ADOPTED SINCE APPROVAL OF THE LAST ENVIRONMENTAL DOCUMENT? If yes, please explain.

NO

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
 ATTACHMENT B2: NEPA PRELIMINARY ENVIRONMENTAL ASSESSMENT -
 DRAFT

YES

WILL THE VARIATION HAVE THE POTENTIAL TO CAUSE A CHANGE IN THE DETERMINATION OF ENVIRONMENTAL IMPACTS FROM WHAT WAS DESCRIBED IN THE ORIGINAL, OR AS NECESSARY, SUBSEQUENT, ENVIRONMENTAL DOCUMENT FOR ANY OF THE IMPACT CATEGORIES LISTED BELOW? For each impact category, please indicate whether there will be a change in impacts to that category. For the categories listed below and checked “No,” please provide a brief written explanation of how that conclusion was reached and attach the detailed explanation to this Preliminary Environmental Assessment. Categories checked “Yes” are to be evaluated as part of Step 2 of the Environmental Re-examination Process.

Transportation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Air Quality and Global Climate Change	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Noise & Vibration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Electromagnetic Fields and Electromagnetic Interface	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Public Utilities and Energy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Biological Resources and Wetlands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hydrology and Water Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Energy and Utilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Geology, Soils, and Seismicity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous Materials and Wastes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Safety and Security	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Socioeconomics and Communities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Station Planning, Land Use and Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Agricultural Lands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parks, Recreation, and Open Space	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Aesthetics and Visual Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cultural and Archaeological Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Regional Growth	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Environmental Justice	<input type="checkbox"/> Yes	<input type="checkbox"/> No

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
ATTACHMENT B2: NEPA PRELIMINARY ENVIRONMENTAL ASSESSMENT -
DRAFT

Cumulative Impacts

Yes No

Would the variation result in the acquisition of properties not identified in the Final EIR/EIS?

Yes No

Will the variation result in revised documentation or determination for permits or other approvals under the following federal regulations?

Endangered Species Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Magnuson-Stevens Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Farmland Preservation Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 404, Clean Water Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 401, Clean Water Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 408, Rivers & Harbors Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Floodplain Management Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous Materials	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 106, National Historic Preservation Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Uniform Relocation Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 4(f) Resources	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 6(f) Lands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Wild & Scenic Rivers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Coastal Barriers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Coastal Zone	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sole Source Aquifer	<input type="checkbox"/> Yes	<input type="checkbox"/> No
National Scenic Byways	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Will this variation likely result in substantial public controversy?

Yes No

If yes, briefly explain any issues raised by the public:

Will the Variation likely affect cost, schedule, or contractual due dates? Yes No

If Yes, briefly explain affect:

CONCLUSIONS FOR PRELIMINARY ASSESSMENT AND INITIAL RECOMMENDATION

Does the variation warrant additional environmental evaluation?

Yes No

LIST OF ATTACHMENTS:

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 1
ATTACHMENT B2: NEPA PRELIMINARY ENVIRONMENTAL ASSESSMENT -
DRAFT

Submit an electronic version of this form, attachments, and transmittal letter to the appropriate Authority and FRA environmental planner.

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

phone: (916) 324-1541
fax: (916) 322-0827

Federal Railroad Administration
1200 New Jersey Avenue, SE
West Building/W31-225
Washington, DC 20590

phone: (202) 493-0388

SUBMITTED BY:

By signing this, I certify that to the best of my knowledge this document is complete and accurate.

Name	Date
[Title], [Organization]	

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

**ATTACHMENT C, STEP 2:
ENVIRONMENTAL RE-EXAMINATION FORM**

MEMORANDUM

[Specify HSRA] Section – Environmental Re-Examination of the [Name of Variation] Variation

PREPARED FOR:

PREPARED BY: _____

DATE: _____

Following completion of Step 1 and preparation of the Variation Packet and Preliminary Environmental Assessment, the purpose of this memorandum is to succinctly describe the impacts analysis and mitigation strategy for the proposed variation, in sufficient detail to allow for an independent assessment of whether additional analysis or mitigation measures would be needed.

The analysis shall answer the following questions with regard to impacts or potential impacts of the variation as identified in Step 1, Attachments B1, and B-2:

- Does the variation result in a specific difference from the project impacts as analyzed in the EIR/EIS and discussed in the CEQA Findings/ROD, or addressed in permit-related documents, including differences in impacts to regulated resources such as waters of the United States, Waters of the State, habitats or sensitive species, receiving waters, cultural or 4(f) resources, etc.? If so, note the reference to where it is addressed, if at all, in the applicable environmental documentation, and identify specific additional technical studies that are needed. If not, explain why.
- Is the same type of impact caused by the variation already evaluated in the EIR/EIS and/or permit related documents?
- Are there applicable mitigation measures for the impacts of the variation already evaluated in the EIR/EIS or permit-related documents?
- Are there adopted design features from the EIR/EIS, or existing avoidance and minimization measures in permit-related documents, available to reduce additional, different or substantially more severe environmental impacts anticipated as a result of the variation?
- Are there any additional mitigation measures available to reduce additional, different or substantially more severe environmental impacts anticipated as a result of the variation?
- Would any additional avoidance, minimization or mitigation measures required to address the variation cause substantial new adverse impacts? If so, can these adverse effects be avoided or mitigated?
- Are additional or more severe impacts offset by other variations that have been approved or are being considered concurrently (e.g., a change in acreage of wetlands impacts may still come within habitat permit levels set by permitting agency)?
- Does the inclusion of the variation (1) alter the analysis in the Final EIR/EIS of whether a cumulatively considerable impact exists in a particular resource area for the project as modified by the variation, and (2) if a cumulatively considerable impact exists, does the variation alter the conclusion of whether the project's incremental contribution, as modified by the variation, to that impact is cumulatively considerable?
- Identify whether the variation and avoidance, minimization and mitigation measures in the existing EIR/EIS and in permit-related documents affect the new or more severe impacts of the variation?
- Does the project result in any impacts on schools that would differ at all from the impact on schools as compared to the original analysis in the existing EIR/EIS?
- Do the proposed property acquisitions differ at all from the proposed acquisitions described in the existing EIR/EIS?

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ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 2
ATTACHMENT C

In answering these questions, for each impacted resource area, discuss the both construction impacts that are temporary in nature, and the operations impacts (e.g., irreversible or continuing operational impacts), that are identified in the Final EIR/EIS and describe whether the impacts related to the variation were evaluated in Final EIR/EIS. Discuss how or why conclusions in the Final EIR/EIS were reached. Discuss any substantial new or more severe impacts, or previously identified impacts that would occur in new areas or impact previously unidentified receptors., Consider both the context and the intensity of the impact. Include reasoning to support any conclusions regarding the potential new impacts resulting from the variation. If the impacts were already assessed explain how the variation would fit within the framework of the original analysis, but take into account the newly impacted area or receptor. Include any reports developed to address the variation as an appendix or exhibit to this memorandum or as part of the project record.

If additional analysis or mitigation measures are required, a brief description of the analysis and the findings of that analysis should be presented as well as any additional mitigation measures. This memorandum should also include a summary of the implications for agency permits related to the proposed variation. This memorandum should focus on reasoning and analysis of impacts rather than conclusions. Provide a statement as to whether the variation would result in substantial new environmental impacts that were not previously addressed or would significantly increase the severity of the impacts analyzed in the Final EIR/EIS and state the reasoning for that assessment. Include citations for all sources cited in this memorandum.

**ATTACHMENTS D1 AND D2, STEP 3:
CEQA AND NEPA DETERMINATION AND
CONCLUSION FORMS**

**CEQA DETERMINATIONS AND CONCLUSIONS FOR [SPECIFY VARIATION]
IN THE [SPECIFY HSRA] SECTION OF THE
CALIFORNIA HIGH-SPEED RAIL PROJECT**

1.0 INTRODUCTION

For users following the California High-Speed Rail Authority's (Authority) Environmental Re-Examination Process Guidance, this memorandum documents the Authority's conclusion whether a subsequent or supplement to the Final EIR is required because of [SPECIFY VARIATION(S)] proposed by [who proposed change] subsequent to the publication of the [Draft/Final Environmental Impact Report/ Environmental Impact Statement (EIR/EIS)] [specify whether Draft or Final] [and issuance of the Notice of Determination (NOD)] [include if issued] for the [Specify HSRA] Section of the California High-Speed Train (HST) Project on [DATE].

This memorandum is based on the analysis completed in Attachment C – Environmental Re-Examination of the Proposed [SPECIFY VARIATION] (hereafter referred to as “environmental re-examination”).

As discussed in the environmental re-examination, the variation(s) would result in no change in impacts to the following resource areas: [SPECIFY RESOURCE AREAS]. Therefore, those resource areas are not discussed further in the Table accompanying this memo.

2.0 ENVIRONMENTAL RECOMMENDATIONS TO FURTHER AVOID, MINIMIZE OR MITIGATE IMPACTS

As stated in the environmental reexamination, the [SPECIFY VARIATION (S)] would utilize the project design features included in the project and mitigation measures listed in the Mitigation Monitoring and Enforcement Plan (MMEP), which was adopted at the time of the Board approval of the [HSRA Section]. Therefore, the Determinations and Conclusions in Section 3.0 below take into account project design features and mitigation measures included in the MMEP.

3.0 DETERMINATIONS AND CONCLUSIONS

Based on Attachment C, and pursuant to the criteria of CEQA Guidelines section 15162, no major revisions are necessary to the EIR due to changes in the project, changes in the circumstances, or due to new information.

Does the variation alter the analysis in the Final EIR of whether a cumulatively considerable impact exists [in a particular resource area], and if a cumulatively considerable impact exists, does the variation (together with the project as

ENVIRONMENTAL RE-EXAMINATION PROCESS - STEP 3
ATTACHMENT D1: CEQA DETERMINATIONS AND CONCLUSIONS

modified by the variation) change the conclusion in the Final EIR regard whether the project's incremental contribution is cumulatively considerable?

— Based on Attachment C, I find that changes to the Project and/or circumstances under which the Project would be undertaken have occurred, which may result in environmental impacts requiring a subsequent EIR as described under *CEQA Guidelines* Section 15162.

3.0 APPROVAL

Approved by:

[Individual]
[Title]
California High-Speed Rail Authority

Date: _____

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) Change in Cumulative Impacts	(3) Conclusions
Sample—Water Resources/Impervious Surface/	Describe the impact, the applicable mitigation measure or project design feature, and its impact significance as described in the adopted EIR. See sample text below.	Describe the proposed design change or variation and identify its potential impact. See sample text below.	Describe the change in impacts that would result from implementing the proposed design change or variation. Also, characterize the effectiveness of the mitigation measure or project design feature to be implemented. Conclude by making a preliminary impact finding. See sample text below.	Summarize whether the project design feature (1) alters the analysis in the Final EIR/EIS of whether a cumulatively considerable impact exists in a particular resource area, and (2) if a cumulatively considerable impact exists with the change (or variation/additional activity), does the change (or variation/additional activity) alter the conclusion of whether the project's incremental contribution to that impact is cumulatively considerable. See sample text below.	Based on the change in impacts and change in cumulative impacts, make a new impact finding. See sample text below.
Transportation					
Air Quality and Global Climate Change					
Noise and Vibration	<p>Construction Impacts: There would be construction noise impacts at 4 industrial facilities, 12 residences (daytime), and 16 residences (nighttime).</p> <p>Applicable Mitigation Measures: N&V MM#1.</p> <p>Impact Significance: Less than</p>	There would be construction noise impacts at 3 industrial facilities, 12 residences (daytime), and 16 residences (nighttime).	There would be one less industrial construction noise impact. No new receptors would be affected.	No	Impact significance conclusions for noise would be the same as described in the Final EIR/EIS and NOD, and there would be no substantial increase in the severity of impacts associated with construction and project noise impacts, because of the temporary nature of construction activity and implementation of mitigation measures, and because future noise conditions are dependent on freight train operations, roadways that would not be physically altered by the project, and future HST operations; the design refinement would not affect future noise conditions.

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) Change in Cumulative Impacts	(3) Conclusions
	Significant.				
Electromagnetic Fields and Electromagnetic Interference					
Public Utilities and Energy					
Biological Resources and Wetlands					
Hydrology and Water Resources					
Geology, Soils, and Seismicity					
Hazardous Materials and Wastes					
Safety and Security					
Socioeconomics and Communities					

WORKING DRAFT; CHANGES PENDING

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) Change in Cumulative Impacts	(3) Conclusions
Station Planning, Land Use, and Development	<p>Project Impacts: Permanent conversion of 24.5 acres of existing land uses (commercial, vacant, and industrial) to a transportation related use.</p> <p>Applicable Mitigation Measure: NA</p> <p>Impact Significance: Less than Significant</p>	Permanent conversion of 30.1 acres of existing land uses (commercial, vacant and industrial) to a transportation related use.	Increase in permanent conversion of existing land uses by 5.6 acres.	No	Impact significance conclusions would be the same as described in the Final EIR/EIS and NOD because the design refinement would not adversely affect surrounding land uses, and lands changed to transportation-related uses for the entire Merced to Fresno Section are such a small percentage of the land in surrounding counties.
Agricultural Lands					
Parks, Recreation, and Open Space					
Aesthetics and Visual Resources					
Cultural and Archeological Resources					
Regional Growth					

WORKING DRAFT; CHANGES PENDING

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) Change in Cumulative Impacts	(3) Conclusions
Cumulative Impacts					

WORKING DRAFT; CHANGES PENDING

MEMORANDUM
NEPA DETERMINATIONS AND CONCLUSIONS FOR [SPECIFY VARIATION]
IN THE [SPECIFY HSRA] SECTION OF THE
CALIFORNIA HIGH-SPEED RAIL PROJECT

1.0 INTRODUCTION

For users following the California High-Speed Rail Authority's (Authority) Environmental Re-Examination Process Guidance, this memorandum documents the Federal Railroad Administration's (FRA) conclusion whether a supplement to the Final EIS is required because of [SPECIFY VARIATION(S)] proposed by the Authority subsequent to the publication of the [Draft/Final Environmental Impact Report/ Environmental Impact Statement (EIR/EIS)] [specify whether Draft or Final] [and issuance of the Record of Decision (ROD)] [include if issued] for the [Specify HSRA] Section of the California High-Speed Train (HST) Project on [DATE].

This memorandum is based on the analysis completed in Attachment C – Environmental Re-Examination of the Proposed [SPECIFY VARIATION] (hereafter referred to as “environmental re-examination”). The environmental re-examination was developed consistent with the Authority's guidance process to provide FRA with the information and analysis to determine whether new information, changes in circumstances, or design refinements (collectively referred to as Variations) require FRA to complete a supplement to the EIS consistent with the Council on Environmental Quality's regulations implementing the National Environmental Policy Act of 1969 (NEPA). See 40 C.F.R. §1502.9(c).

As discussed in the environmental re-examination, the variation(s) would result in no change in impacts to the following resource areas: [SPECIFY RESOURCE AREAS]. Therefore, those resource areas are not discussed further in the Table accompanying this memo.

2.0 ENVIRONMENTAL RECOMMENDATIONS TO FURTHER AVOID, MINIMIZE OR MITIGATE IMPACTS

As stated in the environmental reexamination, the [SPECIFY VARIATION (S)] would utilize the project design features and mitigation measures listed in the Mitigation Monitoring and Enforcement Plan (MMEP), which was approved with the ROD. Therefore, the Determinations and Conclusions in Section 3.0 below take into account project design features and mitigation measures included in the MMEP. [Include if applicable. If addressing pre-Final supplement, please reference measures included in Draft EIS.] [If applicable add “As discussed in the accompanying Table [insert table name], no additional project design features or mitigation measures are required to avoid or reduce impacts for the [SPECIFY VARIATION (S)]”].

3.0 DETERMINATIONS AND CONCLUSIONS

ENVIRONMENTAL RE-EXAMINATION PROCESS - STEP 3
ATTACHMENT D2: NEPA DETERMINATIONS AND CONCLUSIONS - DRAFT

Based on the environmental reexamination, the attached Table [insert table name table], and the design features and other measures discussed in Section 2.0 above, FRA makes the following determinations and conclusions pursuant to CEQ regulations and FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999).

FRA finds that the variation(s) at [*SPECIFY VARIATION(S)*] do [not] constitute substantial changes in the proposed action that are relevant to the environmental concerns and/or raise significant new circumstances or new information that are relevant to environmental concerns. The changes in the environmental consequences of the proposed action as documented in the environmental reexamination s) for the variation(s) do [not] result in any new significant impacts and the conclusions in the [*SPECIFY HSRA SECTION EIR/EIS*] remain valid. For these reasons, [no] supplemental EIS is required.

In addition to considering the changes in the environmental consequences of the proposed action resulting from the variation(s), the potential change in cumulative effects since the ROD was issued have been considered. Based on the environmental reexamination(s) for the variation(s), the Table accompanying this memo and the cumulative effects analysis, FRA finds that the cumulative effects of the variation(s) do [not] require the completion of a supplemental EIS.

Approved by:

Date: _____

Division Chief
Environment and Systems Planning, FRA

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TABLE 1: SUMMARY OF VARIATIONS, IMPACTS AND CONCLUSIONS

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) NEPA Significance Determination	(3) Change in Cumulative Impact Conclusion: Yes/No
Sample—Water Resources/Impervious Surface/	Describe the impact, the applicable mitigation measure or project design feature, and its impact significance as described in the adopted EIR/EIS. See sample text below.	Describe the proposed design change or variation and identify its potential impact. See sample text below.	Describe the change in impacts that would result from implementing the proposed design change or variation. Also, characterize the effectiveness of the mitigation measure or project design feature to be implemented. Conclude by making a preliminary impact finding. See sample text below.	Based on the change in impacts, state whether there is a difference in the NEPA significance determination for the impact from the EIR/EIS resulting from the variation and provide a reason supporting that statement. See sample text below	State whether there is a change in the cumulative impact conclusion from the impact for the EIR/EIS resulting from the variation.
Transportation					
Air Quality and Global Climate Change					
Noise and Vibration	<p>Construction Impacts: There would be construction noise impacts at 4 industrial facilities, 12 residences (daytime), and 16 residences (nighttime).</p> <p>Applicable Mitigation Measures: N&V MM#1.</p> <p>Impact Significance: Negligible intensity; not significant.</p>	There would be construction noise impacts at 3 industrial facilities, 12 residences (daytime), and 16 residences (nighttime).	There would be one less industrial construction noise impact. No new receptors would be affected.	Impact significance conclusions for noise would be the same as described in the Final EIR/EIS and ROD, and there would be no substantial increase in the severity of impacts associated with construction and project noise impacts, because of the temporary nature of construction activity and implementation of mitigation measures, and because future noise conditions are dependent on freight train operations, roadways that would not be physically altered by the project, and future HST operations; the design refinement would not affect future noise conditions.	No
Electromagnetic Fields and Electromagnetic					

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) NEPA Significance Determination	(3) Change in Cumulative Impact Conclusion: Yes/No
Interference					
Public Utilities and Energy					
Biological Resources and Wetlands					
Hydrology and Water Resources					
Geology, Soils, and Seismicity					
Hazardous Materials and Wastes					
Safety and Security					
Socioeconomics and Communities					
Station Planning, Land Use, and Development	Project Impacts: Permanent conversion of 24.5 acres of	Permanent conversion of 30.1 acres of existing land uses (commercial, vacant and industrial)	Increase in permanent conversion of existing land uses by 5.6 acres.	Impact significance conclusions would be the same as described in the Final EIR/EIS and ROD because the design refinement would not adversely affect surrounding land uses,	No

WORKING DRAFT; CHANGES PENDING

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) NEPA Significance Determination	(3) Change in Cumulative Impact Conclusion: Yes/No
	existing land uses (commercial, vacant, and industrial) to a transportation related use. Applicable Mitigation Measure: NA Impact Significance: Negligible intensity; not significant.	to a transportation related use.		and lands changed to transportation-related uses for the entire Merced to Fresno Section are such a small percentage of the land in surrounding counties.	
Agricultural Lands					
Parks, Recreation, and Open Space					
Aesthetics and Visual Resources					
Cultural and Archeological Resources					
Regional Growth					
Cumulative Impacts					

WORKING DRAFT; CHANGES PENDING

Impact Category	Impacts as Initially Disclosed	New Impacts	(1) Change in Impacts	(2) NEPA Significance Determination	(3) Change in Cumulative Impact Conclusion: Yes/No
Section 4(f)					
Environmental Justice					

WORKING DRAFT; CHANGES PENDING

**ATTACHMENT E, STEP 3:
ENVIRONMENTAL PERMITTING DETERMINATION
AND CONCLUSION FORM**

MEMORANDUM
DETERMINATIONS AND CONCLUSIONS AFFECTING PERMITTING
AND OTHER REGULATORY APPROVAL AND COORDINATION
FOR THE [SPECIFY HSRA] SECTION OF THE HIGH-SPEED RAIL PROJECT

1.0 INTRODUCTION

For users following the California High-Speed Rail Authority's (Authority) Environmental Re-Examination Process Guidance, this memorandum documents the Authority's permitting determinations and conclusions subsequent to issuance of the Record of Decision (ROD) and the certification of the Environmental Impact Report (EIR) for the [Specify HSRA] Section of the High-Speed Rail Project on [DATE]. This analysis was conducted to address implications for environmental permits and approvals associated with variations listed below subsequent to the ROD and EIR certification, including any changes to the project, including:

- Design variations¹;
- New circumstances relevant to environmental concerns;
- New information relevant to environmental concerns;
- Changes in applicable statutory and/or regulatory requirements;
- Changes in existing guidance or policies, or;
- Changes to environmental commitments, Project Design Features or Mitigation Measures.

The variations are described in the [DATE] [VARIATION] Environmental Re-Examination. Regardless of whether any variations described in the [DATE] Environmental Re-examination may require a subsequent or supplemental EIR/EIS, any change that would increase impacts to any resource within the jurisdiction of the regulatory agencies, including those listed below, may require a new permit or approval, an amendment to an existing permit or approval, modifications to documents and analyses related to or supporting permits and approvals or pending permit applications (e.g., Checkpoint C: LEDPA analyses, Section 7 Biological Opinions, Compensatory Mitigation Plans, etc.), an amendment to a pending permit application, or a new permit, changes or amendments to other agency approvals, or agency coordination.

The analysis which provides the basis for the determinations and conclusions is provided in the [DATE] Environmental Re-Examination prepared in Step 2 of the Authority's Environmental Re-examination Process Guidance, and the following summary table describing the variations to the and the potential effects on jurisdictional resources, permits or approvals.

¹ Variations are design refinements or changes that can be triggered by the identification of new information, changes in circumstances, or design modifications, that were not previously evaluated in the relevant environmental document.

2.0 PERMITS AND OTHER REGULATORY REQUIREMENTS TO BE UPDATED OR MODIFIED

Table 1, attached to the end of this document, summarizes variations and any impacts or conditions from the variation and/or changes that affect any existing permits and/or approvals, or any pending permit and/or approval application. The following permits, approvals, documents and analysis supporting permits and approvals, and pending permit applications were determined to need updates, modifications or amendments as a result of [INSERT] the variations.

Examples of Potential Permits, Approvals, and Pending Permit Applications²:

2.1 Federal

- USACE Section 404 Permit for Discharge of Dredge or Fill Materials into Waters of the U.S., including wetlands (and see related Section 401 Certification below) and related analyses and documents including the USACE Section 404(b)(1) Alternatives Analysis and LEDPA selection, and Compensatory Mitigation Plan;
- USACE Determination of minor Section 408 Rivers and Harbors Act authorization to proceed/no objection letter to the flood facility operator;
- U.S. Fish and Wildlife Service Section 7 Consultation and Biological Opinion and Incidental Take Statement or Section 10(a) Permit and Habitat Conservation Plan;
- National Marine Fisheries Service Section 7 Consultation and Biological Opinion and Incidental Take Statement. for Section 10(a) Permit and Habitat Conservation Plan³
- Section 106 National Historic Preservation Act approvals, MOU, APE determination and treatment plans; and
- Other (depending on the project, may include Floodplain Management Act, Hazardous Materials, Uniform Relocation Action, Section 6(f) Lands, Wild & Scenic Rivers Act, Coastal Zone Management Act, National Scenic Byways Act and other approvals.)

² This is not an exhaustive list of all the permits that may be required for every HST section. For example, if a section is located within, or may impact the Coastal Zone, a coastal development permit or, at a minimum, concurrence from the Coastal Commission that the development is consistent with California's Coastal Management Plan will be required.

³ If an HST section will have no effect on any listed species or protected habitat, FRA will make a determination to that effect and seek written confirmation from the relevant Service.

2.2 State

- CDFW Fish & Game Code Section 2081 (CESA) Incidental Take Permit and Mitigation Plan, or Section 2080.1 Consistency Determination;
- CDFW Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement and Mitigation Plan;
- California Department of Transportation (Caltrans) Encroachment Permits;
- California Public Utilities Commission Approval for construction and operation of railroad crossing of public road and for construction of new transmission lines and substations;
- California State Lands Commission Lease for crossing state sovereign lands;
- State Water Quality Control Board for federal Clean Water Act Section 401 Water Quality Certification and related mitigation and water quality control plans;
- State Water Quality Control Board for Section 402 NPDES Permit;
- State Water Quality Control Board for Porter-Cologne Water Quality Control Act Waste Discharge Requirements (if applicable); and
- Other (depending on project may include CPUC approvals, Air District construction permits, Hazardous Materials permits, California Coastal Commission permits, Bay Area Conservation and Development Commission permits, etc.).

2.3 Regional

- Central Valley Flood Protection Board encroachment permit
- Others permits as identified.

3.0 DETERMINATIONS AND CONCLUSIONS

The changes to the project, including variations such as design changes or refinements; new circumstances or new information relevant to environmental concerns, changes in applicable statutory regulatory requirements, changes to or additional guidance or policies, or changes to environmental commitments, Project Design Features or Mitigation Measures:

_____ are consistent with the original scope of the permit approval, and permit related analyses, mitigation plans and documents remains valid. No net increase to temporary, permanent, direct, indirect or cumulative impacts to regulated resources would occur. No “new” type of impact to regulated resources would occur and no “new” regulated resources would be impacted, including constructed or natural aquatic resources, listed

ENVIRONMENTAL RE-EXAMINATION PROCESS – STEP 3
 ATTACHMENT E: PERMITTING DETERMINATIONS AND CONCLUSIONS

or sensitive species, suitable or critical habitat, runoff water quality, historic resource, or 4(f) resources.

_____ may require one of the following actions: a new permit or approval, an amendment or change to an existing permit or approval, an amendment to a pending application for a permit or approval, modifications to documents and analyses related to or supporting permits and approvals and/or pending permit applications (e.g., Checkpoint C: LEDPA analyses, Section 7 Biological Opinions, Compensatory Mitigation Plans, etc.), and/or agency coordination.

If an action may be needed as identified in the preceding paragraph for any permit or approval and/or pending permit application, identify which permits, or approvals, and/or permit applications the action(s) is needed, the regulatory agency responsible for issuance of the permit or approval, and the recommendation(s) for completing the action needed:

PERMIT OR APPROVAL	ACTION NEEDED	RECOMMENDATION FOR COMPLETING THE ACTION

If a new permit or approval may be needed, identify the permit or approval needed, the regulatory agency responsible for issuance of the permit or approval, and the recommendation for obtaining the permit or approval:

PERMIT OR APPROVAL NEEDED	RECOMMENDATION FOR OBTAINING THE PERMIT OR APPROVAL NEEDED

4.0 CONCURRENCE

Concurrence:

 [Individual]
 [Title]
 California High-Speed Rail Authority

Date: _____

Attachment 2: ECP Outline

1. Purpose
2. Approach
 - a. Description of Major Milestones
 - b. Key Environmental Issues
 - c. Measures of Success
3. Team Organization
 - a. DB Team Structure
 - i. DB and Subs
 - b. Personnel
 - i. DB and Subs
 - ii. PCM
 - iii. Authority/PMT
 - c. Roles and Responsibilities
 - i. DB and Subs
 - ii. PCM
 - iii. Authority/PMT
4. Compliance Planning
 - a. Training
 - i. General environmental training
 - ii. Specific training as called for in MMRP
 - b. Communication Plan
5. Compliance Implementation
 - a. Procedures for Complying with Existing Requirements (Contract, MMRP/EP, Permits, Section 106 Documents)
 - b. Addition Preconstruction Field Studies/Preconstruction Surveys
 - i. Biology
 - ii. Cultural (Archaeology/Native American/Built Environment)
 - iii. Other
 - c. Construction Monitoring
 - i. Biology
 - ii. Cultural (Archaeology/Native American/Built Environment)
 - iii. Other
 - d. Implementation and Maintenance of Protective Measures During Construction(Fencing, ESAs, etc)
 - e. Management of Mitigation Measures for Noise, Vibration, etc.
 - f. Resources Data Collection and Management (GIS, etc)
 - g. Reporting (EMMA)
6. Environmental Compliance Resulting from Design
 - a. Design Review for Environmental Compliance
 - b. Additional Technical Studies and Documentation
 - i. Biological Permitting
 - ii. Section 106 Compliance
 1. Studies
 2. Reporting
 3. Consultation
 - iii. Environmental Documentation
 - c. Resources Data Collection and Management (GIS, etc)



- d. EMMA Updates Resulting from New Mitigation
7. Submittals/Deliverables
8. Emergency Response Process (Cultural, Biology, etc)
9. Quality Control Process
10. Environmental Compliance Assurance/Audit Process
 - a. Compliance/Non-compliance Reporting
 - b. Corrective Action Procedures
 - c. Management Review of Corrective Actions
11. Schedule for Compliance

Attachments

- Contact List
- References for Relevant Documents (MMRP, permits, MOA and treatment plans)
- Process Flowcharts



Attachment 3: Programmatic Agreement

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014



**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, AND
THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY
REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT,
AS IT PERTAINS TO THE CALIFORNIA HIGH-SPEED TRAIN PROJECT**

WHEREAS, The California High Speed Rail Authority (Authority), an agency of the State of California, proposes to construct and operate a Statewide High Speed Train (HST) System comprised of nine independent sections between major metropolitan areas of California. The following HST System sections (see map, Attachment A) comprise the nine separate undertakings covered by this Programmatic Agreement (hereafter, Agreement), which are subject to review under Section 106 of the National Historic Preservation Act and its implementing regulations, 36 Code of Federal Register (CFR) Part 800:

- San Francisco to San Jose.
- San Jose to Merced.
- Merced to Sacramento.
- Merced to Fresno.
- Fresno to Bakersfield.
- Bakersfield to Palmdale.
- Palmdale to Los Angeles.
- Los Angeles to Anaheim.
- Los Angeles to San Diego.

WHEREAS, in 2005 the Federal Railroad Administration (FRA), acting as the Federal agency, and the Authority completed a Statewide Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in accordance with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) as the first phase of the tiered environmental review process. In 2008 the FRA and the Authority completed a second program EIR/EIS on the Central Valley to Bay Area portion of the HST System. The Record of Decision (ROD) for the Statewide Program EIR/EIS indicated that project-level environmental analysis would be conducted for sections of the Statewide HST System as the next phase of environmental review and project approval; and

WHEREAS, pursuant to the requirements of CEQA and NEPA, the Authority and the FRA conducted a public and agency involvement program as part of the program environmental review process for the Statewide Program EIR/EIS. As part of this outreach, information was provided to 15,500 federal, state, and local agency representatives; elected officials; property owners; interested persons; and interested organizations. Approximately 25 informal and formal public meetings were held statewide during the Program EIR/EIS process. The Authority and the FRA convened staff representatives from 27 interested federal and state agencies to provide input on the environmental review process. Targeted interested groups included non-governmental organizations, community planning organizations, and public interest discussion/research groups; and

WHEREAS, for the Statewide Program EIR/EIS, the FRA and the Authority initiated consultation with Native American groups and sent letters providing information about the proposed project alternatives and requesting information about any traditional cultural properties that could be affected by the project. The FRA and Authority also contacted the California Native American Heritage Commission for a search of their Sacred Lands files and to provide a list of Native American tribes or groups for Section 106 consultation.

WHEREAS, in addition to consultation with the Federally-recognized Native American tribes, and other federal, state, regional, and local agencies, as appropriate, the FRA, as the Federal agency, and the Authority, as a responsible state agency, consulted with the Advisory Council on Historic Preservation (Council) and the State Historic Preservation Officer (SHPO) on the historic properties identified in the Program EIR/EIS and on measures to avoid, minimize, and mitigate potentially significant impacts; and

WHEREAS, the FRA has determined that each of the nine independent sections of the proposed HST System that include rail lines, associated structures, maintenance and ancillary facilities, construction easements, and staging areas, is an undertaking of this Agreement that may have an effect upon historic properties included on or eligible for inclusion on the National Register of Historic Places (NRHP); and

WHEREAS, the construction schedule is different for each undertaking, and Section 106 of the National Historic Preservation Act (16 U.S.C. §470f, hereafter Section 106) may be conducted and concluded at different times for each undertaking; and

WHEREAS, the purpose of this Agreement is to provide statewide consistency in consultation procedures, documentation standards, and federal agency oversight in compliance with Section 106 of the National Historic Preservation Act for each undertaking, each of which would be subject to an individualized consultation process under the terms of the PA; and

WHEREAS, the Authority has received a grant from the FRA through the High-Speed Intercity Passenger Rail Program funded in part through the American Recovery and Reinvestment Act (ARRA), to construct a section of the California High-Speed Train consisting of portions of the Merced to Fresno and Fresno to Bakersfield undertakings, and this Agreement streamlines the Section 106 compliance process, thereby expediting the obligation of ARRA funds; and

WHEREAS, the FRA has a statutory obligation, as the federal agency, to fulfill the requirements of Section 106 (36 CFR 800). The FRA, in consultation and cooperation with the Authority, shall ensure that the measures in the following stipulations are carried out. The FRA authorizes the Authority to initiate consultation with the SHPO pursuant to 36 CFR 800.14(b)(1)(iii) for the undertakings covered by this Agreement; and

WHEREAS, pursuant to 36 CFR 800.14, the FRA delegates major decision-making responsibility to the Authority including identification of historic resources, findings of eligibility, findings of effect, consultation, and the development and implementation of individual Memoranda of Agreement (MOAs) and treatment plans for each undertaking. The Authority will submit documents specified in this Agreement to the SHPO on behalf of the FRA: and

WHEREAS, the FRA and the Authority will jointly prepare environmental studies of the HST Projects (undertakings) in accordance with NEPA, including cultural resource studies required for Section 106, to coordinate the NEPA and Section 106 processes to the maximum extent possible; and

WHEREAS, the FRA, the Council, the Authority, and the SHPO are signatories pursuant to 36 CFR 800.6(c)(1) and have authority to execute, amend, or terminate this Agreement; and

WHEREAS, the FRA and the authority will continue to consult with Federally recognized Native American Tribes, concerning properties of traditional religious and cultural significance, and the Pechanga and Soboba Band of Luiseno Indians have requested to be concurring tribes under this Agreement; and

WHEREAS, all of the signatories to this Agreement accede to implement the procedure and measures described herein for each undertaking in keeping with the following stipulations; and

NOW, THEREFORE, the signatories agree that the proposed undertakings covered by this Agreement shall be implemented in accordance with the following stipulations in order to consider the effect of each undertaking on historic properties and that these stipulations shall govern compliance of the proposed HST System with Section 106 of the NHPA until this Agreement expires or is terminated.

STIPULATIONS

I. APPLICABILITY

- A. This Agreement shall apply to all the FRA and Authority undertakings administered under the HST Project for which the FRA is the Federal agency.
- B. This Agreement shall not apply to undertakings that occur on or affect tribal lands as defined in Section 301(14) of the NHPA. While no use of tribal land is anticipated, if such undertakings occur, the FRA shall follow the procedures in 36 CFR Part 800.
- C. In the event that the Authority applies for additional federal funding or approvals for the undertakings from another agency that is not party to this agreement and the undertakings as described herein remain unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this Agreement and notifying and consulting with SHPO and Council. Any necessary modifications will be considered in accordance with Stipulation XVII.B of this Agreement.

II. ROLES AND RESPONSIBILITIES

A. FRA

As the Federal agency, the FRA has primary responsibility pursuant to 36 CFR 800.2(a)(2) to ensure that the provisions of this Agreement are carried out. The FRA will conduct government-to-government consultation with Federally-recognized Native American tribes, execute MOAs for each of the Undertaking sections, and participate in the resolution of disputes. The FRA is responsible for all determinations of eligibility and effect of the undertakings. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(c)(4), the FRA remains legally responsible for ensuring that the terms of this Agreement are carried out and for all findings and determinations made pursuant to this Agreement.

B. Authority

The FRA has delegated to the Authority responsibility for the implementation of the following provisions of this Agreement: Consult with non-Federally-recognized Native American groups, other consulting parties and the public; conduct Section 106 reviews in a timely manner; delineate and change the APE as needed and inform signatories of the change; prepare documentation for the SHPO and the FRA including determinations of eligibility and effect; circulate comments from signatories; maintain documentation of the Section 106 compliance for each Undertaking; develop a prototype MOA for each Undertaking; invite local agencies, Native American groups, interested non-governmental organizations, and individuals to participate in the development of each Undertaking MOA to agree upon means to avoid, minimize, and/or mitigate adverse effects to historic properties; develop and implement MOAs for each Undertaking; develop a built-environment treatment plan and an archaeological treatment plan prototype to be used for each Undertaking; develop and implement the individual Undertaking treatment plans, as provisions in the MOAs for each Undertaking; and ensure project information is available to consulting parties and the public in concert with the CEQA/NEPA process for each undertaking.

C. SHPO

The SHPO shall be responsible for reviewing project documentation in a timely manner and participating in consultation as set forth in this PA.

D. Council

The Council shall be responsible for providing technical guidance, participating in dispute resolutions if needed, and monitoring the effectiveness of this Agreement.

III. PROFESSIONAL QUALIFICATIONS STANDARDS

All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition for historic properties, or that involve reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meet, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739) (Appendix A to 36 CFR Part 61) in the appropriate discipline. Hereinafter, such persons shall be referred to as Qualified Investigators (QIs). The Authority shall ensure that the work outlined in this Agreement is conducted by staff meeting these qualifications standards. However, nothing in this stipulation may be interpreted to preclude the FRA or the Authority or any agent or contractor thereof from using the services for persons who are not QIs, as long as their activities are overseen by QIs.

IV. ON-GOING CONSULTATION WITH NATIVE AMERICAN TRIBES

A. FRA

1. As the Federal agency with responsibility for Section 106 compliance, the FRA is responsible for all government to government consultation with federally-recognized tribes. A list of federally-recognized Native American tribes contacted can be found in Attachment (F).
2. The FRA initiated government-to-government consultation by letter to all Federally-recognized Native American tribes that could be affected by the undertakings. Tribal Representatives have also been contacted by telephone.
3. The FRA shall ensure that on-going consultation with Federally-recognized Native American tribes continues early in the project development process for each undertaking to identify cultural, confidentiality, or other concerns including those about historic properties, and to allow adequate time for consideration of such concerns whenever they may be expressed.
4. The FRA provided the draft Agreement to Federally-recognized Native American tribes for review and comment. Federally-recognized Native American tribes were provided a 30 calendar day opportunity to comment. All comments received by Federally-recognized Native American tribes were considered by the signatory parties and where appropriate incorporated herein.
5. In accordance with 36 CFR 800.2(c)(2), Federally-recognized Native American tribes may be identified as consulting parties for individual undertakings and in subsequent MOAs that are prepared for an undertaking covered by this Agreement as described further in Stipulation VIII.A.
6. Consultation with Federally-recognized Native American tribes shall continue throughout the development of subsequent undertakings regardless of whether such tribes have chosen to concur with this Agreement.

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7. The FRA shall identify tribes who will participate in an undertaking as a consulting party and shall consider future written requests to participate as consulting parties in an undertaking.
- B. The Authority
1. The Authority may consult informally with the federally recognized tribes and will coordinate such consultation with the FRA. The Authority is responsible for consultation with non-federally recognized Native American groups. A list of non-federally-recognized Native American groups contacted can be found in Attachment (F).
 2. Authority shall ensure that consultation with non-Federally-recognized Native American groups, as appropriate, is initiated early in the project planning process for each undertaking to identify cultural, confidentiality, or other concerns and to allow adequate time for consideration of such concerns.
 3. The Authority sent letters to all non-Federally-recognized Native American groups to begin consultation. Tribal Representatives have also been contacted by telephone.
 4. The Authority shall ensure that consultation continues with non-federally-recognized Native American groups respectively throughout the Section 106 compliance process and whenever such groups express a concern about the undertaking or about historic properties that may be affected by an undertaking.
 5. In accordance with 36 CFR 800.2(c)(2), non-Federally-recognized Native American groups may be identified as consulting parties in subsequent MOAs that are prepared for an undertaking covered by this Agreement as described further in Stipulation VIII.A.
 6. The FRA and the Authority shall ensure that consultation continues with non-federally-recognized Native American groups respectively throughout the Section 106 compliance process and when such groups express a concern about an undertaking or about historic properties that may be affected by an undertaking.
 7. The Authority provided the draft Agreement to non-Federally-recognized Native American groups. Native American groups were provided 30 calendar days to comment on the document.
- C. Consultation for each Undertaking
1. The Authority shall hold informal informational meetings with both Federally-recognized Native American tribes and non-Federally-recognized Native American groups specific to each undertaking to help provide project updates and to identify potential consulting parties for an MOA.
 2. The FRA shall consult on a government to government basis with Federally-recognized Native American tribes identified as consulting parties that attach religious and cultural significance to historic properties that may be affected by an undertaking at key milestones in the Section 106 and NEPA processes to gain input from Tribal governments. The Authority shall consult with all other involved Native American groups. The Tribal consultation will follow a process depicted in Attachment E and includes the following Native American consultation points:
 - i. During identification of historic properties, to confirm the historic properties identified.
 - ii. During assessment of adverse effects, (a) to provide requested Site Records of historic properties adversely affected for review, (b) to determine when and where tribal monitors may be needed during ground disturbing activities in previously identified sensitive areas or known sites, and (c)

to develop avoidance, minimization and treatment measures for adverse effects to both archaeological and built resources.

- iii. During resolution of adverse effects, (a) to develop and finalize treatment plans for archaeology and built resources, (b) develop and execute MOAs, and (c) to determine when and where tribal monitors may be needed during treatment plan implementation or construction.
- iv. During treatment plan and MOA implementation, (a) to provide for Tribal Monitors where agreed upon, (b) to review and comment on the Programmatic Agreement Annual Report, including input on the treatment plan and MOA implementation.

V. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

A. Public Involvement

Public involvement in planning and implementation of undertakings covered by this Agreement shall be governed by the FRA's and the Authority's environmental compliance procedures, as set forth by the Authority's environmental analysis methods, and any advice and guidance documents. Historic resources will be identified and effects will be disclosed to the extent allowable under 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3) and Stipulation XII of this Agreement. Consistent with Section 106, the public and consulting parties will have an opportunity to comment and have concerns taken into account on findings identified in Section 106 survey and effects documents via attendance at public meetings where they can submit comments on the information presented, as well as access the Section 106 documents via email requests to the Authority's web site. Project information and announcements are posted on the Authority's web site (www.cahighspeedrail.ca.gov). Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3), the Freedom of Information Act, 49 CFR. part 7, and Section 6254.10 of the California Government Code.

The FRA and the Authority have contacted local groups and individuals known to have interests in historic properties regarding the identification of historic properties in each section. Public meetings specific to historic properties and the effects of the project and treatment of these properties will be held in communities within each section. These interest groups and interested individuals will be invited to comment on the treatments proposed and those with demonstrated interest in the project will be invited to participate as consulting parties to the individual section MOAs. Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3), the Freedom of Information Act, 49 CFR. part 7, and Section 6254.10 of the California Government Code.

B. Consulting Parties

Consulting parties shall participate in undertakings covered by this Agreement in accordance with 36 CFR 800.2(c)(3) through (5) and 800.3(f). Consulting parties may include other federal, state, regional, or local agencies that may have responsibilities for historic properties and may want to review reports and findings for an undertaking within their jurisdiction.

The Authority shall submit to the ACHP and SHPO a list of consulting parties for each undertaking and a summary of coordination efforts and comments received. The SHPO shall submit comments, including recommendations for additional parties to the Authority within 30 days. The Authority shall revise and update this information as necessary based on SHPO's comments, and re-submit them to SHPO as part of the reports to be prepared under Stipulation VI. The Authority and FRA shall also consider individuals' written requests to participate as consulting parties in the development of measures to avoid, minimize and mitigate adverse effects to historic properties. Pursuant to 36 CFR

800.11(e) through (g), views of the public will be included in documentation of project effects to historic properties and the individual section MOAs

VI. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

A. Area of Potential Effects

The Area of Potential Effects (APE) for each undertaking will be determined by the Authority in accordance with the APE Delineation guidelines (Attachment B). As described in Attachment B, throughout the design process, the Authority will determine if revisions to an undertaking require modifications to the APE. If an APE requires revisions, the Authority is responsible for informing the signatories, consulting Federally-recognized Native American tribes, and other consulting parties within 15 days of identification of the needed changes.

B. Identification of Historic Properties

1. The signatories to this Agreement along with the concurring tribes agree that the Authority will identify historic properties and prepare documentation in accordance with Attachment C. As appropriate, these methods may be modified for undertaking-specific needs in consultation with the signatories and in accordance with QI review and current professional standards. Findings shall be made by the Authority to the FRA based on National Register of Historic Places (NRHP) criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR §800.4(c). Evaluation methods and criteria shall be consistent with the Secretary of the Interior's Standards and Guidelines for Evaluation (48 Federal Register 44729-44738) (36 CFR §63) and shall be completed by QIs qualified in the appropriate discipline: archaeology, architectural history, or history.
2. Historic properties shall be identified to the extent possible within the APE for each of the nine undertakings that comprise the California HST System and will be documented in the Project EIR/EIS and the Historic Property Survey Report (HPSR) as described in Attachment C. The content, methodology, level of effort, and documentation requirements for the HPSR shall follow federal and state guidelines and instructions, and are provided in detail in Attachment C. The identification effort and ineligible properties shall be documented in separate technical reports for archaeological properties and historic architectural properties, the drafts of which will be submitted for review by the signatories and other consulting parties including tribal historic preservation officers (THPOs) and tribal representatives who have expressed an interest in the undertaking.
 - i. Archaeological properties include prehistoric and historic archaeological sites, properties identified as per 800.4(a)(4), objects and districts. Evaluations shall be made by QIs fully qualified in the discipline of archaeology. Archaeological properties within the APE that are identified by QIs as historic properties or presumed to be historic properties shall be documented in the HPSR. Archaeological properties evaluated as ineligible for the NRHP by QIs shall be documented in Archaeological Survey Reports (ASR). The content, methodology, level of effort, and documentation requirements for the ASR are provided in detail in Attachment C. A list of archaeological resources exempt from evaluation is provided in Attachment D.
 - ii. Historic architectural properties include historic buildings, structures, objects, sites, landscapes and districts. Evaluations shall be made by QIs. Historic architectural properties within the APE that are identified by QIs as historic properties shall be documented in the HPSR. Historic architectural properties evaluated as ineligible for the NRHP by QIs shall be documented in Historic Architectural Survey Reports (HASR). The content, methodology, level of effort, and documentation requirements for the HASR are provided in detail in Attachment C. A list of historic architectural property types exempt from evaluation is provided in Attachment D.

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3. Other categories of properties that do not warrant evaluation, including those that are minor, fragmentary, or do not meet age or integrity requirements, are exempt from evaluation in the HPSR, ASR, or HASR, and are identified in Attachment D.
 4. A property less than 50 years old with potential exceptional significance or a property greater than 50 years old with characteristics indicating potential eligibility for the NRHP that is determined by a QI as ineligible for the NRHP that is not among the exempt property types identified in Attachment D shall be evaluated and documented in the HPSR if it meets one of the following conditions:
 - i. The property was identified as significant in a state, regional, or local survey of historic properties.
 - ii. The property was designated under a state, regional, or local ordinance with criteria for evaluating properties with historic or architectural significance.
 - iii. The property was identified by the SHPO, THPO, or any party identified as a result of Stipulations IV and V.
 - iv. The property would be acquired, destroyed, demolished, or substantially altered as a result of the undertaking.
- C. Evaluation of Historic Properties
1. Upon review and concurrence of the findings by the FRA, a Draft HPSR would be submitted by the Authority to the signatories and identified consulting parties, including Native American tribes, upon request prior to the public circulation of each project DEIS, and would include documentation of all properties in the APE that are listed in the NRHP, previously determined eligible for the NRHP, found eligible for the NRHP by QIs, or that appear ineligible for the NRHP but meet one of the conditions in B.4. of this stipulation. Known archaeological properties that cannot be evaluated prior to approval of an undertaking will be presumed NRHP eligible. Where archaeological testing to determine NRHP eligibility is feasible, project-specific MOAs may include a provision for treatment plans that include archaeological testing or use of a combined archaeological testing and data recovery program.
 2. The Authority shall submit its findings in the HPSR to the signatories and consulting parties, including Native American tribes, identified as a result of Stipulations IV.C and V.B, who shall have 30-days to review the HPSR findings and provide their recommendations for changes to the findings based on National Register criteria. If no objection is made, consistent with Stipulation VI.D, within the 30-day period, the findings for those historic properties would become final.
 3. Other non-eligible properties not already reported in the HPSR within the APE will be evaluated by QIs, documented for each undertaking in an ASR and/or HASR, and submitted to the SHPO for review and concurrence at the same time as the HPSR or no later than the end of the comment period of the DEIS. If the SHPO, agency reviewer, consulting Native American tribe, or other consulting party asks for additional information or a re-evaluation of a property, that property and the updated finding of eligibility or non-eligibility shall be included in the Final HPSR. Comments received from the SHPO, the THPO, agency reviewer(s), consulting Native American Tribe(s), and other consulting parties will be considered and may be incorporated into a Final HPSR.
 4. If, after the submission of the Final HPSR, there are changes to the APE that includes additional properties not exempt from evaluation or information is received that there may be additional historic properties within the APE, a Supplemental HPSR will be prepared, and distributed following review by the FRA, to the SHPO and all parties who received the Final HPSR for a review and comment period of 30 days. If no objection is made, consistent with Stipulation VI.D, within the 30-day period, the findings for those historic properties in the Supplemental HPSR would become final.

D. Eligibility Disagreements

Should a disagreement arise regarding the NRHP eligibility of a property in the APE for an undertaking, the FRA shall forward a Determination of Eligibility documentation to the Keeper of the National Register (Keeper) for resolution in accordance with 36 CFR 800.4(c)(2) if:

1. The SHPO or a federal agency with jurisdiction over the involved lands objects in writing within 30 days to a finding of eligibility, or
2. A Native American tribe or group that ascribes traditional religious and cultural significance to a property objects in writing within 30 days to a Finding of Eligibility regarding that property; and
3. The FRA is not able to resolve that objection through consultation with the SHPO and the objecting party as provided for in Stipulation XVII.A.

Should a member of the public disagree with any NRHP eligibility determinations, the Authority shall immediately inform the other signatories in writing and take the objection into account. The Authority shall consult with the objecting party and, if the objecting party so requests, with any or all of the other signatories for no more than 30 days. The Authority shall document such consultation efforts and submit the findings to the FRA for review. Within 14 days following closure of the consulting period, the FRA shall render a decision regarding the objection and notify all parties of this decision in writing. In reaching the decision, the FRA shall take comments from all parties into account and make a good faith effort to resolve the dispute. The FRA's decision regarding resolution of the objection from a member of the public will be final.

E. Phased Identification

In accordance with 36 CFR 800.4(b)(2), phased identification may occur in situations where identification of historic properties cannot be completed. In these cases, subsequent MOAs will provide a provision for the development and implementation of a post-review identification and evaluation effort as applicable to the undertaking.

VII. ASSESSMENT OF ADVERSE EFFECTS

- A. If historic properties are identified within an undertaking, the Authority shall assess adverse effects in accordance with 36 CFR 800.5 and distribute a Findings of Effect report (FOE) to the FRA for review, for each undertaking where historic properties were identified within the APE. The FOE shall describe the assessment of potential adverse effects to historic properties that would result from the construction or operation of the project, and identify mitigation measures that would eliminate or minimize effects to be incorporated into the design and construction documents of the undertaking. Following the FRA review and concurrence, the Authority shall distribute the FOEs to the signatories, and other consulting parties, including Native American tribes, identified as a result of Stipulations IV.C and V.B, who shall have a 30-day review and comment period. The Authority shall ensure that comments are considered prior to finalizing the FOE(s) for submission to the SHPO for final review and concurrence. The SHPO shall have an additional 30 days for review and concurrence with the final FOE(s).
- B. FRA will notify and invite the Secretary of the Interior (represented by the National Park Service regional office's program coordinator) when any project section may adversely affect a National Historic Landmark (NHL) pursuant to 36 CFR 800.10 and Section 110(f) of the NHPA.

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- C. Consistent with 36 C.F.R. § 800.5(b) and (d)(1), the FRA may determine that there is no adverse effect on historic properties within the APE for an undertaking when the effects of the undertaking would not meet the Criteria of Adverse Effect at 36 CFR 800.5(a)(1), the undertaking is modified to avoid adverse effects, or if conditions agreed upon by SHPO are imposed, such as subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines, to avoid adverse effects. Any conditions would be included in the DEIS or Final EIS (FEIS).

VIII. TREATMENT OF HISTORIC PROPERTIES

A. Memoranda of Agreement

1. A MOA will be developed by the Authority for each undertaking where the FRA determines there would be an adverse effect to historic properties or when phased identification is necessary and adverse effects would occur.
2. Each MOA will include avoidance, minimization, and protective measures for eligible properties identified in the HPSRs such as preservation-in-place; processes for addressing project design changes or refinements after the HPSRs, FOEs and project EISs are completed, incomplete identification of buried resources, and unanticipated discoveries.
3. The FRA will notify the Council of any findings of adverse effect and invite the Council to participate in the development of the MOAs pursuant to 36 CFR 800.6(a)(1)(i)(c) as appropriate.
4. Should Native American tribes or groups decline to participate as signatories to an MOA, they will not be provided documentation regarding treatment that is called for in this Agreement or in subsequent MOAs unless they expressly request such information. Native American tribes and groups will continue to receive information on the undertakings as part of the NEPA process and may request to consult on an undertaking, or request additional coordination with the Authority or the FRA.
5. Pursuant to 36 CFR 800.11(e) through (g), views of the public will be considered and included where appropriate in individual section MOAs.
6. Upon review, concurrence, and execution of the MOA, Section 106 will be considered concluded for that undertaking.

B. Treatment Plans

1. Prototype treatment plans will be developed by the Authority. Two treatment plans will be developed by the Authority for each undertaking: a Built Environment Treatment Plan and an Archaeological Treatment Plan.
 - i. The Built Environment Treatment Plan (BETP) will provide detailed descriptions of treatment measures for eligible buildings, structures, objects, landscapes and districts that will be affected by the undertaking. The BETP will also include descriptions of measures to be taken to protect historic properties and to avoid further adverse effects to historic properties.
 - ii. The Archaeological Treatment Plan (ATP) will provide detailed descriptions of protection measures for archaeological resources and resources of importance to Federally Recognized Native American Tribes or Native American groups because of cultural affinity. The ATP could include but is not limited to the establishment of environmentally sensitive areas (ESAs), use of preconstruction archaeological excavation, preservation-in-place, avoidance, minimization, monitoring during construction where appropriate, procedures to be followed when unanticipated

discoveries are encountered, processes for evaluation and data recovery of discoveries, responsibilities and coordination with Federally Recognized Native American Tribes, Native American groups, NAGPRA compliance, and curation of recovered materials.

2. Each treatment plan will address historic properties adversely affected and set forth means to avoid, protect, or develop treatment measures to minimize the undertaking's effects where the Authority, in consultation with the appropriate agencies, the SHPO, and other MOA signatories, determines that adverse effects cannot be avoided. The Treatment Plans will conform to the principles of the Council's Treatment of Archaeological Properties: A Handbook Parts I and II, the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (Federal Register, Vol. 48, September 29, 1983, pp. 44716-44742) and appropriate SHPO Guidelines. The Authority will take into consideration the concerns of the consulting parties in determining the measures to be implemented.
3. Each treatment plan will include, but not be limited to; the content outlined in Attachment C for treatment plans. The consultative procedure through which a treatment plan is developed will address the adverse effect of any undertaking on historic properties and indicate that the treatment plan will be incorporated into an MOA.

C. Treatment Plan Reviews

1. Signatory Review

The Authority shall provide the treatment plans to the MOA signatories and MOA concurring parties for a 30-day review and comment period. Based on comments received, treatment plans will be revised and resubmitted for a final 30-day review. If the MOA signatories and/or MOA concurring parties fail to comment within 30-days of receiving the treatment plan, the Authority shall confirm with the MOA signatories and/or MOA concurring parties that no comments will be made and may then proceed with the undertaking. Treatment plans can be amended by the Authority without amending the MOAs. Disputes will be resolved in accordance with the Dispute Resolution clause in Stipulation XVII.A.

2. Public Participation

The Authority shall take reasonable steps to provide opportunities for members of the public to express their views on the Treatment Plans. Opportunities for public input may include the distribution of treatment plans consistent with 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3). Where appropriate, the Authority will hold informational meetings with the public to explain the treatment plans and obtain comment. Any public comments received will be considered and incorporated into the treatment plans as appropriate.

D. Treatment Plan Implementation

1. Upon execution of each MOA and prior to the commencement of construction activities, each related treatment plan will be implemented. Depending upon the nature of the treatment, the treatment may not be completed until after the undertaking is completed. Termination of the project after initiation of the treatment plans will require completion of any work in progress, and amendment of each treatment plan as described below. Amendments to the treatment plans will be incorporated by written agreement among the signatories to the MOA. Each MOA will outline appropriate reporting processes for the treatment plans.
2. Dispute Resolution

The parties participating in the development and implementation of the Treatment Plans will come to agreement on the treatment prescribed in and the implementation of the Treatment Plan in the MOA. If the parties are unable to come to agreement on the treatment of adverse effects in the MOA, the procedures outlined in XVII.A will be followed to resolve the dispute.

IX. CHANGES IN ANCILLARY AREA/CONSTRUCTION RIGHT-OF-WAY

The Authority will notify the MOA signatories and consulting parties of changes in the size or location of ancillary areas or the construction right-of-way that result in changes to the APE, or effects to historic properties (see Attachment B) as appropriate by undertaking. If any changes result in the use of unsurveyed areas, the Authority will ensure that these areas are subject to survey in order to locate any potentially significant cultural resources and that those resources are evaluated for NRHP eligibility. The Authority will consult with the MOA signatories and consulting parties regarding any newly identified historic properties that cannot be avoided. Protective and/or mitigation measures will be developed and the treatment plans will be amended and implemented in accordance with Stipulation VIII. All such changes will be documented in the annual Programmatic Agreement report.

X. CONSTRUCTION APPROVAL

Upon the completion of the pre-construction activities prescribed in the treatment plans, the Authority may authorize construction within portions of the APE after conclusion of treatment plan implementation where adverse impacts would occur and in accordance with the provisions of the applicable MOA, or where no historic properties were identified. If concurrence of the approval to proceed cannot be reached among the signatories, the dispute will be resolved in accordance with Stipulation XVII.A.

XI. DISCOVERIES, UNANTICIPATED ADVERSE EFFECTS, UNANTICIPATED DAMAGE

In accordance with 36 CFR 800.13(a)(2), the Authority will ensure that treatment plans prepared prior to implementation of the undertaking include measures to be completed in the event of a discovery or unanticipated adverse effect or damage. If a previously undiscovered archaeological, historical, or cultural property is encountered during construction, or previously known properties will be affected or have been affected in an unanticipated adverse manner, all activity will cease within 50 feet of the property to avoid or minimize harm to the property until the Authority in consultation with the MOA signatories can determine the resource's eligibility, identify the effects, determine if adverse effects can be avoided by alteration of construction methods or the installation of protective measures, and, if not mitigate impacts to the new discoveries or newly affected properties in accordance with the stipulations of project-specific MOAs and treatment plans.

At a minimum, the treatment plan developed for each undertaking as part of the development of each MOA will outline the process to be followed if historic properties are discovered or there are unanticipated effects on historic properties located within a project's APE after the undertaking has been initiated. The Authority will implement the following procedures:

- A. The Authority shall ensure that all operations for the portion of the undertaking with the potential to affect an historic property are immediately ceased and will contact the FRA upon unanticipated resource discovery;
- B. The Authority shall make a preliminary determination of the National Register eligibility of the historic property and the potential for the undertaking to adversely affect the resource and shall forward that finding to FRA who will make the final eligibility determination. If adverse effects to the resource can be avoided, no consultation with MOA signatories and consulting parties is necessary. If adverse effects cannot be avoided, the Authority will consult with the MOA signatories and propose treatment measures to minimize the effects.

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- C. The Authority shall notify Federally-recognized Native American tribes of any discoveries that have the potential to adversely affect properties of religious or cultural significance to them within 24 hours of the discovery. After reviewing such discoveries, the Native American tribes can request further consultation on the project by notifying the Authority, in writing or other documented means within 48 hours, as feasible. For interested Native American groups that are not Federally-recognized, the Authority shall notify them of any discoveries that have the potential to adversely affect properties of religious or cultural significance to them within 24 hours of the discovery. After reviewing such discoveries, such interested Native American groups can request further consultation on the project by notifying the Authority in writing within 48 hours, as feasible; and
 - D. The Authority shall implement the avoidance, minimization, or treatment plan and advise the FRA and other signatories of the satisfactory completion of the approved work. Once the approved work is completed, the activities that were halted to address the discovery situation may resume; and
 - E. Any treatment to damaged properties will follow the Secretary of the Interior's Standards for the treatment of historic properties. If the Authority determines damaged property should be repaired after construction is completed, then stabilization measures that will prevent and not cause further damage will be installed; and
 - F. If a National Historic Landmark is affected, the Authority shall include the Secretary of the Interior (represented by the National Park Service regional office's program coordinator) and the Council in the notification process.

XII. CONFIDENTIALITY

All parties to this Agreement shall ensure that shared data, including data concerning the precise location and nature of historic properties and properties of religious and cultural significance are protected from public disclosure to the greatest extent permitted by law, including conformance to Section 304 of the NHPA, as amended and Section 9 of the Archaeological Resource Protection Act and Executive Order on Sacred Sites 13007 FR 61-104 dated May 24, 1996.

XIII. HUMAN REMAINS

A. Notification and Treatment

1. If human remains are inadvertently discovered during construction activities, all construction will cease within 100 feet in all directions of human remains and the Authority will immediately notify the appropriate parties in accordance with the project specific Treatment Plan. Human remains and grave goods will be treated in accordance with the Treatment Plan.
2. Federal agencies party to this Agreement will be responsible for curation of all records and other archaeological items resulting from identification and data recovery efforts on Federal lands within the agency's jurisdiction. This includes ensuring that the disposition of any human remains and associated funerary objects of Native American origin encountered on federal land during any action subject to this Agreement complies with § 3(c)(d) of the Native American Graves Protection and Repatriation Act and its implementing regulations codified at 43 CFR Part 10.
3. Any human remains and funerary objects discovered on non-federal land during the implementation of the terms of this Agreement and during the implementation of the undertaking itself will be treated by the Authority, in accordance with the requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to § 7050.5(c) of the California Health and Safety Code, the county coroner/medical examiner determines that the human remains are or may be of Native American

origin, the discovery shall be treated in accordance with the provisions of §§ 5097.98 (a) - (d) of the California Public Resources Code. The Authority will ensure that to the extent permitted by applicable law and regulation, the views of the Most Likely Descendant(s) are taken into consideration when the Authority makes decisions about the disposition of Native American human remains and funerary objects, and will further ensure the respectful treatment of each such set of remains and funerary objects.

B. Final Disposition of Human Remains

The FRA and Authority will ensure that every effort is taken to avoid disturbing known human burial sites. Where avoidance is not possible, and in consultation with appropriate tribal representatives and if applicable, Federal land management agencies with jurisdiction, burials will be removed prior to construction and treated in accordance with applicable federal and state laws and as outlined in the treatment plan developed for each undertaking.

XIV. CURATION

A. Collections from Federal Lands

Federal agencies party to this Agreement will be responsible for curation of all records and other archeological items resulting from identification and data recovery efforts on Federal lands is completed in accordance with 36 CFR Part 79, and if the archeological materials are determined to be of Native American origin, the agencies will follow NAGPRA regulations and procedures set forth in 43 CFR Part 10. The Authority shall ensure that documentation of the curation of these materials is prepared and provided to the affected parties to this Agreement within 10 days of receiving the archeological materials.

B. Collections from Private Lands

Private landowners will be encouraged to curate archeological materials recovered from their lands in accordance with 36 CFR Part 79 and the provisions of 43 CFR Part 10. Materials from private lands to be returned to the private landowners after completion of the undertaking shall be maintained in accordance with 36 CFR Part 79, and 43 CFR Part 10 if the archeological materials are determined to be of Native American origin, until all necessary analysis has been completed. The Authority shall document the return of materials to private landowners or alternate curation facilities and submit copies of this documentation to the affected parties to this Agreement. Landowners will be encouraged to rebury items close to their original location.

C. State Lands

The Authority will ensure that all cultural materials discovered on state lands will be curated in accordance with 36 CFR Part 79, the provisions of 43 CFR 10 if the archeological materials are determined to be of Native American origin, and California Guidelines for the Curation of Archeological Collections (May 7, 1993). The Authority will encourage state land agencies to consult with Native American tribes and groups, affiliated with the cultural materials, on repatriation. Appropriate treatment and disposition may occur through onsite reburial of the cultural materials recovered from state lands. In the event that the state agencies and consulting tribes cannot agree, the FRA will ensure that all cultural materials discovered on state lands will be curated in accordance with the project MOA and Treatment Plan.

XV. DOCUMENTATION STANDARDS

- A. All documentation that supports the findings and determinations made under this Agreement shall be consistent with 36 CFR 800.11 and shall be in accordance with the Authority's requirements and its subsequent revisions or editions and with attachments to this Agreement. Documentation shall be submitted to the Authority and prepared by QIs who, at a minimum, meet the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739) (Appendix A to 36 CFR Part 61). The Authority shall review the documentation for adequacy, and transmit all documentation cited herein as stipulated by this Agreement.
- B. All documentation prepared under this Agreement shall be kept on file at the Authority and the FRA and made available to the public without the inclusion of culturally sensitive information that may jeopardize confidentiality as stipulated by this Agreement, consistent with applicable confidentiality requirements and Federal records management requirements.

XVI. AUTHORITIES

Compliance with the provisions of this Agreement does not relieve the FRA or other federal agencies of their responsibilities to comply with other legal requirements, including those imposed by the NAGPRA (25 U.S.C. Section 3001 and 43 CFR 10), the ARPA (16 U.S.C. Section 470 aa-47011), and the NEPA (42 U.S.C. Section 4321-4347), and applicable Executive Orders.

XVII. ADMINISTRATIVE STIPULATIONS

- A. Dispute Resolution
 - 1. Should any signatory to this Agreement object within 30 days to any action proposed or any document provided for review pursuant to this Agreement, the FRA shall consult with the objecting signatory to resolve the objection. If the FRA determines that the objection cannot be resolved within 15 days, the FRA shall forward all documentation relevant to the dispute, including the FRA's proposed resolution, to the Council. The FRA will also provide a copy to all signatories and consulting parties for the undertaking. The Council shall provide the FRA with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FRA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the signatories and consulting parties, including Native American tribes, and provide them with a copy of this written response. The FRA will then proceed according to its final decision.

If the Council does not provide its advice regarding the dispute within 30 days, the FRA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FRA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties for the undertaking, and provide them and the Council with a copy of such written response.

- 2. Should a consulting party or member of the public disagree with findings, made pursuant to this Agreement, the Authority shall immediately inform the signatories in writing and take the objection into account. The Authority shall consult with the objecting party and, if the objecting party so requests, with any or all of the other signatories for no more than 30 days. Within 14 days following closure of the consulting period, the FRA shall render a decision regarding the objection and notify all parties of this decision in writing. In reaching the decision, the FRA shall take comments from all parties into account. The FRA's decision regarding resolution of the objection will be final.

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3. The FRA's and the Authority's responsibility to carry out all other actions under this Agreement that are not subject to dispute will remain unchanged.

B. Amendment

1. The signatories to this Agreement may request that it be amended, whereupon the signatories will consult to consider such amendment. This agreement may be amended only upon written concurrence of all signatory parties.
2. To address minor changes in the undertaking or the treatment of historic properties affected by the undertaking, the Authority may propose revisions to the treatment plans rather than to this Agreement. Upon the written concurrence of the signatories, the FRA may revise the treatment plans to incorporate the agreed upon changes without executing a formal amendment to this agreement.
3. Revisions to an attachment to this Agreement would be implemented through consultation and include any necessary revisions to the Agreement itself that may result from modification of an attachment.

C. Review and Reporting

1. The signatories and consulting parties, including Native American tribes, may review activities carried out by the Authority pursuant to this Agreement. The Authority shall facilitate this review by compiling specific categories of information to document the effectiveness of this Agreement and by making this information available in the form of a written annual Programmatic Agreement report. Categories of information shall include, but are not limited to, a summary of actions taken under this Agreement, including all findings and determinations, public objections, and inadvertent effects or foreclosures. The range and type of information included by the Authority in the written report and the manner in which this information is organized and presented must be such that it facilitates the ability of the reviewing parties to assess accurately the degree to which the Agreement and its manner of implementation constitute an efficient and effective program under 36 CFR Part 800.
2. The Authority shall prepare the written report of these findings annually following execution of this Agreement. The Authority shall submit the annual reports to the FRA, the SHPO, and the Council no later than three (3) months following the end of the State fiscal year until all treatment is completed. There will be a 30-day period to review and comment on the report. The Annual Programmatic Agreement Report will be finalized within 30 days of receipt of comments.
3. The Authority shall provide that the report herein prescribed is available for public inspection. The report will be sent to signatories and consulting parties, including Native American tribes, of this Agreement and any subsequent MOAs, and a copy available to members of the public for comment, upon request.
4. In conjunction with the review of the reports prepared by the Authority, the signatory parties shall consult in an annual teleconference to review the overall effectiveness and benefits of this Agreement, determine if its requirements are being met, decide if amendments to the Agreement are warranted, review the reporting format and categories for adequacy, and identify any other actions that may be needed in order to take into account the effects of the undertakings on historic properties in California.

D. Termination

The FRA, the Council, the SHPO, or the Authority may terminate this Agreement by providing 30 days written notice to the other signatories; the signatories shall consult during the 30-day period prior to

termination to seek agreement on amendments or other actions that would avoid termination. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement. Should a signatory party propose termination of this Agreement, they will notify the other parties in writing. If any of the signatories individually terminates their participation in the Agreement, then the Agreement is terminated in its entirety. In the event of termination, then the FRA shall either consult in accordance with 36 CFR 800.14(b) to develop a new Agreement or request the comments of the Council pursuant to 36 CFR 800. Beginning with the date of termination, the FRA shall ensure that until and unless a new Agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 CFR 800.4-800.6.

E. Duration of this Agreement

In the event that the terms of this Agreement are not carried out within 10 years, this Agreement shall be assessed by the signatories to determine if it is working well, or whether it should be terminated. If the Agreement is effective and its duration needs to be extended, the signatories can decide to extend the duration of the Agreement. If the signatories determine that the Agreement is effective, but needs revisions appropriate revisions based on evaluation of patterns in the implementation of the Agreement over the first 10 years will be made. In the event the signatories determine that the Agreement is not effective and cannot be amended to address concerns, the Agreement shall be considered null and void, memorialized in a letter to the signatories from the FRA. If the FRA or another Federal agency party to this agreement chooses to continue with the undertaking, it shall re-initiate review of the undertaking in accordance with 36 CFR Part 800. Otherwise, the FRA and all other appropriate signatories shall comply with 36 CFR 800 Subpart B with regard to individual actions covered by this Agreement.

F. Execution and Implementation of the Agreement

This Agreement and its attachments shall take effect following execution by the Council. Additional attachments or amendments to this Agreement shall take effect on the dates they are fully executed by the FRA, the SHPO, the Council, and the Authority.

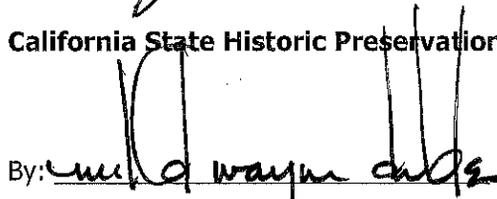
Execution of this Agreement by the FRA, the Authority, SHPO, and the Council and implementation of its terms evidence that the FRA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORY PARTIES

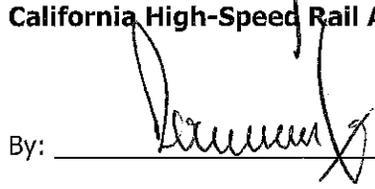
Federal Railroad Administration

By:  Date: 7/15/11

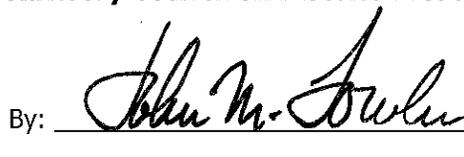
California State Historic Preservation Officer

By:  Date: 14 JUL 2011

California High-Speed Rail Authority

By:  Date: 6/28/2011

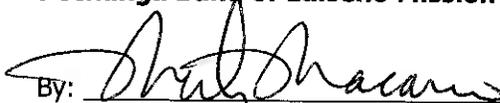
Advisory Council on Historic Preservation

By:  Date: 7/22/11

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

CONCURRING PARTY

Pechanga Band of Luiseno Mission Indians

BY:  Date: 8/2/11
Mark Macarro, Tribal Chairman

RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

CONCURRING PARTY

Soboba Band of Luiseno Indians

By: _____ Date: _____

ATTACHMENT A

High-Speed Train System Map



RFP No.: 13-57 – Addendum No. 1 - 06/10/2014

ATTACHMENT B

AREA OF POTENTIAL EFFECTS DELINEATION

In accordance with Stipulation VI.A. of this Agreement, The Authority shall establish the Area of Potential Effects (APE) for undertakings covered by this Agreement. The Authority using Qualified Investigators (QIs) would be responsible for describing and establishing the APE and will sign any maps or plans that define or redefine an APE.

As defined in 36 CFR 800.16(d), an APE is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

Different APEs may be established for archeological properties and historic architectural properties:

Archaeological Properties

For archeological properties, an APE is typically established based on an undertaking’s potential for direct effects from ground-disturbing activities. On occasion, archeological sites may also have qualities that could be affected indirectly.

The APE for archaeological properties is the area of ground proposed to be disturbed during construction of the undertaking, including grading, cut-and-fill, easements, staging areas, utility relocation, borrow pits, and biological mitigation areas, if any.

Traditional cultural properties and cultural landscapes are more likely to be subject to indirect, as well as direct, effects, thus the APE for such properties is usually broader than the archeological APE in order to include the potential for such effects. For instance, the first row of potential properties beyond the right-of-way may be subject to such effects and thus included in an indirect APE when warranted.

Historic Architectural Properties

The APE for historic architectural properties includes all properties that contain buildings, structures or objects more than 50 years of age at the time the intensive survey is completed by the QIs, as follows:

1. Properties within the proposed right-of-way;
2. Properties where historic materials or associated landscape features would be demolished, moved, or altered by construction;
3. Properties near the undertaking where railroad materials, features, and activities *HAVE NOT* been part of their historic setting and where the introduction of visual or audible elements may affect the use or characteristics of those properties that would be the basis for their eligibility for listing in the National Register; and
4. Properties near the undertaking that were either used by a railroad, served by a railroad, or where railroad materials, features, and activities *HAVE* long been part of their historic setting, but only in such cases where the undertaking would result in a substantial change from the historic use, access, or noise and vibration levels that were present 50 years ago, or during the period of significance of a property, if different.

For the California High-Speed Train Project, a key phrase in the APE definition in the Section 106 regulations contained within 36 CFR 800.16(d) is “may...cause alterations in the character or use of historic properties” because many of the undertakings involve the construction of high speed rail alongside existing railroads. In such cases, potential historic properties near the proposed undertaking

historically had railroad features, materials, and activities within their setting that contributed to their character, or may even have been used by or served by the railroad. For example:

- the character and use of a historic railroad passenger or freight depot or railroad bridge *would not change* unless it would be put out of service, destroyed, altered, or moved for the undertaking;
- the character and use of an industrial building next to existing railroad tracks *would not change*, unless freight railroad service was an important association and the spur lines or loading areas would be removed by the undertaking;
- The character and use of buildings *would not change* if they would be separated from the undertaking by an existing railroad; however,
- the character of a non-railroad or non-industrial building *would likely change* if the building is visually sensitive and the proposed undertaking introduces an elevated grade separation or other large building or structure;
- the use of a non-railroad or non-industrial building *would likely change* if the building is sensitive to noise, like a school, museum or library, and the frequency of noise or vibration events from passing trains is increased over historic-era railroad events.

However, some sections of an undertaking may be introducing rail service where none existed during the historic era, for example along a highway or through agricultural fields. For such sections, the undertaking is more likely to change the character or use of a historic property, and the APE would take into account changes to its setting and the introduction of visible or audible elements that are out of character with the property. Other effects to be considered when delineating the APE may include, but are not limited to, physical damage or destruction of all or part of a property; physical alterations; moving or realigning a historic property; isolating a property from its setting; visual, audible, or atmospheric intrusions; shadow effects; damage from vibrations; and change in access or use.

When delineating the APE, the QIs shall follow the identification methodology in Stipulation VI.B., which are different for archaeological properties and historic architectural properties. The QIs shall take into account the nature of the proposed undertaking and whether or not it has the potential to affect the characteristics that might qualify the property for eligibility to the NRHP. Whenever an undertaking is revised (e.g., design changes, utility relocation, or additional off-site mitigation areas), the QIs will determine if changes require modifying the APE. If an APE proves to be inadequate, the Authority is responsible for informing consulting parties in a timely manner of needed changes. The APE should be revised commensurate with the nature and scope of the changed potential effects.

ATTACHMENT C
HST PROGRAM DOCUMENTATION AND FORMAT GUIDELINES

PURPOSE

The purpose of the HST program method for evaluation of cultural resources is to describe, in greater detail, how the FRA and the Authority will implement the Section 106 process for each HST section and ensure that the identification and evaluation of cultural resources is conducted in accordance with the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation (Standards and Guidelines) (48 CFR 44716-44742) and 36 CFR 800.4.*

The historic properties that should be identified include any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places (NRHP) maintained by the Secretary of Interior. This includes artifacts, records, and remains which are related to such district, site, building, structure, or object (16 U.S.C. Section 470(w)(5)). The term includes properties of traditional religious and cultural importance to an Indian Tribe or organization that meet the National Register criteria. Properties eligible for inclusion in the National Register can be properties that are formally determined as such in accordance with regulations of the Secretary of Interior and all other properties that meet the National Register criteria. The level of identification needed varies depending on the nature of the property or property type, the nature of the agency's authority, and the nature of the proposed undertaking's possible effects on the property. Properties that the QIs may find exempt from evaluation are described in Stipulation VI.B.3 and Attachment D.

METHODOLOGY FOR IDENTIFICATION OF HISTORIC PROPERTIES

The Area of Potential Effects (APE) would be delineated as described in Stipulation VI.A and Attachment B, using the best professional judgment of the QIs and taking into account historic property sensitivity and the effects that would occur from construction and operation of the undertaking. An APE Map showing the most current engineering available for the undertaking and the boundary delineated by QIs would be submitted to SHPO with the Historic Property Survey Report (HPSR) or separately if SHPO concurrence with adequacy of the APE is desired prior to the HPSR. The APE maps would be on an aerial base at a scale of 1"=250' in urban areas and 1"=400' in rural areas and indicate whether the project is at-grade, elevated, or in tunnel configuration.

In consultation with the SHPO and other parties to the Section 106 process, including Native American tribes, FRA and the Authority will identify resources, determine eligibility, and treat any adverse effects, as outlined in 36 CFR Part 800 following guidance developed by the National Park Service and in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation 1983 (48 FR 44716, as amended) as enumerated below:

- To identify known locations of historic properties within the APE, review the records for previously recorded archaeological properties and historic architectural properties at the local Information Center (IC) of the California Historical Resources Information System (CHRIS). While at the IC, collect information on recorded sites within the APE, for the range of alternative HST project alignments. Review previous survey technical reports conducted within the APE for historic contexts, bibliography, and determination of significance of sites. Review historic USGS maps. Review properties listed in the National Register of Historic Places and the California Register of Historical Resources, the California Historical Landmarks and Points of Historical Interest lists, Land Grant maps, Online Archive of California, Government Land Office Plat Maps, and Sanborn Fire Insurance Maps for urban areas as appropriate.

- Review survey findings conducted by local governments, historical societies, or historic preservation organizations, local historic landmark or monument designations, and any other inventories that may help identify or establish the significance of historic properties.
- Review subdivision maps, assessor maps, county/city directories, utility records, building permits, photographs, newspapers, diaries/journals, architectural drawings, Agency Records, Residential- and Commercial-Building Records, oral histories, thesis/dissertations, and preferred local and credible history studies. Research should be conducted with the appropriate agencies, knowledgeable individuals, local and regional historical societies, archives, and libraries.
- Develop relevant historic themes and contexts for the identification and evaluation efforts of historic properties within the APE. Use National Register Bulletin No. 15 for guidance.
- Employ standard archaeological inventory methods. Conduct presence/absence testing, if necessary, in areas where subsurface remains may be present. For resources that cannot be avoided conduct test excavations to determine resource significance in accordance with the research design.
- Consult with interested Native American Tribe(s) and other cultural groups to identify and evaluate any potential TCPs and cultural landscapes that could be affected by the project following the methods outlined in the National Register Bulletin 38 and the Secretary of the Interior's Standards for the Treatment of Historic Properties, respectively.
- Perform an intensive survey to identify, record, and evaluate architectural properties adjacent to the proposed alignment, stations and support facilities built within the time period identified in the plan to document and inventory all historic buildings, structures, objects, districts, and cultural landscapes in sufficient detail to permit evaluation for the NRHP (per Section 106 of the NHPA) and the California Register of Historic Resources (CRHR) (per California Public Resources Code Section 5024.1 and 21084.1). Use field maps at 1" = 250' scale that have delineated parcel boundaries, APE boundaries, Assessor Parcel Numbers (APNs), street names, prominent natural and man-made features, and previously recorded sites. Based on the number of historic properties within the APE, a field database may be required. Documentation and evaluation efforts will follow the guidelines of National Register Bulletin No. 15 and the California Office of Historic Preservation (OHP) Instructions for Recording Historic Properties (DPR 523 series forms). Private spaces (i.e., building interiors), suburban backyards, and restricted areas will not be surveyed. Surveys will occur from public vantage points, and if access is infeasible, then the property will be evaluated solely on available information or right-of-entry will be coordinated by the Authority.

TECHNICAL REPORTS

- After completion of the archaeological and historic architectural research, inventories and evaluations, and tribal consultations prepare reports to document the findings and identification effort, and if any historic properties are identified for an undertaking, prepare a report to analyze the effects of the undertaking. Technical reports will be submitted to SHPO in both hard copy and electronic format, and the evaluations made on DPR 523 forms will also be submitted in a data format that is compatible for uploading to SHPO's historical resource inventory database. At a minimum, the technical reports shall follow the following format and content requirements.

A. Historic Property Survey Report (HPSR)

The HPSR would include documentation of all properties in the APE that are:

1. listed in the NRHP,
2. previously determined eligible for the NRHP,
3. found eligible for the NRHP by QIs,
4. presumed eligible for the NRHP by QIs, or
5. that are ineligible for the NRHP and meet one of the following conditions:
 - a. The property was identified as significant in a state, regional, or local survey of historic properties.
 - b. The property was designated under a state, regional, or local ordinance with criteria for evaluating properties with historic or architectural significance.
 - c. The property was identified by the SHPO, THPO, or any party identified as a result of Stipulations IV and V.
 - d. The property is not exempt from evaluation as identified in Attachment D and would be acquired, destroyed, demolished, or substantially altered as a result of the undertaking.

The HPSR would *NOT* include documentation of:

1. Properties that are exempt from evaluation as identified in Attachment D.
2. Non-exempt and non-NRHP eligible properties with the exception of Section A.5, above. Such properties would be documented in the Archaeological Survey Report (ASR) or Historic Architectural Survey Report (HASR).

The HPSR format and content is as follows:

1. Description of the Undertaking

This section shall summarize the description of the undertaking, its location, and any alternatives being considered. If alternatives have been developed to avoid or minimize effects on historic properties, those alternatives may be described here or in the Findings of Effect report.

2. Summary of Findings

This section should include findings for historic properties identified in the APE, and for any non-eligible properties for which SHPO concurrence on ineligibility is needed early in the environmental process.

3. Consulting Parties, Public Participation

This section shall summarize the coordination efforts and public comments received to date from federal, state, and local government agencies, Native American groups, historical societies, or other interest groups. The summary should include outreach done specifically for Section 106 as well as for NEPA.

4. Summary of Identification Effort

Include inventories, facilities, groups, and persons consulted to identify previously determined and potential historic properties.

5. Historic Context

Include those historic contexts developed to evaluate the historic properties identified. Other historic contexts that were developed may be listed in the HPSR, and reported in the ASR or HASR.

6. Historic Properties Identified

Provide a list of historic properties identified within the APE, and a brief description of their significance, including the applicable NRHP criterion or criteria, and level, period, and area of significance. Include, as appropriate:

- a. Historic properties listed in the NRHP.
- b. Historic properties previously determined eligible for the NRHP.
- c. Historic properties determined eligible for the NRHP for which SHPO concurrence is requested.
- d. Archaeological properties that are currently being evaluated and are presumed eligible for the NRHP
- e. Properties evaluated as not eligible for the National Register, for which SHPO concurrence is needed early in the NEPA process.

7. Findings

Summarize the findings for historic properties identified within the APE for which SHPO concurrence is sought.

8. References

Include bibliographic references used for the historic contexts and any literature, inventories or surveys used to identify or evaluate historic properties.

9. Preparer qualifications

List the QIs and their qualifications who prepared the HPSR and evaluated the historic properties.

Attachments to the HPSR:

1. Project location and vicinity maps
2. Area of Potential Effects Map
3. Letters from historical societies, Native American groups, local governments, other special interest groups, etc.
4. DPR 523 forms supporting the findings for historic properties in the HPSR. The DPR 523 forms shall be prepared in accordance with the California Office of Historic Preservation's *Instructions for Recording Historical Resources* (March 1995) for intensive survey level of effort.

B. Archaeological Survey Report (ASR)

The ASR includes all documentation for the identification and evaluation of archaeological resources not submitted to SHPO in the HPSR. This includes those resources that are not eligible for the NRHP and are non-exempt according to Attachment D. The ASR may be submitted as an attachment to the HPSR or as a subsequent document in support of the overall Section 106 findings. The ASR format and content is as follows:

1. Introduction
 - a. This section should include a discussion about the PA and how it was followed in this document.
2. Summary of Findings
 - a. This section should include The Authority's findings for any archaeological properties evaluated and determined not eligible for the NRHP for which SHPO concurrence is being requested within 30 days of receipt of the ASR.
 - b. For reference, this section should include a summary of those archaeological properties reported to SHPO in the HPSR.
3. Description of the Undertaking
 - a. This section shall summarize the description of the undertaking, its location, and any alternatives being considered.
4. Description of the APE
 - a. This section should include a description of the APE, the application of the PA guidance and how the boundary was determined.
5. Summary of Identification Effort
 - a. Include inventory and field methodologies (including a description of any sub-surface investigation, if appropriate), results of archival research including Sanborn mapping as appropriate, and involvement of the public including Native American groups, and individuals.
6. Historic and Geomorphic Context
 - a. Include those historic contexts developed to evaluate the archaeological resources to determine if they are historic properties eligible for the National Register of Historic Places. The report should also describe the geomorphology of the project area and assess the potential for previously unrecorded buried archaeological resources.
7. Findings
 - a. Summarize the findings for properties determined eligible for the NRHP, that were identified within the APE and for which SHPO concurrence is sought. Provide a

description of properties found not eligible for the NRHP within the APE, and a description of the property, its location, and why it lacked significance.

8. References

- a. Include bibliographic references used for the historic contexts and any literature, inventories or surveys used to help evaluate the properties according to NRHP criteria.

9. Preparer qualifications.

- a. List the QIs and their qualifications, that prepared the ASR and evaluated the properties ineligible for the NRHP.

Attachments to the ASR:

1. Project location and vicinity maps
2. Area of Potential Effects Map
3. Letters from Native American groups, local governments, historical societies, other special interest groups, etc.
4. DPR 523 forms supporting the findings for properties ineligible for the NRHP in the ASR. The DPR 523 forms shall be prepared in accordance with the California Office of Historic Preservation's *Instructions for Recording Historical Resources* (March 1995) for intensive survey level of effort.

C. Historic Architectural Survey Report (HASR)

The HASR includes the documentation for evaluating historic architectural properties that are not eligible for the NRHP, are non-exempt according to Attachment D, and were not reported in the HPSR. The HASR may be submitted as an attachment to the HPSR or as a subsequent document. The HASR format and content is as follows:

1. Introduction

- a. A discussion about the PA and how it was followed in this document.

2. Summary of Findings

- a. This section should include The Authority's findings for any non-eligible properties for which SHPO concurrence is requested within 30 days of receipt of the HASR, but which were not submitted in the HPSR.

For reference, this section should include a summary of those historic architectural properties reported to SHPO in the HPSR.

3. Description of the Undertaking

- a. This section shall summarize the description of the undertaking, its location, and any alternatives being considered.

4. Description of the APE

-
- a. Description of the APE, the application of the PA guidance and how the boundary was determined.
5. Summary of Identification Effort
 - a. Include inventories, facilities, groups, and persons consulted to identify previously determined and potential historic properties not reported in the HPSR.
 6. Historic Context
 - a. Include those historic contexts developed to evaluate the properties evaluated in the HASR that are not eligible for the NRHP.
 7. Properties Identified as Not Eligible for the NRHP,
 - a. Provide a list of properties found not eligible for the NRHP within the APE, and a brief description of that describes the property, its location, and why it lacked significance. This may be done in a simple table format.
 8. Findings
 - a. Summarize the findings for properties not eligible for the NRHP that were identified within the APE and for which SHPO concurrence is sought.
 9. References
 - a. Include bibliographic references used for the historic contexts and any literature, inventories or surveys used to help evaluate the properties according to NRHP criteria.
 10. Preparer qualifications
 - a. Identify and list the qualifications of the QIs who prepared the HASR and evaluated the properties ineligible for the NRHP.

Attachments to the HASR:

1. Project location and vicinity maps
2. Area of Potential Effects Map
3. Letters from historical societies, Native American groups, local governments, other special interest groups, etc.
4. DPR 523 forms supporting the findings for properties ineligible for the NRHP in the HASR. The DPR 523 forms shall be prepared in accordance with the California Office of Historic Preservation's *Instructions for Recording Historical Resources* (March 1995) for intensive survey level of effort.
5. Streamlined documentation format for *substantially altered* properties constructed more than 50 years ago will be provided as follows:
 - a. Address

-
- b. Year constructed
 - c. List of substantial alterations and/or lost aspects of integrity
 - d. Photograph (may be less than 3"x5", but legible)
 - e. Date surveyed
 - f. Optional information. The following documentation may be provided, but is optional at the discretion of the QI:
 - i. Construction or historical information to understand the historic context (*e.g.*, original use, original owner, architect, engineer, builder, and/or historic resident/tenant/user.)
 - ii. Historic contexts considered, if any, or state "no important historic context"
6. Streamlined documentation format for tract homes and pre-fabricated homes more than 50 years old that are *NOT* eligible for the National Register but are *NOT substantially altered*.
- a. Tract homes within the APE that are part of the same tract may be treated as a group with a common construction history and evaluated on a Primary Record (DPR 523A), District Record (DPR 523 D), and Continuation sheets (DPR 523L) that have photographs of representative house models.
 - b. Pre-fabricated homes that are not associated with permanent buildings or a historic district of pre-fabricated homes will be provided:
 - i. Address
 - ii. Photograph (may be less than 3"x5", but legible)
 - iii. Date surveyed
 - iv. Optional information. The following documentation may be provided, but is optional at the discretion of the QI:
 - a) Approximate year fabricated
 - b) Name of fabricator or model

D. Findings of Effect (FOE)

The Findings of Effect (FOE) report documents the application of the Section 106 criteria for adverse effect (36 CFR 800.5) for each historic property identified within the APE, including all properties reported in the HPSR. The FOE also includes any avoidance alternatives, mitigation measures, or treatment plan as needed for each historic property or property type being adversely affected. Such mitigation and treatment would form the basis for the stipulations in the subsequent MOAs. The FOE should be organized to report on the following findings for an undertaking:

- No effect on historic properties.
- No adverse effect on historic properties (with no mitigation or after standard mitigation).
- Adverse effect on historic properties.

The FOE format and content is as follows:

1. Summary of Findings of Effect

This section should include a summary of findings for any historic properties identified, and whether the effect on them would be negative, not adverse, or adverse, and how the effect is taken into account.

2. Description of the Undertaking

This section shall summarize the description of the undertaking, its location, and any alternatives being considered.

3. Public Participation

Discuss consultation about effects and mitigation with federal, state, and local government agencies, Native Americans, historical societies, or other interest groups. The summary should include outreach done specifically for Section 106 as well as for NEPA. Identify any parties who would be consulting parties in the subsequent MOA.

4. Description of Historic Properties

Using information developed in the HPSR, summarize the historic properties identified in the APE, and describe the essential physical features that comprise the characteristics that qualify each property for the NRHP.

5. Application of the Criteria of Adverse Effect

Discuss the application of the Criteria of Adverse Effect for each historic property. State the most relevant of the criteria and describe in detail the nature of the effect on its essential physical features and how it is adverse or not adverse.

6. Conditions Proposed

Discuss in detail any conditions proposed to avoid adverse effect to each historic property. Present separate sub-sections for any alternatives proposed, or design changes that would be a condition to mitigate the adverse effect, including design considerations to ensure meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR part 68). With SHPO concurrence on the FOE, such mitigation would form the basis for stipulations in a subsequent MOA for the undertaking.

E. Treatment Plans

All Treatment Plans for the independent undertakings of the HST Project will include, but not be limited to:

1. Specification of all historic properties to be affected by the project, including a description of the nature of the effects.
2. A detailed description of the treatments proposed for historic properties or portions of historic properties eligible for the NRHP under 36 CFR Part 60.4 criteria (a), (b), (c) or (d), with an explanation or rationale provided for the choice of the proposed treatments. These treatments will take into account the setting, including but not limited to, visual and atmospheric elements, and vibration, as appropriate, and be responsive to the qualities that contribute to the significance of the affected properties.

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3. Provisions for the creation of a popular account for disseminating the results of the Treatment Plans to the general public, consistent with the Archaeological Resources Protection Act (ARPA), Executive Order on Sacred Sites, the Freedom of Information Act and Section 304 of the NHPA (16 U.S.C. 4702-3).
 4. The archaeological Treatment Plan will, at a minimum, include:
 - A. The Authority's intent to recover a reasonable sample of the intact archaeological deposits from eligible archaeological sites that the agency determines, through the process set out in Stipulation VII of the Agreement, that may be adversely affected by the implementation of the Undertaking;
 - B. Specify the research issues/questions to be addressed through the recovery of data, and provide for a process whereby the research issues/questions will be refined to reflect the information that the Authority gathers as a result of the investigation set out in Stipulation VII of the Agreement;
 - C. Explain why it is in the public interest to address those research issues;
 - D. Explain how data from the historic property will address those research issues/questions;
 - E. Specify the methods to be used in fieldwork and analysis, and explain how these methods are relevant to the research issues/questions;
 - F. Specify the methods to be used in data management and data dissemination;
 - G. Indicate how recovered materials and records will be curated, taking into account the expressed wishes of the consulting Native Americans;
 - H. Include a schedule for providing the consulting Native American Tribes with periodic updates on implementation of the data recovery plan;
 - I. Include a curation agreement that ensures that all materials (other than Native American human remains and grave associated materials) and records are maintained in accordance with 36 CFR 79. Materials recovered from privately owned lands, other than Native American human remains and grave-associated materials that are to be returned to their owners, will be maintained in accordance with 36 CFR 79 until their analysis is completed; and
 - J. Specify the manner in which human remains and grave associated artifacts recovered during data recovery will be treated according to applicable laws and regulations, and in consultation with the wishes of the consulting Native Americans.

ATTACHMENT D

PROPERTIES EXEMPT FROM EVALUATION

Section 106 regulations require a "reasonable and good faith effort" to identify historic properties (36 CFR 800.4[b][1]). The procedures in this attachment concentrate the Authority's efforts on properties that have the potential to be historic properties. A property should be evaluated only if QIs reasonably determine that the property has a demonstrable potential for historic significance. Evidence of such potential consists of associations with significant historic events or individuals (NRHP Criteria A or B); engineering, artistic, design, or aesthetic values (NRHP Criterion C); information value (NRHP Criterion D); the presence of community concerns; or inclusion as a potential contributing element within a larger property requiring evaluation, such as a historic or cultural landscape, traditional cultural property, or historic district. This attachment defines categories of properties that do not warrant evaluation unless deemed otherwise in the professional judgment of QIs. Exempted properties do not require documentation.

ARCHEOLOGICAL PROPERTIES (PREHISTORIC AND HISTORIC) EXEMPT FROM EVALUATION

The following properties are exempt from evaluation, based on the professional judgment of QIs qualified in the area of archaeology:

- Isolated prehistoric finds consisting of fewer than three items per 100 square meters
- Isolated historic finds consisting of fewer than three artifacts per 100 square meters (e.g., several fragments from a single glass bottle are one artifact)
- Refuse scatters less than 50 years old (scatters containing no material that can be dated with certainty as older than 50 years old)
- Features less than 50 years old (those known to be less than 50 years old through map research, inscribed dates, etc.)
- Isolated refuse dumps and scatters over 50 years old that lack specific associations
- Isolated mining prospect pits
- Placer mining features with no associated structural remains or archeological deposits
- Foundations and mapped locations of buildings or structures more than 50 years old with few or no associated artifacts or ecofacts, and with no potential for subsurface archeological deposits
- Building and structural ruins and foundations less than 50 years old.

QIs qualified in California archaeology shall apply professional judgment as to the level of identification effort, in consultation with consulting Native American Tribe(s) where appropriate. This exemption process does not include archeological sites, traditional cultural properties, or other cultural remains or features that may qualify as contributing elements of districts or landscapes.

HISTORIC ARCHITECTURAL PROPERTIES EXEMPT FROM EVALUATION

QIs qualified in the disciplines of history or architectural history may find the following types of historic architectural properties exempt from evaluation and documentation, or have a lesser level of documentation in the HASR:

1. Properties less than 50 years old at the time of the intensive survey unless they may have achieved exceptional significance in accordance with NRHP Bulletin 22.
2. Properties moved within the past 50 years unless they are among the exceptions noted in "Criteria Consideration B: Moved Properties" of National Register Bulletin 15.

The historical architectural property types listed below are exempt from evaluation and will not require documentation, based on the professional judgment of QIs qualified in the disciplines of history or architectural history.

Railroad Related Features:

- Railroad maintenance facilities
- Railroad communication and signaling systems
- Switching and crossing equipment
- Railroad structures such as grade separations, pedestrian overcrossings and underpasses
- Railroad culverts and drainage systems
- Railroad fencing and other right-of-way features
- Access roads for railroads
- Railroad maintenance materials (e.g., ties, track, ballast, etc.)
- Railroad grades converted to other uses, such as roads, levees, or bicycle/pedestrian paths

Water Conveyance and Control Features:

- Natural bodies of water providing a water source, conveyance, or drainage
- Modified natural waterways
- Concrete-lined canals less than 50 years old and fragments of abandoned canals
- Roadside drainage ditches and secondary agricultural ditches
- Small drainage tunnels
- Flood storage basins
- Reservoirs and artificial ponds
- Levees and weirs
- Gates, valves, pumps, and other flow control devices
- Pipelines and associated control devices
- Water supply and waste disposal systems

Recent Transportation or Pedestrian Facilities:

- Light rail systems, including shelters, benches, and platforms
- Bus shelters and benches
- Airstrips and helicopter landing pads
- Vista points and rest stops
- Toll booths
- Truck scales and inspection stations
- City streets, alleys, and park strips
- Sidewalks, curbs, berms, and gutters
- Bike paths, off-road vehicle trails, equestrian trails, and hiking trails
- Parking lot and driveways

Highway and Roadside Features:

- Isolated segments or bypassed or abandoned roads
- Retaining walls
- Curbs, gutters, and walkways
- Highway fencing, soundwalls, guard rails, and barriers
- Drains and culverts, excluding culverts assigned a Caltrans bridge number
- Cattle crossing guards
- Roadside, median, and interchange landscaping and associated irrigation systems
- Street furniture and decorations
- Signs and reflectors
- Parking meters
- Street lighting and controls
- Traffic lights and controls
- Highway operation control, maintenance, and monitoring equipment

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- Telecommunications services, including towers, poles, dishes, antennas, boxes, lines, cables, transformers, and transmission facilities
 - Utility services, including towers, poles, boxes, pipes, lines, cables, and transformers
 - Oil and gas pipelines and associated control devices

Adjacent Features:

- Prefabricated buildings less than 50 years old not associated with permanent buildings or a historic district
- Fences, walls, gates, and gateposts
- Isolated rock walls and stone fences
- Telephone booths, call boxes, mailboxes, and newspaper receptacles
- Fire hydrants and alarms
- Markers, monuments, signs, and billboards
- Fragments of bypassed or demolished bridges
- Temporary roadside structures, such seasonal vendors' stands
- Pastures, fields, crops, and orchards
- Corrals, animal pens, and dog runs
- Open space, including parks and recreational facilities

Movable or Minor Objects:

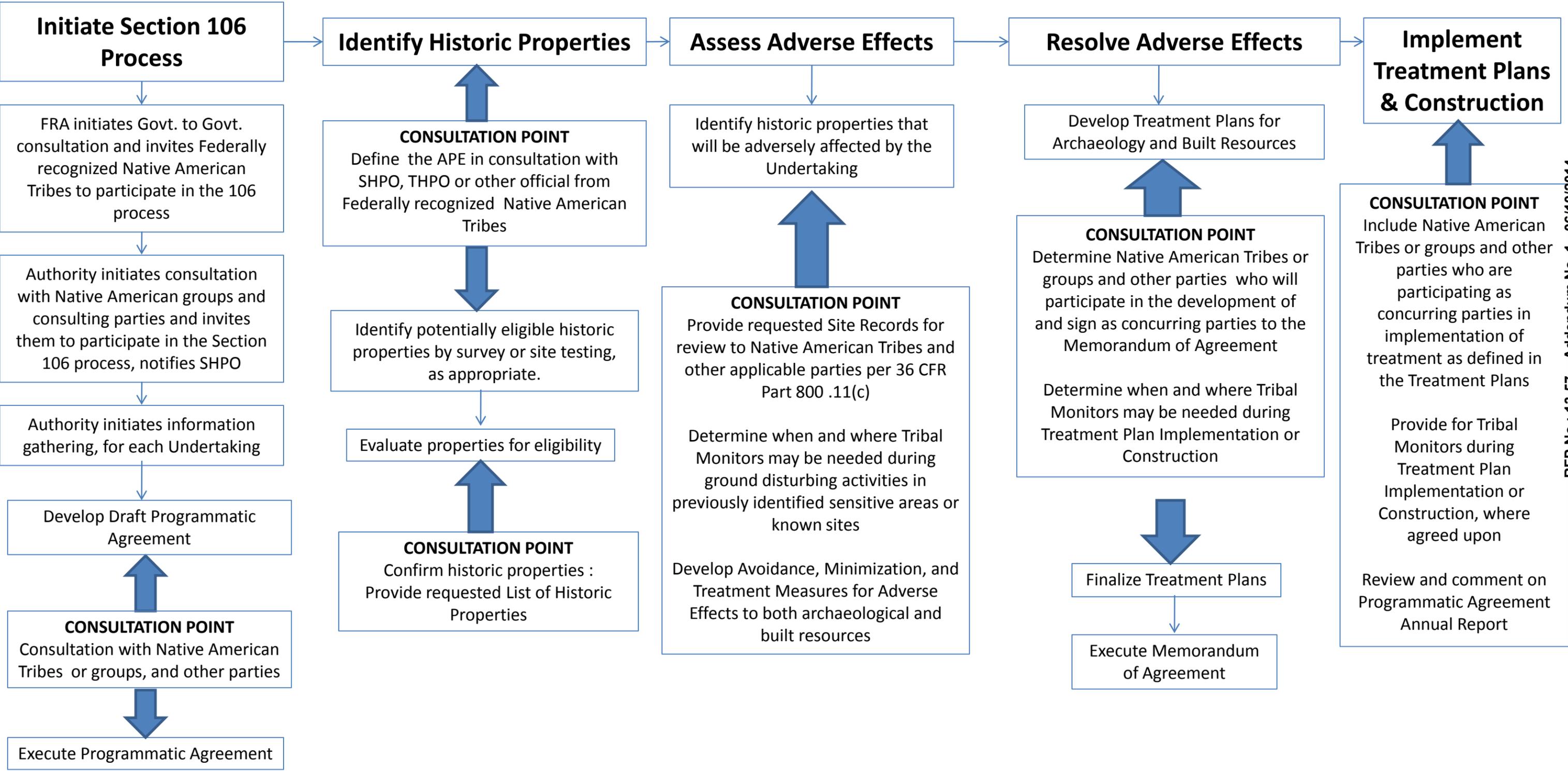
- Movable vehicles
- Stationary vehicles less than 50 years old or moved within the last 50 years
- Agricultural, industrial, and commercial equipment and machinery
- Sculpture, statuary, and decorative elements less than 50 years old or moved within the last 50 years.

The exemption does not apply to properties 50 years old or older that could be important, nor does it apply to properties that may contribute to the significance of larger historic properties such as districts or landscapes.

Compliance with Section 106 of the National Historic Preservation Act for the California High Speed Train System

Establish Programmatic Approach

Approach for Each Undertaking



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ATTACHMENT F- FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES

Barona Group of the Capitan Grande
Big Sandy Rancheria of Mono Indians
Buena Vista Rancheria of Me-Wuk Indians of California
Cahuilla Band of Indians
California Valley Miwok Tribe
Cold Springs Rancheria of Mono Indians
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation
Ione Band of Miwok Indians of California
Jamul Indian Village
Pala Band of Luiseno Mission Indians
La Jolla Band of Luiseno Mission Indians
La Posta Band of Diegueno Mission Indians
Los Coyotes Band of Cahuilla & Cupeno Indians
Mesa Grande Band of Diegueno Mission Indians
Morongo Band of Mission Indians
Northfork Rancheria of Mono Indians of California

Pauma Band of Luiseno Mission Indians
Pechanga Band of Luiseno Mission Indians
Picayune Rancheria of Chuckchansi Indians of California
Ramona Band of Cahuilla Mission Indians
San Manuel Band of Mission Indians
San Pasqual Band of Diegueno Mission Indians
Santa Rosa Rancheria
Santa Ysabel Band of Diegueno Mission Indians
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria
Soboba Band of Luiseno Indians
Sycuan Band of the Kumeyaay Nation
Table Mountain Rancheria
Tule River Indian Tribe
United Auburn Indian Community of the Auburn Rancheria
Viejas Band of Capitan Grande Band of Mission Indians
Wilton Rancheria

ATTACHMENT F- NON-FEDERALLY RECOGNIZED NATIVE AMERICAN GROUPS

Amah Mutsun Tribal Band	Foothill Yokuts, Mono
Choinumni Tribe	Gabrieleno Band of Mission Indians
Choinumni Tribe of Yokuts	Gabrieleno/Tongva San Gabriel Band of Mission Indians
Choinumni Tribe, Choinumni/Mono	Gabrieleno Ti'At Society
Choinumni, Foothill Yokut	Gabrieleno Tongva
Chowchilla Tribe of Yokuts	Gabrieleno Tongva Indians of California tribal Council
Chumash	Gabrieleno-Tongva Tribe
Chumash (San Fernando Band of Mission Indians)	Indian Canyon Mutsun Band of Costanoan Indians
Chumash Council of Bakersfield	Inter-Tribal Water Commission of California
Chumash, Fernandeno, Tatavianm Shoshone, Paiute and Yaqui	Juaneno Band of Mission Indians
Costanoan Indian Canyon Mutsun Band of Costanoan/Ohlone	Juaneno Band of Mission Indians Acjachemen Nation
Costanoan Band of Carmel Mission Indians	Kawaiisu Tribe
Duma/Foothill/Pomo	Kern Valley Indian Community
Dumna: Foothill	Kern Valley Indian Council
Dumna Foothill, Yokuts, Mono	Kern Valley Paiute Tribe
Dumna Tribal Government	Kings River Choinimni Farm Tribe
Dumna Wo-Wah Tribal Government	Kitanemuk
Dumna, Kechayi, Yokuts	Kitanemuk & Yowlumne Tejon Indians
Dumna/Foothill, Choinumni	Kumeyaay
Dunlap Band of Mono Indians	Kumeyaay Cultural Heritage preservation
El Dorado Miwok Tribe	Kumeyaay Cultural Historic Committee
El Dorado Miwok Tribe (Miwok Tribe Office of the El Dorado Rancheria)	Kumeyaay Cultural Repatriation Committee
Eshohm Valley Band of Indians	Kwaaymii Laguna Band of Mission Indians
Fernandeno Taaviam Band of Mission Indians	LA City/County Native American Indian Committee
Foothill Yokuts, Choinumni	Los Angeles City and County Native American Indian Commission

Maidu/Washoe
Miwok, Paitute and Northern Valley Yokut
Mono: Cold Springs Rancheria of Mono Indians
Muwekma Ohlone Tribe of the SF Bay Area
Nashville-El Dorado Miwok
Nisena-So Maidu, Konkow Washoe
North Fork Mono Tribe
North Fork Rancheria
North Valley Yokuts
North Valley Yokuts Tribe
Ohlone – Costanoan, Bay Miwok, Plains Miwok, Patwin
Ohlone Indian Tribe
Ohlone/Costanoan
Ohlone/Costanoan Northern Valley Yokuts
Ohlone/Costanoan Northern Valley Yokuts Bay Miwok
Paiute, Yokuts & Tubatulabal Tribes
Salinan
San Fernando Band of Mission Indians
San Luis Rey Band of Mission Indians
Serrano Nation of Indians
Serrano Tribe

Sierra Nevada Native American Coalition
Sierra Tribal Consortium
Southern Sierra Miwok Nation
Tache, Tachi, Yokut
Tatavian
Tehachapi Indian Tribe
Tejon Indian tribe
Ti'At Society
Tinoqui-Chalola Council of Kitanemuk & Yowlumne Tejon Indians
Tongva Ancestral Territorial Tribal Nation
Traditional Choinumni Tribe
Trina Marine Ruano Family
Tubatulabal, Kawaiisu, Koso & Yokuts Tribes
Tubatulabals of Kern Valley
Western Mono Sandy Rancheria of Mono Indians
Wukchumni Council
Wukchumni Tribe
Wukchumni, Tachi, Yowlumni
Yokuts

Attachment 4: Archaeological Sensitivity Map DRAFT

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