

Response to Comments

## **Chapter 3. State Agencies Comment Letters**

**Comment Letter AS001**

**AS001**

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**SHARON RUNNER**  
VICE CHAIR, ASSEMBLY APPROPRIATIONS COMMITTEE  
ASSEMBLYWOMAN, THIRTY-SIXTH DISTRICT

**COMMITTEES:**  
• VICE CHAIR, APPROPRIATIONS  
• BUDGET  
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• VETERANS AFFAIRS  
**SELECT COMMITTEES:**  
• AEROSPACE INDUSTRY  
• AIRPORTS AND THE AIRLINE INDUSTRY  
**JOINT COMMITTEES:**  
• LEGISLATIVE SUNSET REVIEW

April 13, 2004

Joseph Patrillo, Chair  
California High Speed Rail Commission  
925 L Street, Suite 1425  
Sacramento, CA 95814



Dear Mr. Patrillo and Members of the Commission:

Along with the overwhelming majority of elected officials in Southern California, I fully support the Antelope Valley alignment for the California High Speed Rail project. I regret that the press of legislative business prevented me from appearing personally before your hearing today in Los Angeles.

It is noteworthy, I believe, that the Antelope Valley alignment from Bakersfield to Los Angeles was previously selected as the superior route. I am therefore perplexed that the issue would still even be in doubt. Given the cost of the planned system, it would behoove the Commission to take into full account the economic benefits to be derived by routing through the area which provides an existing and fast growing population and revenue base. The region of Northern Los Angeles County I represent in the 36<sup>th</sup> Assembly District would benefit significantly from the Antelope Valley alignment, and not at all from the Interstate 5 alignment.

Looking forward, the Antelope and Victor valleys will continue to be primary economic growth drivers, which would both benefit and derive benefit from the Antelope Valley alignment. Both high desert valleys have large commercial airports, which will inevitably provide significant levels of service to the Southern California metropolplex. To build a high speed rail system through a mountain pass beyond connectivity with those airports would be folly.

I urge you to support the Antelope Valley alignment on the basis of existing pragmatic evidence that it is economically, environmentally and socially the best route for the future high speed train.

Thank you for your consideration.

Sincerely,

Sharon Runner  
Assembly Member, 36<sup>th</sup> District

AS001-1

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

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**Response to Comments of Sharon Runner, Assemblywoman 36th District – California State Assembly, April 15, 2004  
(Letter AS001)**

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**AS001-1**

Acknowledged. Please see standard response 6.23.1.

Comment Letter AS002

AS002

State of California

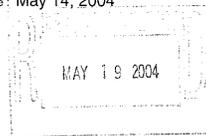
THE RESOURCES AGENCY OF CALIFORNIA

Memorandum

To: Project Coordinator, Resources Agency

Date: May 14, 2004

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



From: Dennis J. O'Bryant
Acting Assistant Director, Division of Land Resource Protection

Subject: California High-Speed Train Draft Program Environmental Impact Report/Environmental Impact Statement (DPEIR/EIS) SCH#2001042045

Project Coordinator and Mr. Oviatt
May 14, 2004
Page 2

the Williamson Act. This would also be in accordance with the following definition for "agricultural land" in the California Environmental Quality Act (Public Resources Code §21060.1:

- (a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
(b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

AS002-1 cont.

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DPEIR/EIS and offers the following comments.

The California High-Speed Train proposal involves development of a high-speed train system for intercity travel from the Sacramento and Bay Area to San Diego. The DPEIR/EIS does not address environmental impacts at the site-specific level, but in generic terms. Our comments are also directed at the programmatic level, but should be considered in more detail when site-specific activities are identified.

Identification of Agricultural Lands and Project Impacts

The DPEIR/EIS, Chapter 3.8, provides a discussion of agricultural lands within the project corridors. On Page 3.8-1, the DPEIR/EIS notes that the agricultural lands discussed in the document are those included in the Division's Farmland Mapping and Monitoring Program. As noted in the DPEIR/EIS, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are agricultural map categories specifically shown on the Division's Important Farmland Maps.

The project corridors, as shown on Figure S.4-2, include some areas that are not mapped on Important Farmland Maps. For example, the route options shown south of Bakersfield traverse different sections of Kern County. Areas of Kern County are mapped as Important Farmland Maps in the northwest and southeast quadrants; and mapped as Interim Farmland Maps in the northeast and southwest quadrants. The agricultural map categories in the "interim map" areas are Irrigated Farmland and Non-Irrigated Farmland; there are no map categories for Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance. The Division recommends that the agricultural impact discussion for areas outside Important Farmland Map boundaries be based on the agricultural land definition in

AS002-1

As mentioned in the DPEIR/EIS, the Division also recommends the use of the California model Land Evaluation and Site Assessment (LESA) Model for more refined site-specific analysis. The Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. These factors are rated, weighted, and combined, resulting in a single numeric score for the project. The project score then becomes the basis for making a determination of a project's potential significance.

Mitigation Measures for Project Impacts on Agricultural Land
The Abstract notes that mitigation strategies are described for a variety of environmental impacts, including impacts on agricultural lands, and that these strategies would be further refined in project-level environmental review.

The DPEIR/EIS notes that mitigation would be based first on avoidance and that mitigation for site-specific impacts would depend on various factors. Feasibility of mitigation measures is uncertain and cannot be determined at the program level.

AS002-2

The Division recommends that although discussion of implementation of specific mitigations may be premature, the project should provide for the adoption of different mitigations. For example, if sufficient funding is not allotted for mitigation of agricultural land loss, mitigation measures such as purchase of conservation easements may not be economically feasible.

Discussion of Conservation Easements

The DPEIR/EIS provides a discussion of conservation easements which may be misleading. The Division recommends that the following descriptive paragraph be substituted for the discussion on Page 3-8.2:

AS002-3



Comment Letter AS002 Continued

Project Coordinator and Mr. Oviatt  
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Page 3

Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open-space, agricultural or other condition, while preventing uses that are deemed inconsistent with the specific conservation purposes expressed within the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for non-agricultural purposes, such as urban uses. The Division's California Farmland Conservancy Program (Public Resources Code §10200 et seq.) supports the voluntary granting of agricultural conservation easements from landowners to qualified non-profit organizations, such as land trusts, as well as local governments.

**Williamson Act**

The DPEIR/EIS provides a description of the California Land Conservation (Williamson) Act on Page 3.8-2. We recommend that the following two paragraphs be substituted for the description of the Act.

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

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

The Williamson Act discussion or the discussion in Section 3.8.5, Mitigation Strategies, should also be supplemented with a discussion of the following state policies regarding public acquisition and locating public improvements on lands in agricultural preserves

AS002-3  
cont.

AS002-4

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Page 4

and on lands under Williamson Act contracts (Government Code §51290-51295). Any project specific steps taken to implement these policies should also be discussed.

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

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

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

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

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

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or phone (916) 324-0850.

Attachment

AS002-4  
cont.

AS002-5



**Comment Letter AS002 Continued****Public Acquisitions of Lands Under Williamson Act Contract  
Government Code Section 51290 to 51295**

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.
- (b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.
- (c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

51290.5. As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51291.

51291. (a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve.

In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural

**Government Code Section 51291 to 51295  
Page 2**

preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

51291.5. The notice requirements of subdivision (b) of Section 51291 shall not apply to the acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities.

51292. No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements where the board or council administering the agricultural preserve approves or agrees to the location thereof, except when the acquiring agency and administering agency are the same entity.

(b) The acquisition of easements within a preserve by the board or council administering the preserve.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) The acquisition of either (1) temporary construction easements for public utility improvements, or (2) an interest in real property for underground public utility improvements. This subdivision shall apply only where the surface of the land subject to the acquisition is returned to the condition and use that immediately predated the construction of the public improvement, and when the construction of the public utility improvement will not significantly impair agricultural use of the affected contracted parcel or parcels.

(e) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

**Comment Letter AS002 Continued****Government Code Section 51291 to 51295**  
Page 3

- (1) Flood control works, including channel rectification and alteration.
- (2) Public works required for fish and wildlife enhancement and preservation.
- (3) Improvements for the primary benefit of the lands within the preserve.
- (f) Improvements for which the site or route has been specified by the Legislature in a manner that makes it impossible to avoid the acquisition of land under contract.
- (g) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.
- (h) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of subdivision (d) of that section.
- (i) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.
- (j) The acquisition of a fee interest or conservation easement for a term of at least 10 years, in order to restrict the land to agricultural or open space uses as defined by subdivisions (b) and (c) of Section 51201.

51293.1. Any public agency or person requiring land in an agricultural preserve for a use which has been determined by a city or county to be a "compatible use" pursuant to subdivision (e) of Section 51201 in that agricultural preserve shall not be excused from the provisions of subdivision (b) of Section 51291 if the agricultural preserve was established before the location of the improvement of a public utility was submitted to the city, county, or Public Utilities Commission for agreement or approval and that compatible use shall not come within the provisions of Section 51293 unless the location of the improvement is approved or agreed to pursuant to subdivision (a) of Section 51293 or the compatible use is listed in Section 51293.

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Conservation. However, as applied to condemners whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemner with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against the landowner.

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Conservation and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve, a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request each county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to the location or acquisition.

51294.2. If any local governing body administering an agricultural preserve within 90 days after receiving a request pursuant to Section 51294.1 has not approved or agreed to the location of water transmission facilities as provided in Section 51294.1 or in subdivision (a) of Section 51293, the public agency making such request may file an action against such local governing body in the superior court of one of the counties within which any such body has failed to approve the location of facilities or the acquisition of land therefor, to determine whether the public agency proposing

**Government Code Section 51291 to 51295**  
Page 4

the location or acquisition has complied with the requirements of Section 51292. If the court should so determine, the provisions of Section 51292 shall not apply to the location of water transmission facilities, nor the acquisition of land therefor, in any of the counties into which they shall extend, and no writ of mandamus shall be issued in relation thereto pursuant to Section 51294. For the purposes of this section, the county selected for commencing such action is the proper county for the trial of such proceedings. In determining whether the public agency has complied with the requirements of Section 51292, the court shall consider the alignment, functioning and operation of the entire transmission facility.

Courts shall give any action brought under the provisions of this section preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined.

51295. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed, or when that land is acquired in lieu of eminent domain for a public improvement by a public agency or person, or whenever there is any such action or acquisition by the federal government or any person, instrumentality, or agency acting under the authority or power of the federal government, the contract shall be deemed null and void as to the land actually being condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.

Upon the termination of the proceeding, the contract shall be null and void for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually being taken, acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

When an action to condemn or acquire an interest that is less than the fee title of an entire parcel or any portion thereof of land subject to a contract is commenced, the contract shall be deemed null and void as to that interest and, for the purpose of establishing the value of only that interest, shall be deemed never to have existed, unless the remaining interests in any of the land subject to the contract will be adversely affected, in which case the value of that damage shall be computed without regard to the contract. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken for a public improvement, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the contract may be canceled with respect to the remaining portion or interest upon petition of either party and pursuant to the provisions of Article 5 (commencing with Section 51280).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the contract is continued on the remaining portion or interest in the land, may satisfy the requirements of subdivision (a) of Section 51282.

If, after acquisition, the acquiring public agency determines that it will not for any reason actually locate on that land or any part thereof, the public improvement for which the land was acquired, before returning the land to private ownership, the public agency shall give written notice to the Director of Conservation and the local governing body responsible for the administration of the preserve, and the land shall be reenrolled in a new contract or encumbered by an enforceable deed restriction with terms at least as restrictive as those provided by this chapter. The duration of the restriction shall be determined by subtracting the length of time the land was held by the acquiring public agency or person from the number of years that remained on the original contract at the time of acquisition.

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**Response to Comments of Dennis J. O'Bryant, Acting Assistant Director – State of California Resources Agency,  
May 19, 2004 (Letter AS002)**

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**AS002 -1**

The Authority acknowledges the suggested approach to areas outside Important Farmland Map boundaries. Further study of farmland resources will occur at the project level analysis. The Authority acknowledges the recommendation to use the California Land Evaluation and Site Assessment (LESA) Model for subsequent project level analysis.

**AS002 -2**

In the Final Program EIR/EIS, each environmental area (sections of Chapter 3) has been modified to include mitigation strategies that are recommended for general application in the HST system. Each section of Chapter 3 also outlines specific design features that will be applied in the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

**AS002 -3**

The Final Program EIR/EIS has been revised to incorporate the description of conservation easements as provided. (see Section 3.8.1.)

**AS002 -4**

The Final Program EIR/EIS has been revised to incorporate the description of the Williamson Act as provided. (see Section 3.8.1.)

**AS002 -5**

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

Comment Letter AS003

AS003



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET SACRAMENTO CALIFORNIA 95814

PHONE 916/324-0850

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ARNOLD SCHWARZENEGGER GOVERNOR

August 2, 2004

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

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

Subject: SCH#2001042045 Draft Programmatic Environmental Impact Report/Statement for the Proposed California High-Speed Train System, Amended Comments

Dear Mr. Leavitt and Mr. Valenstein:

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

The California High Speed Rail Authority (Authority) is acting as the California lead agency for the purposes of compliance with the California Environmental Quality Act, and the Federal Railroad Administration (FRA) is the federal lead, in cooperation with the U.S. Environmental Protection Agency (USEPA), U.S. Army Corps of Engineers (USACE), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA) and the U.S. Fish and Wildlife Service (USFWS) for compliance with the National Environmental Policy Act. The project proponents propose a high-speed train system that would serve the major metropolitan cities in the Central Valley and the Bay Area to Los Angeles and San Diego. Five study routes are analyzed: Bay Area to Merced, Sacramento to Bakersfield, Bakersfield to Los Angeles, Los Angeles to San Diego via the Inland Empire, and Los Angeles to San Diego via Orange County.

Division staff reviewed the Draft Program Environmental Impact Report/Statement (DEIR/S) for the proposed California High-Speed Train System. We acknowledge that the document is programmatic, and agree



Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 2 of 6

that further environmental documentation will be necessary as the project continues to develop, and our comments should be considered in more detail when site-specific activities are identified. We respectfully submit our comments:

Section 3.8.1 (A) cites the Public Resources Code (PRC) and the CEQA Guidelines as requiring that effects on agricultural land to be considered. There is no section 21095 (a) in the CEQA Guidelines, as is indicated in the document.

Identification of Agricultural Lands

The DPEIR/EIS, Chapter 3.8, provides a discussion of agricultural lands within the project corridors. On Page 3.8-1, the DPEIR/EIS notes that the agricultural lands discussed in the document are those included in the Division's Farmland Mapping and Monitoring Program. As noted in the DPEIR/EIS, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are agricultural map categories specifically shown on the Division's Important Farmland Maps. Additionally, the Division staff prepares maps indicating the locations of Williamson Act contracted lands. As this project progresses and becomes more defined, this information can be provided to lead agency representatives upon request.

The project corridors, as shown on Figure S.4-2, include some areas that are not mapped on Important Farmland Maps. For example, the route options shown south of Bakersfield, traverse different sections of Kern County. Areas of Kern County are mapped as Important Farmland Maps in the northwest and southeast quadrants; and mapped as Interim Farmland Maps in the northeast and southwest quadrants. The agricultural map categories in the "interim map" areas are Irrigated Farmland and Non-Irrigated Farmland; there are no map categories for Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance.

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

- (a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
(b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

AS003-1

AS003-2

AS003-3



U.S. Department of Transportation
Federal Railroad Administration

**Comment Letter AS003 Continued**

Mr. Dan Leavitt and Mr. David Valenstein  
 August 2, 2004  
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Mr. Dan Leavitt and Mr. David Valenstein  
 August 2, 2004  
 Page 4 of 6

Impact Analysis

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

Section 3.8.1(B) discusses the method for evaluating impacts to agricultural resources. The DEIR/S provides a general analysis of impacts associated with the proposed project (high speed rail system), the No Project Alternative and a Modal Alternative (potential improvements to existing highways and airports serving the same intercity travel demand). The proposed project and its Modal Alternative involve the conversion of many acres of valuable farmland, much of it prime and under Williamson Act contract. According to the document the Modal Alternative would convert approximately 1,118 acres, and the HST Alternative would convert 2,559 to 3850 acres. It appears that the farmland acreage that would be converted is underestimated in the document for both alternatives. The method of determining the amount of land that would be converted from agriculture to either project is limited to the actual footprint of either highway expansion or construction of rail lines. The assumptions made were limited to and based on the amount of area that would be physically occupied by both projects, but the document does not discuss indirect impacts, and it indicates in the impact analyses that these acreages are conservative. The analyses do not consider the construction of ancillary facilities and supporting infrastructure, nor does the document address growth-inducing impacts. Consistently in the history of the state, when workers are offered quick and reliable transportation to job centers, lower cost lands further from those job centers are developed for housing. Since most of the lands further from job centers are currently agricultural lands, the project's potential for growth inducement may have a significant impact on agricultural land conversion. The document also does not take into consideration disturbances, permanent or temporary, caused by construction activities, and does not discuss impacts associated with airport expansions that are briefly discussed as part of the Modal Alternative. These potentially significant impacts should be discussed in the Final EIS/EIR.

Mitigation Measures for Project Impacts on Agricultural Land

The Abstract notes that mitigation strategies are described for a variety of environmental impacts, including impacts on agricultural lands, and that these strategies would be further refined in project-level environmental review.

AS003-4

AS003-5

AS003-6

The DPEIR/EIS notes that mitigation would be based first on avoidance and that mitigation for site-specific impacts would depend on various factors. Feasibility of mitigation measures is uncertain and cannot be determined at the program level.

The Division recommends that although discussion of implementation of specific mitigations may be premature, the project should provide for the adoption of different mitigations. For example, if sufficient funding is not allotted for mitigation of agricultural land loss, mitigation measures such as purchase of conservation easements may not be economically feasible. However, the Division considers the conversion of agricultural lands involved in a project of this magnitude to be significant and that all feasible mitigation measures be implemented. As the document does not propose any definitive mitigation of impacts resulting from the loss of agricultural resources, we would be pleased to meet with the project proponents to identify acceptable and effective approaches to mitigation.

Impacts Associated with Other Projects

How do other proposed projects, such as the proposed California-Nevada high-speed Maglev project cumulatively affect agricultural resources in the state?

Acquisition

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

Discussion of Conservation Easements

The DPEIR/EIS provides a discussion of conservation easements which may be misleading. The Division recommends that the following descriptive paragraph be substituted for the discussion on Page 3-8.2:

Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open-space, agricultural or other condition, while preventing uses that are deemed inconsistent with the specific conservation purposes expressed within the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for non-agricultural purposes, such as urban uses. The

AS003-6 cont.

AS003-7

AS003-8

AS003-9



Comment Letter AS003 Continued

Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
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Mr. Dan Leavitt and Mr. David Valenstein
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Division's California Farmland Conservancy Program (Public Resources Code §10200 et seq.) supports the voluntary granting of agricultural conservation easements from landowners to qualified non-profit organizations, such as land trusts, as well as local governments.

AS003-9
cont.

Williamson Act
The DPEIR/EIS provides a description of the California Land Conservation (Williamson) Act on Page 3.8-2. We recommend that the following two paragraphs be substituted for the description of the Act.

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

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

The Williamson Act discussion or the discussion in Section 3.8.5. Mitigation Strategies, should also be supplemented with a discussion of the following state policies regarding public acquisition and locating public improvements on lands in agricultural preserves and on lands under Williamson Act contracts (Government Code §51290-51295). Any project specific steps taken to implement these policies should also be discussed.

- State policy to avoid location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land, in agricultural preserves.
State policy to locate public improvements that are within agricultural preserves on land other than land under Williamson Act contract
State policy that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of

AS003-10

improvements, give consideration to the value to the public of land, particularly prime agricultural land, within an agricultural preserve.

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

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

AS003-10
cont.

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

Mr. Darryl Young, Director
California Department of Conservation
c/o the Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814

AS003-11

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or phone (916) 324-0850. Please send any additional environmental documentation to the Division as it becomes available for review. As stated above, we would be pleased to meet with project and lead agency representatives to discuss or clarify our concerns and provide guidance regarding the development and implementation of mitigation measures.

Sincerely,

[Handwritten signature]

Dennis J. O'Bryant
Acting Assistant Director

Attachment

cc: State Clearinghouse



**Comment Letter AS003 Continued****Public Acquisitions of Lands Under Williamson Act Contract  
Government Code Section 51290 to 51295**

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.
- (b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.
- (c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

51290.5. As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51291.

51291. (a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve.

In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural

**Government Code Section 51291 to 51295  
Page 2**

preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

51291.5. The notice requirements of subdivision (b) of Section 51291 shall not apply to the acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities.

51292. No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements where the board or council administering the agricultural preserve approves or agrees to the location thereof, except when the acquiring agency and administering agency are the same entity.

(b) The acquisition of easements within a preserve by the board or council administering the preserve.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) The acquisition of either (1) temporary construction easements for public utility improvements, or (2) an interest in real property for underground public utility improvements. This subdivision shall apply only where the surface of the land subject to the acquisition is returned to the condition and use that immediately predated the construction of the public improvement, and when the construction of the public utility improvement will not significantly impair agricultural use of the affected contracted parcel or parcels.

(e) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

**Comment Letter AS003 Continued****Government Code Section 51291 to 51295**  
Page 3

- (1) Flood control works, including channel rectification and alteration.
  - (2) Public works required for fish and wildlife enhancement and preservation.
  - (3) Improvements for the primary benefit of the lands within the preserve.
- (f) Improvements for which the site or route has been specified by the Legislature in a manner that makes it impossible to avoid the acquisition of land under contract.
- (g) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.
- (h) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of subdivision (d) of that section.
- (i) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.
- (j) The acquisition of a fee interest or conservation easement for a term of at least 10 years, in order to restrict the land to agricultural or open space uses as defined by subdivisions (b) and (c) of Section 51201.

51293.1. Any public agency or person requiring land in an agricultural preserve for a use which has been determined by a city or county to be a "compatible use" pursuant to subdivision (e) of Section 51201 in that agricultural preserve shall not be excused from the provisions of subdivision (b) of Section 51291 if the agricultural preserve was established before the location of the improvement of a public utility was submitted to the city, county, or Public Utilities Commission for agreement or approval and that compatible use shall not come within the provisions of Section 51293 unless the location of the improvement is approved or agreed to pursuant to subdivision (a) of Section 51293 or the compatible use is listed in Section 51293.

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Conservation. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against the landowner.

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Conservation and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve, a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request each county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to the location or acquisition.

51294.2. If any local governing body administering an agricultural preserve within 90 days after receiving a request pursuant to Section 51294.1 has not approved or agreed to the location of water transmission facilities as provided in Section 51294.1 or in subdivision (a) of Section 51293, the public agency making such request may file an action against such local governing body in the superior court of one of the counties within which any such body has failed to approve the location of facilities or the acquisition of land therefor, to determine whether the public agency proposing

**Government Code Section 51291 to 51295**  
Page 4

the location or acquisition has complied with the requirements of Section 51292. If the court should so determine, the provisions of Section 51292 shall not apply to the location of water transmission facilities, nor the acquisition of land therefor, in any of the counties into which they shall extend, and no writ of mandamus shall be issued in relation thereto pursuant to Section 51294. For the purposes of this section, the county selected for commencing such action is the proper county for the trial of such proceedings. In determining whether the public agency has complied with the requirements of Section 51292, the court shall consider the alignment, functioning and operation of the entire transmission facility.

Courts shall give any action brought under the provisions of this section preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined.

51295. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed, or when that land is acquired in lieu of eminent domain for a public improvement by a public agency or person, or whenever there is any such action or acquisition by the federal government or any person, instrumentality, or agency acting under the authority or power of the federal government, the contract shall be deemed null and void as to the land actually being condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.

Upon the termination of the proceeding, the contract shall be null and void for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

When an action to condemn or acquire an interest that is less than the fee title of an entire parcel or any portion thereof of land subject to a contract is commenced, the contract shall be deemed null and void as to that interest and, for the purpose of establishing the value of only that interest, shall be deemed never to have existed, unless the remaining interests in any of the land subject to the contract will be adversely affected, in which case the value of that damage shall be computed without regard to the contract. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken for a public improvement, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the contract may be canceled with respect to the remaining portion or interest upon petition of either party and pursuant to the provisions of Article 5 (commencing with Section 51280).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the contract is continued on the remaining portion or interest in the land, may satisfy the requirements of subdivision (a) of Section 51282.

If, after acquisition, the acquiring public agency determines that it will not for any reason actually locate on that land or any part thereof, the public improvement for which the land was acquired, before returning the land to private ownership, the public agency shall give written notice to the Director of Conservation and the local governing body responsible for the administration of the preserve, and the land shall be reenrolled in a new contract or encumbered by an enforceable deed restriction with terms at least as restrictive as those provided by this chapter. The duration of the restriction shall be determined by subtracting the length of time the land was held by the acquiring public agency or person from the number of years that remained on the original contract at the time of acquisition.

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**Response to Comments of Dennis J. O'Bryant, Acting Assistant Director – Department of Conservation, Division of Land Resource Protection, August 4, 2004 (Letter AS003)**

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**AS003-1**

The Final Program EIR/EIS has been revised to reference Public Resources Code (PRC) Sections 21060.1 and 21095(a)

**AS003-2**

Acknowledged.

**AS003-3**

Please see response AS002-1.

**AS003-4**

Acknowledged. Use of the Land Evaluation and Site Assessment (LESA) model will be considered during project level environmental review.

**AS003-5**

To minimize and avoid potential impacts to farmland resources, the highway and airport improvements of the Modal Alternative and the HST alignment options were located within or adjacent to existing transportation corridors to the maximum extent possible. The analysis of potential impacts to farmlands in the Final Program EIR/EIS is conservative and may overstate potential for impact, since the proposed facilities or HST lines were placed primarily adjacent to the existing facilities. However, opportunity exists to utilize portions of the existing transportation rights of way. These opportunities will be investigated and exploited in the project level studies to minimize impacts.

The program level analysis is focused on identifying, avoiding and minimizing potential direct impacts and thus minimizing any associated indirect impacts. Potential indirect impacts will be addressed during the project level environmental review when sufficient detail is available regarding specific alignment location and

facilities placement. Construction methods and associated impacts are generally discussed in Section 3.18.5 of the Final Program EIR/EIS. Growth inducing impacts are discussed in Chapter 5. See also Standard Response 5.2.1. Airport expansions are included in the analysis of potential farmland impacts in Section 3.8 in terms of land area required.

Ancillary facilities such as maintenance yards were considered (possible location options) in the analysis of potential impacts; however, the facilities were not included in the area of potentially impacted farmland on a segment by segment basis to avoid skewing alignment option comparisons. Siting decisions for these facilities would be made during the subsequent project level analysis. All reasonable efforts would be made to avoid impacts to farmland resources in the placement of these facilities.

**AS003-6**

In the Final Program EIR/EIS, each environmental area (sections of Chapter 3) has been modified to include mitigation strategies that would be applied in general for the HST system. Each section of Chapter 3 also outlines specific design methods and features that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts to agricultural resources. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific impacts and mitigation measures be addressed. Feasibility of mitigation must be determined in relation to specific impacts as considered at the project level.

**AS003-7**

A Notice of Intent to prepare a Programmatic EIS has been issued by the FRA and the Nevada Department of Transportation for a proposed magnetic levitation rail service between Anaheim, California and Las Vegas, Nevada. Potential impacts will be addressed by the EIS that is being prepared. However, it is anticipated that the California-Nevada High-Speed Maglev project would have relatively little impact on agricultural resources within the state, due to the remote and arid geography and the land uses traversed by most of the proposed route. Study of potential cumulative impacts during future project-level environmental reviews would include impacts related to other high speed rails proposals to the extent they are moving forward, should a decision be made to proceed with the proposed HST system.

**AS003-8**

Acknowledged. The notification provisions would be followed during subsequent project level environmental review.

**AS003-9**

See response to Comment AS002-3.

**AS003-10**

See response to Comment AS002-4.

**AS003-11**

See response to Comment AS002-5.



Comment Letter AS004



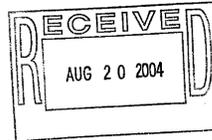
State of California • The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

AS004  
Arnold Schwarzenegger, Governor  
Ruth Coleman, Director

August 19, 2004

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

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



Re: Draft California High-Speed Train Draft Program Environmental Impact Report /  
Environmental Impact Statement SCH 2001042045

Dear Messrs. Morshed and Rutter:

The California Department of Parks and Recreation (California State Parks) welcomes the opportunity to comment on the Draft Program Environmental Impact Report / Environmental Impact Statement for California's High-Speed Train System (Draft Program EIR/EIS).

California State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Responsible Agency (PRC § 21069) and a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this project within units of the State Park System. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation. The 1.4 million-acre California State Park System for which we are responsible is currently made up of 278 classified units and major unclassified properties. Of these, we have identified at least 22 that may have resources directly or indirectly impacted by the alternative routes under consideration. Unit classifications in addition to State Parks include State Recreation Area, State Beach, State Historic Park, State Vehicular Recreation Area, State Reserve, Natural Preserve, Cultural Preserve, and State Wilderness. The management approach for any particular unit is based on the unit classification statutes as specified in the Public Resources Code (PRC § 5019.50 - 5019.74) and specific direction provided in the unit's general plan. The statutes set forth the primary purpose of each classified unit, identifies in general what types of facilities and uses may be permitted, and provides direction on how unit resources shall be managed.

AS004-1

Morshed and Rutter  
August 19, 2004  
Page 2

The California State Park System is not static. As opportunity and resources permit, additions to existing units and new parks are acquired and added to the system. Therefore, in addition to the existing units of the State Park System discussed in the accompanying comments, we are currently considering several acquisition projects that if successful may, prior to the time that your project specific environmental documents are prepared, be potentially impacted by a selected preferred alternative route. For this reason and others, it is important that the High-Speed Rail Authority and the Federal Railroad Administration make particular efforts to consult with this Department throughout future environmental review and project development process.

We appreciate the opportunity provided by the California High-Speed Rail Authority and the Federal Railroad Administration to participate early in the process of environmental document development. We have provided responses to your Notice of Preparation in letters dated May 17, 2001 and March 29, 2002, written comments on the draft Environmental Analysis Methodology on October 11, 2002, and have had California State Park personnel attend most of your Resources Agency meetings. This participation clearly demonstrates that California State Parks is concerned that the proposed project contains alternatives which would result in irreversible damage to the scenic, historic, and natural resources of the State Park System this Department is legislatively required to protect.

The Draft Program EIR/EIS asks that we review the draft and provide you with our expectations for the specific project-level environmental reviews that would follow should the high-speed train alternative be selected. A team of reviewers, including experienced professionals in the fields of anthropology, history, biology, geology, public recreation and a variety of other relevant disciplines, was assembled to review and provide comments on those project activities within our Department's area of expertise for potential environmental impacts of the project on resources and operation of the State Park System (CCR § 15096). In the comments provided below we have focused our comments on environmental information germane to our agency's statutory responsibility. We have structured our comments to address specific issues and geographic areas, rather than in the order they appear in the Draft Program EIR/EIS

In general, our analysis of the draft environmental document concludes that significant impacts to the resources of the State Park System may result from the adoption of some proposed alternative rail corridor routes. While the public may benefit in a few selected instances where a High-Speed Rail Station brings them into proximity of a State Park System unit, we do not believe that a new form of access outweighs the short and long-term loss of public parklands.

AS004-1  
cont.



U.S. Department  
of Transportation  
Federal Railroad  
Administration

## Comment Letter AS004 Continued

Morshed and Rutter  
August 19, 2004  
Page 3

We are particularly concerned that once a preferred alternative and a route is selected at the final program environmental document stage, that subsequent more detailed studies and analysis to provide "opportunities to avoid or minimize impacts" will come too late to correct earlier decisions based upon incomplete or erroneous information. For this reason we encourage the High-Speed Rail Authority and the Federal Railroad Administration to carefully consider our suggestions and recommendations prior to committing to a decision resulting in the loss of the public's natural, cultural, aesthetic and recreational resources of the California State Park System patrimony.

In summary, and as presented in more detail in the accompanying comments, California State Parks urges the California High-Speed Rail Authority and the Federal Railroad Administration to adopt a program environmental document which avoids direct or indirect impacts to units of the California State Park System. As recommended in our comments, further detailed study and analysis is necessary for any subsequent specific environmental document prepared for this project if it is in the proximity of units of the State Park System. Major deficiencies in the cumulative impact, recreation, and environmental justice analyses should be remedially addressed. Any impact to the units of this system as a result of the adopted preferred alternative requires full and timely mitigation for natural, cultural, and aesthetic resources, and recreational impacts prior to project commencement in order to make the people of the State of California whole for their loss.

As this project proceeds through the program environmental review process and the next stage of project specific environmental analysis and review, we anticipate that we will be able to further identify and fine-tune these issues and possibly bring others to your attention. If any of our current comments need clarification or further explanation please do not hesitate to contact Noah Tilghman, who has acted as lead in preparing the attached comments on the "Draft California High-Speed Train Draft Program EIR/EIS," at (916) 653-3460 or ntilg@parks.ca.gov.

Sincerely,



Ruth Coleman  
Director

cc: State Clearinghouse  
Department of Water Resources, DPLA Unit  
Resources Agency

COMMENTS ON  
"DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT /  
ENVIRONMENTAL IMPACT STATEMENT  
FOR THE PROPOSED DRAFT CALIFORNIA HIGH-SPEED TRAIN SYSTEM"  
SCH# 2001042045

By  
California Department of Parks and Recreation

The State of California, through passage of park bond acts and the actions of the Legislature and the Governor, sets aside public funds for the purchase of areas of outstanding scenic or natural character, containing significant historical, archaeological, ecological, geological, or other similar values. These lands become part of the California State Park System and, by statute, are to be protected for current and future generations. It is therefore important to consider, when preparing an environmental document evaluating a proposed project's impact upon parklands, the values that are intrinsic to these lands and that make them worthy of protection.

A specific area's value as parkland takes factors into consideration, including aesthetics, which contribute to its sense of place. The intrinsic values contributing to sense of place pertain to the essential and inherent nature of a place—aspects that are not necessarily defined by law, science, or economics. Sense of place identifies a site's unique experiential essence (sensory, emotional, intellectual, and spiritual) which sets it apart from all other places. It describes the distinctive characteristics that a site possesses; which includes the elements that determine the uniqueness of its landscape, resources, development as a park, and history. These characteristics are part of what makes a particular site a worthwhile park unit. Components of a site's identity or sense of place include:

- The site's physical features and appearance. These may consist of the actual physical structure, characteristics, and all visible features of a place. This includes physiography, natural features, cultural features, land use, development intensities, visual quality, community character, climate, seasonal changes, etc.,
- The site's activities, functions, and events. That is, how inhabitants or visitors interact with a space, i.e. how the landscape and the built environment are occupied or used (activity levels and use intensities). This can also include natural resource-based activities or events such as whale or bird migrations,
- The site's meanings and symbols. The concept of place as a cultural artifact, a place's meaning or value beyond its physical elements. This includes people's experiential responses (emotions, feelings, and physical/intellectual stimulation) when they visit a park and the memories created by their park experiences that will become a part of their personal history. An example would be the value of

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- Trestles (San Onofre State Beach) to the surfing community and its worldwide renown as one of Southern California's premier surfing locations and its role in surfing history.

There is a public expectation that once an area is set aside for park purposes that it will be protected forever. The California Public Resources Code determines the general types of uses that may occur within the various State Park System classifications. The more specific park unit general planning process, which includes public participation, sets forth density and intensity of uses, their location and designates protected areas.

Visitors expect to be able to experience recreation in a setting appropriate to the unit's location as a counterpoint to commonplace daily life. Generations of park volunteers, advocates, public officials, donors, and taxpayers have trusted the State of California to preserve and protect its State Park System units now and into the future. The public does not expect or anticipate that, once secured, their parks will suffer incursion by the very features and day-to-day activities they expect to leave behind them.

The High-Speed Train (HST) project, as proposed, would have negative impacts on the sense of place at State Park System units where passing trains would interfere with and/or degrade the park experience. This situation would be most problematic for proposed alignments that place rail corridors through or in close proximity to State Parks System units and adjacent public land. Specific concerns, deficiencies, park-by-park impacts, recommendations for additional subsequent analysis and mitigation for the Final California High-Speed Train Draft Program Environmental Impact Report / Environmental Impact Statement are presented in the sections which follow. Information is also provided about requirements for gaining access to State Park System units for data collection and right-of-way studies.

### ALTERNATIVES

It is difficult to fully assess the impacts of the intermodal alternative of the HST system on the California State Park System without information on local transit access linkages in various areas served by other transportation system components. Only a brief mention is made of intermodality (page 3.7-11), without tables, figures, or other data to support the discussion.

Can the HST system improve access to public parks? With the possible exception of highly urbanized areas such as downtown Sacramento and San Diego, we can identify no parks with direct access from a proposed HST station. The document does not speak to enhancement of access to public facilities. The Draft Program EIR/EIS should be revised to provide greater specificity as to how the HST project fits in with the balance of the state's transportation system, including public transportation (bus and

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rail) and bikeway linkages suitable for access to public facilities, such as parks, in the vicinity of HST stations. Such information should be given not only for the existing system, but also for the system enhancements anticipated by the State Transportation Improvements Plan and the several Regional Transportation Improvements Plans.

With the exception of the early stages of a regional study by the San Diego County Regional Airport Authority which may include consideration of a new San Diego Airport near Anza-Borrego Desert State Park and the Foothill-south Tollway proposal in southern coastal Orange and northern coastal San Diego Counties (SCH 2001061046), we know of no current proposals to put new modal alternatives through or in proximity to units of the State Park System. Yet, the HST proposal would do just that in several instances. The document suggests the HST proposal is superior to the modal alternative. This finding apparently overlooks the inherent absence of land consumption impacts on State Park System lands in the modal alternative.

While the draft EIR provides some acknowledgement of the adverse impacts of HST alignments that cross State Park System units, the impacts are characterized as simple reductions of open space land. Beyond that problem is the deterioration of the natural, cultural, and aesthetic resources of the natural environment and recreational experiences of park users. State Parks are by definition (PRC § 5019.53) and as discussed in the section above, areas of outstanding scenic or natural character, containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of the State Park System is to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. Therefore, by their very nature parks, once degraded by intrusive influences, cannot be easily replaced.

The California Department of Parks and Recreation encourages the California High-Speed Rail Authority and the Federal Railroad Administration to consider only rail corridor alternatives which avoid either direct or indirect impacts to units of the California State Park System and other critical publicly and privately protected conservation lands in order to avoid habitat fragmentation and degradation of publicly held natural resource values. For example, we suggest reconsideration of the northernmost crossing of the Diablo Range (the so-called Altamont Pass alignment). This choice will avoid direct and indirect impacts to Henry W. Coe State Park and the San Luis Reservoir State Recreation Area. The draft environmental document asserts that this recommendation could work against ridership, a questionable premise given the draft EIR's lack of attention to how HST users will get to and from the HST stations.

We believe there is another viable approach, one that would use regional transportation networks to feed HST users to the HST system from their origins and from the HST system to their final destinations. For example, the Bay Area's considerable investment in public transportation and highways can serve well as the feeder network to a Bay Area terminus at either a Livermore Valley BART station or a

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BART extension eastward from Pleasanton. The San Jose area would be served by full deployment of the Santa Clara Valley Transit Authority's bus and light rail system, with the addition of the planned BART leg to San Jose.

The HST project business plan and draft EIR documents should be revisited to consider approaching HST as if it was an airplane-like mode of transportation. The system can be reconfigured to connect Northern and Southern California regional hubs, linking them to central cities with local transportation network components. For Northern California, the hubs could be co-located with BART stations in Tracy or the Livermore Valley for the Bay Area hub, in Sacramento (at a light rail station) for the Sacramento Valley hub, and a Fresno hub (plus perhaps Stockton and Bakersfield) to serve the San Joaquin Valley. For Southern California, regional hubs could be at Palmdale (Metrolink service) and San Diego (MTS and/or Coaster), with perhaps an additional hub in Ontario or San Bernardino (Metrolink and other regional/local transit). HST users could reach those hubs in much the same manner as airport users do, without undue inconvenience or degradation of total travel times. The overall infrastructure cost of such a system would be greatly reduced due to the lessened requirement for urban-area construction and operations. Economies of scale would flow from increased reliance on local and regional transportation infrastructure. Environmental benefits, including protection of the integrity of parks and openspace, would result from this kind of more efficient delivery. Further system efficiencies and cost recovery could be obtained by designing HST urban area peripheral hubs for optimal freight handling as well as passenger travel.

Under the draft EIR's current scenarios, using the San Francisco Bay Area as an example, departing HST riders must travel to HST stations anyway from their numerous points of origin throughout the Bay Area. Arriving HST users would disperse throughout the Bay Area from those several HST stations. As currently proposed, the array of stations in selected central Bay Area cities (e.g. San Jose, San Francisco or Oakland) constitutes a more extensive set of hubs than our suggestion, with a considerably higher system cost. From the passengers' points of view, the regional-hub-and-local-spoke approach is conceptually the same as would occur under the proposals advanced in the draft EIR. The draft EIR should evaluate use of the regional-hub-and-local-spoke system design in comparison to the more costly designs that harm parks and open space.

### AIR QUALITY

The Los Angeles to San Diego (LOSSAN) corridor is proposed to be the only alternative route which would not use electrical powered locomotives. The air quality impacts of diesel powered trains are not evaluated in the Air Quality Section 3.3 of the Draft Program EIR/EIS. The twelve units of the California State Park System along this corridor are all located in close proximity to the proposed rail route and station and

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could be impacted by locally degraded air quality due to this source. These impacts to State Park System units should be addressed, analyzed and suggestions for mitigation if necessary proposed in a Final Program EIR/EIS.

### NOISE IMPACTS

The California Department of Parks and Recreation retained the services of Dr. James D Foch, Ph.D, of Foch Associates to assist in the review of the noise sections of the Draft Program EIR/EIS. Dr. Foch is a physicist with over 37 years of professional experience in environmental acoustics. Most recently, he is Senior Researcher and Analyst with the Lawrence Livermore National Laboratory, he was the past Director of the Noise Technical Assistance Center at the University of Colorado, has extensive experience in analyzing the noise impacts of a variety of highway, rail, air and extractive industry projects on national, state, and local parks, as well as other environmentally sensitive publicly protected lands, and has frequently served as an expert witness.

Following his review and analysis of Subsection 3.4, "Noise and Vibration," Dr. Foch concluded that for parks and recreation areas there are two fundamental flaws in the Draft Program EIR/EIS. First, the use of the day-night average sound level  $L_{dn}$  to characterize intruding noise and ambient sound is inappropriate. Second, the use of health and welfare criteria to gauge the noise impact of the proposed action is specious.

Noise intrusion interferes with the enjoyment of parks or recreation areas. Each single intruding noise event will do so if it is loud enough to dominate the ambient sound environment at a location for a short time. Thus, both intruding noise and ambient sound should be characterized well enough to decide whether the intruding noise does dominate the ambient sound. This requires reliable one-third octave band information about the intruding noise in the park or recreation area (not 100 feet from the alignment). It also requires reliable one-third octave band information about ambient sound in the park or recreation area, especially ambient natural sound. Finally, some judgment must be made about permissible intruding noise using audibility or acoustic detectability.

Regarding the "Ambient Sound Condition" sub-section of Section 3.4.6, "Subsequent Analysis," long term monitoring should include overall and one-third octave band measurements every second. It is important to quantify both diurnal and seasonal variations. Such information is necessary to determine whether the intruding noise dominates the ambient sound environment.

In the "Project Noise Conditions" sub-section of Section 3.4.6, "Subsequent Analysis," the HST data should span representative train speeds and include time histories for overall sound level and one-third octave band levels. Time histories are important because  $L_{max}$  for conventional trains is due to the locomotive, but most of the

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time history is due to railcars, which are less noisy. Dr. Foch conjectures that the same is not true for the HST. If he is correct, it may be that Figure 3.4-7 makes a misleading comparison between a HST at 125 mph and a conventional train at 79 mph.

Data for representative train speeds are important because he surmises, again from Figure 3.4-7, that aerodynamic noise from the HST increases as  $44 \times \log\left(\frac{V}{V_{ref}}\right)$ , where  $V$  is the HST speed, and  $V_{ref}$  is a reference speed. This is a much more rapid increase of noise with train speed for the HST than occurs for a conventional train.

The Draft Program EIR/EIS Summary refers to HST speeds in excess of 200 mph, and an operating speed of 220 mph is mentioned on page 3.4-10, second paragraph. Because of the rapid increase of sound level with speed, the HST top speed should be identified.

In the Noise Propagation Characteristics sub-section of Section 3.4.6, "Subsequent Analysis," temperature inversions and downwind propagation can increase HST noise levels at appreciable distances by as much as 20 dBA. Both should be considered in the Draft Program EIR/EIS.

In the Impact Criteria sub-section of Section 3.4.6, "Subsequent Analysis," even the largest screening distance in Table 3.4-A-1, 900 feet, is too small for parks and recreation areas. Using the "typical"  $L_{max}$  values for the HST noise at 200 mph and 100 feet, Dr. Foch estimates the HST noise at 200 mph and 900 feet to be approximately 76 dBA.

For each affected park, the Draft Program EIR/EIS should disclose to the reader the HST noise at the screening distance. Using the  $L_{dn}$  health and welfare criterion of 65 dBA, the Draft Program EIR/EIS should also disclose to the reader what HST noise level would breach the health and welfare criterion.

If the HST System becomes a reality, there will inevitably be some future desire to increase its top speed. While increased HST speeds may be far off, we should be asking now how much worse any putative noise impact could become, and the impacts on park and recreation resources should be addressed now.

Mitigation strategies reviewed (beginning on page 3.4-23) by California State Parks seem to be limited to sound walls in some heavily populated areas. Many units of the California State Park System are located in rural areas with low existing ambient noise levels. Sound walls in such areas appear to be impractical due not only due to their cost but also because of their aesthetic impact in rural settings and potential for additional habitat fragmentation. Due to the identified noise levels of the HST train project, further effort at identifying methods to reduce noise generation in park, wildlife, and recreation areas is necessary. If there have been studies of existing HST systems

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in Europe and Japan that analyze or address such impacts, their conclusions should be presented and discussed in the Final Program EIR/EIS.

### AESTHETICS AND VISUAL RESOURCES

As discussed in other sections of these comments, many units of the California State Park System are established in large part because of their aesthetic values such as natural and cultural landscapes. Modifications or intrusions into these parks or in proximity to parks may irreparably diminish the values for which these parks were created. For this reason we believe that most parks in proximity to proposed alternative HST corridors will suffer high visual impacts.

We concur in the discussion of the HST alternative in the "Environmental Consequences" section on page 3.9-11, that the "landscape typologies considered scenic and therefore most subject to high-contrast visual changes—where the HST would begin to dominate the landscape and detract from the existing features—are the natural open space and park typology and the traditional small urban community typology." We disagree however with the conclusion in the subsequent paragraph that "At this program level of analysis, there are no potentially high aesthetic or visual impacts that could not be reduced or mitigated through design treatments (e.g., architectural treatment at historic stations, tunneling, or minimizing the cut and fill through mountainous terrain and in natural areas)." There is no evidence presented, certainly not the visual simulations prepared for the Draft Program EIR/EIS, that would lead us to believe that new linear elements and minimization of cuts and fills all result in full mitigation of the impacts. As an example, the conclusion for the Sacramento to Bakersfield region for the HST alternative that "all potential HST alignment options in this region were ranked as having low potential for visual impacts; only stations would have potential visual impacts because of the proximity to historic structures and architecture" is incorrect. An at-grade use of the existing BNRR alternative route at Colonel Allensworth State Historic Park would clearly infringe upon the historic landscape and degrade its visual setting.

As in the example of Colonel Allensworth State Historic Park, many units of the California State Park System, such as Hungry Valley State Vehicular Recreation Area (SVRA), the Taylor Yard and Cornfield properties, San Luis Reservoir State Recreation Area, San Onofre State Beach, Old Town San Diego, and most of the State Beaches along the various route segments are ignored by the analysis presented.

The analysis presented in section 3.9 of the Draft Program EIR/EIS focuses primarily on an identification of scenic areas. Further specific analysis should focus on and identify critical public viewing areas such as highways, trails, pullouts, parks and beaches as well. Missing from the analysis is consideration of the potential impact of mitigations proposed for other impacts, such as soundwalls. Highly scenic areas are

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more than what can be viewed from the train, but should include the intrusion of the linear corridor into the landscape as well. In particular, the scenic and visual qualities of coastal areas should be considered and protected as scenic resources of public importance. Public Resources Code § 30251 requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the "California Coastline Preservation and Recreation Plan" prepared by the Department of Parks and Recreation (1971) shall be subordinate to the character of its setting (PRC § 30251).

Short-term impacts associated with the construction phase, such as access roads and corporation and storage yards, should also be discussed and their locations analyzed in specific environmental documents which are to follow adoption of this Draft Program EIR/EIS. Site-specific restoration efforts to return these temporary sites to a natural appearance through remedial grading and replanting with locally-obtained, naturally-occurring plant species should be detailed as well.

Specific concerns on an individual park unit basis are presented in "SPECIFIC STATE PARK SYSTEM UNIT COMMENTS" below.

### ENVIRONMENTAL JUSTICE

As public lands, units of the California State Park System are open to all regardless of race, culture, or income. The discussion of environmental justice in Section 3.7 should be revised to consider how recreation lands, which provide benefits to all populations, might be altered by the HST project in ways that result in lower quality recreational experiences for park users.

The discussion of "Impacts on Neighborhoods", states at page 3.7-3, "A potential impact on a community or neighborhood was identified if an alternative would create a new physical barrier, isolating one part of an established community from another and potentially resulting in a physical disruption to community cohesion. Improvements to existing transportation corridors, including grade separations, would not generally result in new barriers." In Table 3.7-1 a "low compatibility" rating is assigned to neighborhood parks and a "medium compatibility" is assigned to community parks. This Section should be revised. Communities use adjacent parks in their own ways, whether the parks are of neighborhood scale, community scale, regional scale, or state parks. For example, if a state park adjoins a neighborhood, and thus provides a community with recreation opportunities, residents tend to use the facility as if it were their own neighborhood park. They might take their children to a state beach close to their home, or take a stroll on state park trails close to their home, etc. Furthermore, even when residences are far from a state park, state park campgrounds and day-use facilities can

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function as the yard space for residents whose home neighborhoods do not offer room for outdoor recreation. It is thus recommended that the section restructure its impact tables to assign a "low compatibility" rating to alignments that interfere with access to public parks and enjoyment of all recreation opportunities at public parks.

Disruption of the normal setting in a neighborhood can occur beyond the 50' cutoff (page 3.7-4) used to characterize land use adjacent to the HST alignment. It is suggested that the distance for perception of an adverse impact be increased to at least a quarter mile, consistent with points made in "SPECIFIC STATE PARK SYSTEM UNIT COMMENTS" which follow. Also, in the paragraph entitled "Existing Land Uses" in discussion of the Los Angeles-to-San Diego via Orange County corridor on page 3.7-10, the word "community" should be deleted from the last sentence to reflect the argument in the preceding paragraph.

A discussion of important environmental justice issues specific to the recently acquired Taylor Yard and Cornfield properties in downtown Los Angeles can be found within the Cornfield project presentation in the section, "SPECIFIC STATE PARK SYSTEM UNIT COMMENTS."

### RECREATION

The proposed project has the potential for resulting in direct physical or reasonably foreseeable indirect physical changes in the State of California's recreation environment. This is particularly problematic since the draft program EIR/EIS does not refer to overarching statewide recreation plans issued by our Department, such as California Outdoor Recreation Plan 2002 and the California Recreational Trails Plan Phase I June 2002.

While there is no standard definition of recreation, the 1993 version of the California Outdoor Recreation Plan (CA DPR April 1994) described it as "a human activity, an experience undertaken primarily for the satisfaction of the participant. In recreating, individuals creatively develop their innate capacities, intelligently use their energies, and enrich their lives. Recreation is a necessary human need, essential for the physical, mental and spiritual well-being of the individual and society." Recreation use overlaps many other environmental issues such as natural and cultural resource protection, water and air quality, etc., and is sometimes indistinguishable. The proposed project has the potential to impact areas used for such recreational purposes directly by its physical location and indirectly by altering pre-existing conditions conducive to recreational activities such as through noise propagation, natural and cultural resource impact and the economic impact recreation losses will have on the local economy.

The importance of recreation in modern society cannot be overestimated. The opportunity to alter the pace of modern life and experience historic and natural settings

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or more actively participate in outdoor activities has been shown to improve societal well-being by maintaining the physical and emotional health and wellness of individuals and contributes to reduction in crime. Recreational activities on State, local, and regional parklands, open space, and trails provided strong support for community values and serves as a mechanism and social bridge for integrating people of all races, ages, incomes and abilities. These lands educate, challenge, inspire and entertain our children, offer safe and secure places for families and seniors, protect and conserve our natural and cultural resources. They also help to strengthen and stimulate California's economy through recreation-related sales of clothing, equipment, fees and services and the revenues generated from the tourism and hospitality industries. As California's population is expected to grow by nearly 30% in the next quarter century, the demand for recreational resources and open space to support this population requires the provision of additional recreation land and facilities to respond to population demand as well as increased efforts to protect existing lands dedicated to this recreation purpose.

These factors are addressed through a recurring statewide recreation planning process for which the most current Plan is the California Outdoor Recreation Plan 2002. It can be found on the web at: <http://www.parks.ca.gov/pages/22545/files/2002corp.pdf>. We recommend use of this document as a foundation for evaluating potential impacts to recreation lands and facilities and the establishment of appropriate mitigation measures.

In the Draft Program EIR/EIS, issues relative to impacts to recreation resources are spread throughout the Draft Program EIR/EIS. For instance, Draft Program EIR/EIS Section 3.16, "Section 4(f) and 6(f) Resources" addresses loss of park and open space lands. However, other important recreational impacts are not addressed. One example is public recreation trails and plans.

As previously indicated, the California Recreational Trails Plan, Phase I (<http://www.parks.ca.gov/pages/1324/files/trails%20plan%20part%20final%203.pmd.pdf>) of 2002, is not referenced or addressed by the Draft Program EIR/EIS. Among many other goals, this plan seeks to "Promote and encourage the incorporation of trails and greenways development and linkages into all local and statewide land use planning processes." To facilitate these goals the California Recreational Trails Plan contains a state map with some of the State's major trails. Many of these trails are traditional routes. However, increasingly, trails are acquired to provide public access, improve transportation alternatives and to connect publicly protected openspace and recreational areas. Many trails have multiple recreation benefits such as providing access to fishing, vista points for photography, picnic areas for socializing, and camping areas. They also provide access to areas for enjoying solitude, observing wildlife and experiencing the natural environment. Such trails provide low-cost recreational opportunities to all segments of society, fostering a stronger sense of community as well as healthful recreation opportunities. Preliminarily, it appears that the following existing or planned long-distance trail routes may be affected by intersection (some more than once) with various alternate proposed HST corridors.

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- Pony Express National Historic Trail,
- Mokelumne Coast to Crest Trail,
- SF Bay Trail,
- Juan Bautista de Anza National Historic Trail,
- Bay Area Ridge Trail,
- San Joaquin River Trail,
- Santa Clara River Trail,
- Rim of the Valley Trail,
- LARio Trail,
- San Gabriel Trail,
- Santa Ana River Trail,
- Coast-to-Crest San Dieguito,
- Trans County Trail, and
- Pacific Crest Trail.

In addition to trails in the planning stages such as the Heritage Trail at Cornfield, there are many regional and local trails that require identification.

We urge project-specific identification of trails which may be crossed by HST alignments and stipulation of mitigation providing for and guaranteeing grade-separated crossings of trails when they intersect the selected HST corridor. The HST Project can also promote trail-based recreation by providing access, information and interpretation.

As the totality of the affected environment of recreational resources impacted by the proposed project is not presented, impacts to recreation are not discussed and analyzed, or mitigations measures for loss of recreational opportunities suggested and brought together in a single location, this Department suggests that the disparate parts of the Draft Program EIR/EIS should be pulled together into a separate recreation chapter. In addition, the loss of or significant impact to recreation should be considered a socio-economic effect. The Program EIR/EIS sections, which address socioeconomic effects and environmental justice issues, should also analyze and propose mitigation for the secondary effect that the loss of recreation will have on local economies. As a Responsible Agency for this project, the California Department of Parks and Recreation will depend upon the Draft Program EIR/EIS as a basis upon which we will review any application for use or entrance to lands of the State Park System. Without the recreation issues addressed, this document will be inadequate for our use.

### CULTURAL RESOURCES

The information in Section 3.12 is, like other sections in the Draft Program EIR/EIS, based upon existing data sources (note that the Office of Historic Preservation is

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incorrectly referred to as the State Historic Preservation Office). That is to say, no new additional research has been attempted at this stage of the environmental review process.

With the information so derived, the Draft Program EIR/EIS presents qualitative potential impact ratings based on calculations of number of sites per mile to identify areas as low, medium and high. Depending on the intensity of past archaeological and historical survey and recordation, these calculations could change dramatically. Much property that is in private ownership and even a great deal in public ownership has not been adequately surveyed. This should be addressed in a follow-up study before a realistic evaluation of expected relative impacts to properties is determined. For instance, in the areas of the Henry W. Coe State Park (Santa Clara and Stanislaus Counties) through which several alternative routes are proposed, there has not been adequate survey and recordation of sites along the routes in those locations. A lack of survey work results in the Bay Area to Merced region (table 3.12-1) in the archaeological resources within the potential impacts category as being shown as medium, most probably because the extensive areas of unsurveyed portions are lowering the overall average. As a result, the evaluation of a "no project" alternative in this segment is rated the same as the "modal" and the "HST" categories. Clearly, the impact to a roadless wilderness area state park would be zero in the "no project" and probably in the "modal" alternatives as opposed to a major impact if a whole new transportation corridor were to be developed there. In other words, the averaging out of expected potential impacts over an area encompassing both developed and undeveloped areas would disproportionately impact State Park System units or other non-developed lands that have not been subject to the same archaeological and historical scrutiny as the developed areas. Such data skewing, if it cannot be corrected, should be acknowledged in the final document.

Of the four areas in the realm of archaeology/history identified in the Draft Program EIR/EIS: the characterization of historic groups as being limited to "Spanish, Mexican, or Anglo-American" (pg. 3.12-7), should be reconsidered. African Americans, Chinese Americans and many other groups are also important historic groups and should be addressed.

The lack of any reference to Cultural Landscapes is of concern, because these are more likely to have a wider areal expanse and thus be more likely to be impacted by a high-speed train route. A prime example would be Colonel Allensworth SHP in Tulare County. Although there is an existing rail line that runs through the area, even including a possible rail station, a futuristic high-speed train whizzing by would be out of keeping with the quiet, farming community setting. The APEs of 500 feet on each side of new rail routes and 100 feet for established routes may not be adequate to accommodate the concept of a Cultural Landscape. There are four general types of cultural landscapes, which are not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes, which

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should be addressed in the Final Program EIR/EIS. The 1994 National Park Service publication, "Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes," Preservation Brief 35, by Charles Birnbaum, ASLA, should be consulted before addressing this issue.

There is a reasonable series of mitigation measures for "listed or eligible historic structures and buildings" in accordance with the Secretary of the Interior's Standards (36 CFR Part 68), with the following included: "repair, stabilize, rehabilitate, restore, relocate and reconstruct." The Final Program EIR/EIS may wish to consider whether "reconstruct" is necessary in this context. If the building has been demolished, then the site is more appropriately seen as an historical archaeological site and should be dealt with in that category.

The Department of Parks and Recreation has identified at least 43 separate State Parks System units that are within a distance of 10 miles from the proposed routes. At least eleven State Park System units that may be intersected by the potential routes would be the primary focus of the eventual cultural review. However, if Cultural Landscapes were factored in there would be additional possible park units that would need to be reviewed. When a more specific proposal of potential routes is prepared, specific focus can be directed to the needs for more intensive survey and evaluation of parklands that may be impacted.

PALEONTOLOGICAL RESOURCES

Section 3.12 describes Paleontological resources as "significant fossils or assemblages of fossils that are unique, unusual, rare, uncommon, and diagnostically or stratigraphically (layers of the earth's surface) important, and/or those that add to an existing body of knowledge in specific areas stratigraphically, taxonomically, and/or regionally." The source of this definition should be provided if possible. Since all vertebrate fossil resources are rare, the area where they are found should be designated as having a high level of sensitivity. Even in areas of abundant fossils, new unique discoveries are still being made. In a further example, the Franciscan (while referred to as a formation on page 3.12-14, it is more properly called the Franciscan Complex) is not considered a major fossil-bearing unit; however, when fossils are found in the Franciscan, they are always significant, since they provide a superior way for dating the unit and provide otherwise unattainable ecological information.

Known significant fossil localities can be found throughout the California State Park System but not all localities have been identified or inventoried. In addition, vertebrate fossil localities are known in the vicinity of San Luis Reservoir (mammoth tusk), and it is safe to assume that similar localities yielding significant fossils may be found within nearby State Park System units along the proposed HST routes. The discussion on page 3.12-5 used number of formations having high paleontologic sensitivity, and the

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number of paleontologic localities recorded as the basis for sensitivity analysis. As discussed in the Cultural Resources section above, since many areas have not been inventoried the conclusion that few sites are known may incorrectly skew the conclusion.

The federal government is currently assessing the need for unified standards for fossil preservation and management on federal lands. The Secretary of the Interior prepared a report to Congress in 2000, recommending improved inventory and resource management for federal fossil resources. Legislation titled Paleontological Resources Preservation Act (S 546) has passed the Senate (108th Congress), and is currently before the House of Representatives. This legislation should be used as a model, and the spirit of the Department of Interior report should be applied to this project. Lands along proposed HST routes should be evaluated for fossil potential, and avoided, mitigated, or curated for further scientific study.

Pending detailed subsequent study and analysis, cumulative impacts on paleontological resources from HST and modal alternatives (pages 3.17-7& 8) should be the same at this point (high).

**GEOLOGY AND SOILS**

The geologic resources described in the Draft Program EIR/EIS are limited to economic resources (oil, gas, geothermal, and minerals). Other geologic resources of particular interest to California State Parks include areas of scientific interest and aesthetic beauty. Unspoiled geomorphic forms and classic landscape features, especially those related to differential erosion, faulting, and tectonic plate relationships are also of particular concern in State Park units (PRC § 5019.53). Rare mineral occurrences, type localities, and perplexing rock associations are also preserved within units of the State Park System. The proposed HST project should consider impacts to representative examples of geological features, type localities (location of formation which exhibits typical formational characteristics and from which the formation derives its name), fragile and rare geological features, and geological features of unusual or exceptional beauty (for example rock outcrops, erosional features, mountain peaks, fault-influenced topography, etc.) in and near units of the State Park System.

Due to the proximity of State Park System units to many alternative routes of the proposed HST project, geologically-induced or triggered geologic impacts as a result of construction of the rail system must be specifically considered.

With regard to consideration of seismic hazards, it would be better not to rely on legal definitions of "active" but to use specific knowledge of the geology of the regions to evaluate seismic hazards. There has been much advancement in this field over the last few decades, and planning for surface disruption, strong motion shaking, and

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liquefaction responses would be well advised. The ranking system for seismic hazards relies on surface rupture as the key hazard; however, movement at distance from a surface rupture can be much more severe, as in the Marina District, following the Loma Prieta earthquake. In addition, the coincidence of fire following earthquake disruption should be considered, especially since the HST project will traverse oil and gas fields and pipelines.

Paleoseismic research in coastal northern San Diego and Orange counties has suggested that very large seismic events in the relatively recent geological past have produced significant ground disruptions and liquefaction signatures. Any route in the vicinity of Torrey Pines State Reserve, Leucadia State Beach, and South Carlsbad State Beach needs to take this major type of event into consideration.

The Draft Program EIR/EIS estimates fault crossings as 600' wide. This ignores specific scientific knowledge about well-mapped areas. Many areas of the San Andreas Fault Zone, for example, are more than a mile wide. Excavations in fault zones are not only hazardous for the excavators and analysts, but they can reveal unstable features and produce conduits for subsurface waters.

In addition to traditionally under-considered seismic hazards, coastal erosion is another significant hazard that can be expected to worsen, as sediment sources to the beach continue to be trapped by inland water diversions and water and sediment storage facilities. Key features for consideration also include areas of seacliff retreat, liquefaction, lagoons, and special wetlands from San Clemente southward to San Diego. Large landslides have occurred in the cliffs of San Onofre SP (which may have been exacerbated by failed drainage structures in existing transportation infrastructure) and Camp Pendleton, and rapid subaerial erosion episodes have been documented.

The slope stability analysis does not consider steepness, debris flow potential, geomorphological mapping, drainage courses, and run-out areas. Areas where the alignment crosses the Coast Ranges are especially subject to landslide hazards and are characterized by debris flows, debris slides, and creep, especially in the mélange units of the Franciscan Complex. The best mitigation for slope stability and landslide issues is avoidance of the hazard. Although avoidance is not always an option, it should always be the first option considered, since its effectiveness is superior to engineered slope treatments and foundation excavations. In particular, the natural slope condition is a superior value in State Park System properties, from an aesthetic, as well as from a geological processes standpoint. Cut and fill operations could result in fill slope and cut slope failures. These areas need to be evaluated, according to their physical properties, such as dip slope, fractures, bedding inclination, joints, etc. Where cuts and fills are constructed, the width of the "affected environment" should be extended to include the full extent of surface disruption.

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

The middle paragraph of Page 3.14-11 compares impervious surfaces for modal versus HST alternative, but doesn't address the addition of impervious surfaces from the new stations associated with the HST.

The limitations for analysis of hydrology are unreasonably limited (100' from centerline of alignments). The area of the physical watershed needs to be added to the analysis and watersheds of 303d-listed waters [Federal Water Pollution Control Act § 303(d)(1)(A)] to better evaluate the impacts of the proposed project. Mapping only the streams grossly underestimates the area of affected environment.

**BIOLOGICAL RESOURCES**

Units of the California State Park System which may be impacted by proposed alternative HST corridors were created for a variety of purposes including natural resource protection, public recreation, and protection of historic sites. Regardless of a park's classification, biological resources are managed to protect naturally functioning ecosystems, hence California State Park's natural resource management is concerned primarily with the quality of habitat, and with sensitive resources as part of that habitat. Conversely, the Draft Program EIR/EIS focuses on sensitive species and communities, and impacts of HST on habitat in general are not fully developed. In subsequent specific environmental documents, the effects of HST impacts and their magnitude on habitat quality in units of the State Park System must be addressed.

The Draft Program EIR/EIS states on page 3.15-18 that the Modal Alternative would potentially affect a greater area or number of sensitive biological and wetland resources than the HST alignment options. That statement does not address the question of the quality of the habitats and occurrences of sensitive species that could experience impacts from the HST alignment options. The impact of building a project of the magnitude of the HST through wilderness areas, public parks and protected conservation lands is different in type than the impact of widening an existing transportation corridor. The specific alignment options need to be compared with this in mind.

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The biological resources that could be affected, and their general locations are reported, but the effects/impacts on those resources were generally not discussed in depth. As in other resource discussions throughout the Draft Program EIR/EIS, the alignment options were overlaid on maps of sensitive resources and the number of times the alignments and sensitivities intersected were tallied up as unweighted numerical scores and the results were "processed into a series of frequency distributions that allowed an estimate of high, medium, or low for a potential impact." Such a simplistic tally is skewed by the acknowledged lack of site-specific knowledge. Therefore "low" may not truly mean low impact, it really means relatively fewer known "occurrences." In fact, with site-specific investigation, areas of suggested "low" impact may be scored as "high." The Draft Program EIR/EIS acknowledges that "the lack of identification of an impact does not necessarily mean that this portion of the proposed alternative would not result in potential impacts on biological resources, only that location-specific data would be required to make a more precise determination." Potential impacts such as these should be identified at least with a table with the complete listing of these species known from each potential alignment and characterized as needing further investigation, and not left out of the discussion. It is very difficult to compare the alternatives botanically without this information. Specific impacts to park natural resources need to be addressed.

For the preparation of subsequent specific environmental documents, it will be important that site-specific studies not be limited by the findings of the Program EIR/EIS. As a single example, we are aware of several vegetation mapping projects currently under way by various governmental and private groups in various parts of the State that may identify sensitive plant communities in addition to those discussed in the Draft Program EIR/EIS. The same may also be true of plant and animal species. All site-specific work should rely on field studies, not on a recitation of the data from previous work.

Construction impacts (disturbance, duration, hazardous materials and pollution, etc) and long-term impacts (barriers to wildlife movement, habitat fragmentation, noise, vibration and ground and surface water changes) to biological resources are not discussed adequately. The potential impact of spreading exotic plant species during construction, operation, and maintenance should be discussed and mitigation measures proposed. Other impacts on biological resources, definite and possible, that need to be further addressed include:

- Wildlife habitat degradation and fragmentation, particularly in areas with an intact ecosystem preserved for protection of wildlife habitat, such as at Henry W. Coe State Park, and particularly on species that require large contiguous blocks of habitat, such as mountain lions,
- Disruption of regional wildlife movement by at grade alignments, sound walls, etc.,

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- The importance of riparian areas and wetlands to wildlife in general, and sensitive species in particular,
- The impact and scale of construction/earthmoving activities necessary, particularly for the at-grade and tunnel portions of the alignment; cut and fill, disrupted vegetative cover, compacted soils, access roads, disturbed surfaces, erosion, sedimentation of waterways, hazardous materials, etc., and the long-term effects of such disturbance,
- The impact of support facilities for the HST, such as those needed for access and maintenance,
- The impact of light pollution, such as night lighting for extended construction activities, track lighting, and other associated lighting,
- Potential shadow effects beneath the infrastructure of the HST alternative, and
- Loss of habitat in general where the HST alignment is at-grade and the associated impacts render the habitat no longer habitable.

If scientific investigations in Europe and Japan where HST systems already exist have considered its impacts to biological resources, these should be discussed. (E.g. *Use of Non-Wildlife Passages Across a High Speed Railway by Terrestrial Vertebrates*, Rodriguez, Crema, and Delibes, in *The Journal of Applied Ecology*, Vol. 33, No. 6 (Dec., 1996), 1527-1540.)

The Draft Program EIR/EIS is focused on humans and the phrase 'noise sensitive land uses' appears to refer solely to human use. The noise aspect, from construction to daily operation, is one of the most significant impacts of the HST project yet the noise and vibration section does not address impacts on wildlife in a meaningful way.

At higher speeds above 150 mph, the HST noise level will increase over that of conventional trains. Such higher speeds would be expected through the "less constrained areas", so the noise would be loudest in undeveloped areas/parklands, along with potential vibration impacts 200 feet from the tracks. Additionally, on an elevated structure the noise is increased and spreads about twice as far. The effects of noise impacts to the environment, and specifically on wildlife, are not addressed in the document.

During construction years, and during the operation and maintenance of the HST, all the various aspects of noise, such as volume, intensity, duration, suddenness, frequency during the day, time of day/night, all make a difference in whether a species can become accustomed to the disturbance and continue to live nearby or whether it is a disturbance that causes displacement of individuals, and if it continues for a long

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enough period of time, causes emigration. The fact that it is not a constant noise, unlike freeway noise, and that it is loud, sudden, and frequent throughout the day and night, makes comparison to the other alternatives/modes of transportation less than useful.

The Draft Program EIR/EIS discussion of Electromagnetic Fields (EMF) and Electromagnetic Interference (EMI) is focused on personal/human health and potential impacts on electronic and electrical devices. Possible impacts of EMF/EMI on wildlife should be addressed, such as orientation, or simple disturbance. For example, if mobile wildlife species avoid areas of electromagnetic disruption, it could constitute habitat disturbance and, possibly the taking of habitat for sensitive species.

Subsequent analysis should include, in addition to consulting with California Department of Fish and Game on particular species, consultation with other managers of lands administered for natural values regarding the impacts and mitigation strategies for such areas.

While mitigation strategies are suggested in section 3.15.5, the Draft Program EIR/EIS should recognize that greater direction for mitigation design needs to be provided. As a single example to make the point for all mitigation strategies, page 3.15-31 states, "... construction of wildlife underpasses, bridges, and/or large culverts, could be considered to facilitate known wildlife movement corridors." Identification of appropriate locations must not only be in existing use areas but must be able to accommodate crossings of a design, shape and size to be sufficiently attractive to encourage wildlife use. Overcrossings if dedicated to wildlife use should be appropriately vegetated to afford cover and other species requirements. Undercrossing approaches should also be appropriately vegetated to afford cover. Functional corridors should be established to provide connectivity to protected lands or land zoned for uses that provide wildlife permeability. For instance, if the upland side only connects to a drainage leading to a dense residential area or area zoned for residential development, its functionality is much reduced, whereas if it connects to parks or openspace it is enhanced. All wildlife corridors should be assessed using the checklist suggested by Beire and Loe; (*A Checklist for Evaluating Impacts to Wildlife Movement Corridors* in *Wildlife Society Bulletin*, 20:434-440, 1992) developed to determine functionality. Like all proposed mitigations the impacts of such structures, such as visual impact, should be considered and analyzed.

**SECTION 4(f) AND 6(f) RESOURCES**

The separate regulatory provisions are presented (although misquoted at 4(f)'s subsection (c)) but there is no separation of analysis or conclusion. These resource areas are simply lumped together in the text without differentiation in spite of the fact that the subject area and standards differ.

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Authoritative interpretation of federal agencies' duties under the 4(f) of the Department of Transportation Act of 1966 was first established and continues to be provided by the 1971 Supreme Court decision in Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, in which the Court overturned the Secretary of Transportation's approval of a six-lane highway through a park in Memphis, Tennessee.

In enacting section 4(f) of the Department of Transportation Act of 1966, Congress declared that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands. Congress accordingly specified two fundamental substantive mandates under the Act: (1) prohibiting federal agencies from approving transportation projects that require use of a public park or recreation area unless there is no feasible and prudent alternatives to using the parkland; and (2) requiring transportation projects which use a public park or recreation area to include all possible planning to minimize harm to the parkland.

For lands acquired or improved through the use of Land and Water Conservation Fund Act grants (16 U.S.C. §§ 460-4 through 460) conversion requires replacement lands of equal monetary value, location, and usefulness which are stricter replacement standards than those of section 4(f).

Review of the analysis is complicated by the fact that in spite of the statement on page 3.16-2 that "the primary goal of the analysis was the identification of Section 4(f) and 6(f) resources," the presentation makes no identification of the specific resources at risk. This makes it impossible for a reviewer to determine the legitimacy of the data presented. Simply stating a number of resources for a given stretch of proposed corridor is insufficient to determine if the resources for which this Department is responsible have been included as they are not differentiated from other such resources.

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HST alignment options as preferred for the proposed HST system..." (Page S-18) there is currently insufficient information in the document to choose an alternative wisely.

Additional reasons to suspect the verisimilitude of the material presented are frequent 4(f) and 6(f) reference errors. Examples include a "prominent national park (Don Edwards San Francisco Bay National Wildlife Refuge)," "El Pueblo de Los Angeles State Historic Park" which was divested from the State Park System in 1990 to the City of Los Angeles, "Old Town San Diego State Recreation Area" which is a State Historic Park, and mapping the 93,000 acre Wildlands Conservancy Windwolves Preserve as the 205 acre Fort Tejon State Historic Park.

In several locations the option of tunneling under parks is presented as a potential impact avoidance strategy. As discussed in several other sections of these comments, tunnels may result in damage or loss of critical surface waters. Like other mitigation proposals, such as soundwalls, careful consideration of avoidance strategies is necessary to determine if one potential impact is not simply traded for another. In many cases application of a single mitigation or avoidance strategy may be insufficient, but may require combinations to adequately address an issue.

This Department has previously provided the High-Speed Rail Authority with a list of units of the California State Park System we preliminarily believed might be impacted by the proposed project as well as digitized State Park System unit boundary maps. In Appendix 1 to this letter of comment, we have attempted to present those units of the State Park System located in proximity to the alternative HST corridors, their approximate distance from alternative corridor centerlines, and a preliminary judgment of their potential for being subject to 4(f) and/or 6(f).

The analysis under the 4(f) provisions of the Transportation Act should address the full extent of the "use" of units of the California State Park System by the "constructive" use of the HST caused by noise and other impacts. The application of section 4(f) to these constructive uses has been recognized by the courts in a wide variety of circumstances. The 9th Circuit was the first to recognize such circumstances and has continued to do so. In Brooks v. Volpe, 460 F.2d 1193, 1194 (9th Cir. 1972), for example, the court found that a highway encircling a campground was subject to section

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4(f) despite the fact that there was no actual use of protected lands. Since then, federal courts have found constructive use of section 4(f) lands resulting from such impairments as increased noise, unsightliness, and impaired access.

If a preferred alternative is chosen through a Final Program EIR/EIS adoption and a decision is made to proceed with a project which directly impacts 6(f) properties, it is the responsibility of the High-Speed Rail Authority to so inform (as the contractually responsible State Liaison Officer) the Office of Grants and Local Services of the California Department of Parks and Recreation in writing of their decision and their proposed compliance actions with a showing that they meet the prerequisites of CFR § 59(b).

SPECIFIC STATE PARK SYSTEM UNIT COMMENTS

For all parks discussed below, visitor data and facility statistics are publicly available from the most recent State Park System Statistical Report for the 2001/2002 fiscal year, see: http://www.parks.ca.gov/pages/795/files/Statistical%20Report%202001-02.pdf.

Park descriptions may be obtained from park brochures and web sites see: http://www.parks.ca.gov/parkindex.

Park purpose statements, which guide development at park units, may be found in the most recent park unit general or development plans or as addressed in system unit general planning processes in progress and published on the web. See compilation at: http://www.parks.ca.gov/pages/712/files/Purpose%20Statements%20Report.pdf.

Discussion of specific units of the California State Park System are presented by the regional areas used by the Draft Program EIR/EIS and by county, in a generally north to south order.

Bay Area to Merced Region

San Francisco Bay Area Parks: Parks under the direct administration of the California Department of Parks and Recreation in proximity to proposed HST routes in the San Francisco Bay Area are Eastshore State Park State Seashore (including the Albany and Emeryville Crescent State Marine Reserves), Candlestick Point State

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Recreation Area, and the recent Martial Cottle Park Project acquisition (a major unclassified unit). Robert W. Crown Memorial State Beach and San Bruno Mountain State Park, while part of the State Park System, are operated under agreements with the East Bay Regional Park District and the County of San Mateo respectively. Roads, bikeways, pedestrian paths, and local and regional public transit systems provide access to these parks.

Henry W. Coe State Park: This park is located midway between the San Francisco Bay Area and the San Joaquin Valley. At 89,042 acres, it is the second largest unit in California's State Park System. Of this, 23,300 acres comprise the Henry W. Coe State Wilderness (commonly referred to as Orestimba Wilderness), which comprises 26% of the total unit.

Natural resource protection is a primary management objective for units classified as State Wilderness in which the main goal is to protect and restore natural ecological processes, features, and wilderness character. State Wildernesses, in contrast with those areas where man and his own works dominate the landscape, are recognized as areas where the earth and its community of life are untrammelled by man and where man himself is a visitor who does not remain.

To manage State Wildernesses, in order to protect and preserve their natural conditions, PRC § 5093.36(b) provides that there shall be no commercial enterprise and no permanent or temporary road within any wilderness area and no other form of mechanical transport, and no structure or installation within any wilderness area.

Both the "Minimize tunnel" and "Tunnel under park" options would transect the State Wilderness of Henry W. Coe State Park either with a combined at-grade and tunnel design or a wholly tunnel alignment. Both options would negate the viability of the wilderness classification and destroy the public's wilderness experience during both the construction and operation phases.

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consideration. To obtrude either of these two alternatives routes would effectively remove the very basis upon which the designation of this rare urban-proximate wilderness area is founded and result, we believe, in its declassification. This would be a precedent-setting first for the State of California that we do not believe is supported by the general public.

The Draft Program EIR/EIS does not adequately address design and construction phase impacts through this park and wilderness. Impacts to enter the wilderness to collect environmental and engineering data, construction access routes, storage and corporation yards, above-ground structures for tunnel egress, ventilation structures and maintenance requirements must be specifically addressed in the next phase of the environmental review process, as must identification and protection of riparian, wetland and other critical habitats vital to listed and sensitive plant and animal species. Short and long-term mitigation, restoration and remediation measures for these impacts need to be proposed in subsequent detailed environmental documents.

Impacts of tunnel construction and cuts and fills on aquifers may include reduction of critical surface water supplies for wildlife and recreation needs. The "High-Speed Train Alternative" discussion on page 3.14-12 specifically acknowledges that shallow groundwater at potential tunneling sites could be affected by dewatering. However, groundwater mitigation proposed on page 3.14-19, while suggesting minimization of such impacts, does not guarantee provision of water that is necessary for wildlife habitat, sensitive species, and recreational purposes in this area subject to seasonal drought. It is imperative that subsequent analyses not only identify (page 3.14-20) shallow groundwater areas but also make provision for full and adequate mitigation prior to construction if these alternatives are selected.

The "Northern Tunnel" option consists of at-grade and tunnel segments to the north of the park boundaries. Aside from its location, it has the same crucial problems as the "Minimize Tunnel" option. Like the other proposed Diablo Range crossing alternatives, a dedicated and fenced right-of-way impacts critical wildlife movement in the Diablo Range. Existing and ongoing conservation efforts in the Diablo Range will be fragmented. The Henry W. Coe State Wilderness is renowned, not only for its relative purity as a wilderness area, but as being an important and critical part of a greater intact ecosystem. HST construction and operations in the functional buffer around the wilderness area means fences that can constrict wildlife movement, cuts and fills that diminish vegetative cover, habitat degradation from compacted surfaces, access roads and construction-disturbed surfaces in the range of park wildlife.

Of the four alternative routes proposed through the Diablo Range, the "Pacheco Pass" option offers the potential for the least impact to Henry W. State Park by utilizing an existing transportation corridor. However, as in the other options, the potential exists for exacerbating habitat fragmentation depending upon decisions for a dedicated right-of-way and provision for wildlife crossings. Construction impact problems similar to the

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other at-grade and partial tunnel options also exist. This alignment also has potential to adversely impact the San Luis Reservoir State Recreation Area/Pacheco State Park complex of recreation lands to the east (see discussion below). Mitigation and subsequent analysis recommended for the other project corridor alternatives should be performed for this alternative as well, if selected.

Mitigation proposed for impacts to this park (as for all Park System Units) by these or other alternative route corridors, must replace the full biological productivity and recreational opportunity, both in kind and in area.

It is the position of California State Parks that all of the proposed Diablo Range alternative corridor crossings result in unacceptable significant adverse impacts. As discussed in "ALTERNATIVES", a route through the Altamont Pass area should be evaluated in comparison to the threats to parklands posed by the presented alignment options. The hub-and-spoke model previously discussed in that section has potential to fulfill ridership objectives without harming this and the other Diablo Range State Park System Units.

Pacheco State Park: The proposed southernmost HST alignment passes outside the park's boundaries well above State Route 152 and California Department of Fish and Game's Upper and the Lower Cottonwood Wildlife Areas and includes extensive tunneling. The topography in the immediate area consists of steep hills that restrict vistas to canyons and adjacent slopes and ridges. Broad vistas in the area are only available from ridge tops. Given that insufficient detail is available in either the emerging Pacheco State Park master plan or the HST draft EIR, it is not now possible to know whether the construction activity and on-grade segments can be seen or perceived from the park. However, the draft park master plan speaks to the importance of the facility as a remnant of the historic California landscape. It is thus possible that the HST project could intrude on the perception of old, rural California. This factor should be addressed in subsequent detailed HST plans if the Pacheco Pass alignment is ultimately selected.

Major impacts will occur during construction and operation. Dislocations to park operations during construction should be described and if necessary mitigated in the subsequent detailed EIR. At-grade segments of this alignment in the proposed corridor will impact wildlife corridors, wildlife habitat, viewshed, and increase existing noise levels. But as noted in our "ALTERNATIVE" comments above, a better alternative would be to de-select the Diablo crossing routes altogether, thereby sparing the open space recreation resources in the Mt. Hamilton and Pacheco Pass environs.

San Luis Reservoir State Recreation Area: The HST alignment at this park would skirt the State Recreation Area's San Luis Creek area, cross the park's connection to the California aqueduct bikeway and an existing campground in the near proximity of the California Department of Fish and Game's O'Neill Forebay Wildlife Area. It would also pass through the California Department of Fish and Game's Upper Cottonwood

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Creek Wildlife Area and bisect The Nature Conservancy's Romero Ranch conservation easement area. Those agencies have joined their management efforts through the park's general plan process currently in place.

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

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

While the Northern Tunnel option would avoid impacts to this unit of the State Park System as discussed in the previous section of our comments addressing Henry W. Coe State Park, a preferred alignment would be an Altamont Pass option which would avoid impacts to all parks and conservation lands in the Diablo Range.

If a station for the HST system in the Los Banos area is selected, shuttle service or rental car capability to facilitate public access to Pacheco State Park and San Luis Reservoir State Recreation Area should be considered.

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

**Sacramento to Bakersfield Region**

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**Old Sacramento State Historic Park:** This park exists near the proposed Sacramento northern terminus of the HST line, which may result in increased visitation for the California State Railroad Museum and its proposed adjacent expansion facility, the "Railroad Technology Museum at the Southern Pacific Railroad Sacramento Shops." The California State Railroad Museum currently attracts 530,000 visitors to Old Sacramento a year. Its proposed expansion would establish a similar large magnitude facility. If the proposed HST line is completed to Sacramento, these railroad-themed destinations and other Old Sacramento attractions are within walking distance or by public transit for HST travelers as are the state's other historic sites (the California State Capitol Museum, Governor's Mansion State Historic Park, Sutter's Fort State Historic Park, the State Indian Museum, and the Leland Stanford Mansion State Historic Park), in downtown Sacramento. The HST proposal to serve the Sacramento area requires that the impact of increased visitation to these parks be addressed in the Draft Program EIR/EIS. In particular, the cumulative impact of the HST proposal with other current major projects in the vicinity, including the Railroad Technology Museum at the Southern Pacific Railroad Sacramento Shops, several proposals for major downtown stadiums and residential/commercial use developments of the historic Southern Pacific Rail Yards must also be addressed.

**Stone Lake property:** This property is a major unclassified unit of the State Park System and within the boundaries of the 18,000-acre Stone Lake National Wildlife Refuge in southern Sacramento County. The Draft Program EIR/EIS presents two alignment options between Stockton and Sacramento. The western UPRR alignment would cross the Cosumnes River just west of Highway 99. This crossing would intersect a potential network of waterways and trail corridors essential to public recreation activity associated with the sub-region's wildlife habitat—wildlife viewing, nature appreciation, etc. The eastern proposal or CCT alignment is preferred over the UPRR alignment. While the CCT alignment bisects the Cosumnes River open space and wildlife complex, this eastern alignment is farther from the core area of the complex and would thus pose relatively fewer impacts on wildlife and related open space recreation use.

**Colonel Allensworth State Historic Park:** This park encompasses the historic 240-acre Allensworth townsite in southwestern Tulare County in which nearly \$8,000,000 has been invested in the past five years for park improvements. This park is part of a complex of public lands of the immediate area including the Pixley National Wildlife Refuge, Kern National Wildlife Refuge and the California Department of Fish and Game's Allensworth Ecological Reserve. Recreation use of those lands, accessed by automobile, foot, or bicycle includes camping, picnicking, wildlife viewing, environmental and historic education, wildlife interpretation, and hunting. The proposed HST right-of-way will follow the existing Burlington Northern tracks which run along the western boundary of the Pixley Refuge and lie between Colonel Allensworth State Historic Park on the west side and State Route 43 and Allensworth Ecological Reserve on the east side. It is not clear from the Draft Program EIR/EIS if use of this existing rail corridor by

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a dedicated at-grade HST alignment will require additional area necessitating moving the highway or infringing on parklands. As this is clarified in subsequent more specific environmental documents, we can provide more detailed comments.

As access to the town and the park is currently by way of two at-grade railroad crossings, access to the park is an issue that must be addressed. While not at its historic location, reconstruction of the town's 1914 rail stop is currently under development with the placement of two restored period boxcars. The "train station" site has been a component of the park's interpretation program and this function will increase with the completion of the current project. Amtrak service is also provided at this site when reservations are made in advance and is popular during the several community festivals (such as the Juneteenth celebration) that occur each year. Any loss or interruption of park access requires alternative service. Loss of park facilities requires in-kind replacement while lost revenue requires restoration.

We are concerned that frequent high-speed trains passing in close proximity to this park will cause unmitigatable visual, noise, and vibration impacts if the BNR route is selected. A modern HST corridor with overhead catenary structures would be out of character with the National Historic Site and would degrade the historic landscape. Frequent train passage may affect campers, and at times, our guided tours. While disruptions caused by the passing HST trains can be minimized by a sound barrier, such a barrier would be a visual intrusion and also mar the character and historic quality of the park. Historic structures located on light flood-prone soils may be particularly subject to vibration. Each of these potential impacts must be addressed in the HST Draft Program EIR/EIS.

The area surrounding Colonel Allensworth State Historic Park is flood-prone, which while serving a valuable function to the nearby wildlife refuges, could become an increasing problem if the proposed HST route does not adequately address drainage problems associated with the new development.

Use of the eastern Union Pacific Railroad alignment alternative would eliminate our concerns with the above-identified issues. We recommend its adoption as a superior alternative.

**Bakersfield to Los Angeles Region**

**Fort Tejon State Historic Park:** The draft EIR presents the nearest proposed HST alignment to be a tunnel in this portion of its route and about three miles distant from this park's boundary. If this alternative is used as illustrated it will bypass the park with minimal affect, although construction impacts should be addressed in the more specific environmental document. In the event further study dictates use of at-grade or elevated segments in closer proximity to the park, such as along the existing I-5 corridor, there may be significant visual impacts and changes in visitation patterns and the recreational experience available in the park. Depending upon the route selected and the

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information presented in the yet-to-be drafted specific environmental document, additional comments may be provided by this Department with suggestions for mitigation.

**Hungry Valley State Vehicular Recreation Area:** The HST Bakersfield-to-Sylmar alignment proposes an at-grade route near the northeastern park boundary and passes through the park on its eastern border. The portions of the park affected are the 4,000-acre Valley Needle Grass Grassland Management Area (classified as "very sensitive" by the California Department of Fish and Game), which offers park visitors a network of trails among some of the few native grasslands left in California, the "Quail Canyon Special Events Area" and the "Designated Trails Area". Because of this, the HST could adversely impact the recreational use of the Management Area, both during construction and afterwards. These areas are already bordered by Interstate 5. Passing HST trains would add an increment of additional disturbance. While train noise would not necessarily interfere with off-highway vehicle trail use, the passing trains could possibly affect the enjoyment of riding an off-highway motor vehicle in a natural setting.

Hungry Valley and lands to the east of it (including both the I-5 and SR58 corridor alternatives) are critical segments of the landscape linkages between the Transverse Range, Tehachapi Mountains and southern Sierra Nevada. Private landowners, non-profit organizations, and governmental agencies are working together to protect this critical habitat and linkage area of statewide importance. Connectivity could be significantly impacted and, therefore, should be thoroughly analyzed.

As discussed in the above section addressing section 3.13 and 3.14 of the Draft Program EIR/EIS, Fort Tejon State Historic Park and Hungry Valley State Vehicular Recreation Area are in proximity to both the San Andreas and Garlock Faults, which intersect at the Northern Border of Hungry Valley State Vehicular Recreation Area. Historic earthquakes along these faults have generated 8+ Richter magnitude motion and caused liquefaction along fault traces potentially resulting in structural problems with associated impacts to these parks and their access. In the 1990's, during construction of a small tunnel for pipeline infrastructure, these highly fractured ones caused interruption of water transport within the aquifer serving Hungry Valley State Vehicular Recreation Area. If the HST corridor across the Grapevine is chosen, site-specific studies to identify hydrological areas serving these parks should be identified and construction methods and facilities chosen which will not repeat this impact to the aquifer.

If necessary approval is obtained for a HST route through Hungry Valley State Vehicular Recreation Area and mitigation for impacts to the Valley Needle Grass Grassland Management Area are granted, construction equipment will require a vehicle cleaning station (to wash undercarriages etc.) to assure protection to exotic plants from outside the area, and tarps under heavy equipment to catch grease/oil. Following

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completion, revegetation with local native plants and a plan for ongoing control of exotic flora will be required, as well as other mitigations deemed necessary following review of any subsequent specific environmental documents.

As elsewhere, construction activity and the presence of a dedicated HST right-of-way will cause disruption of wildlife corridors both within the park and from outside through Hungry Valley and to the Tejon Ranch. Appropriately designed and strategically placed wildlife crossings, under or over-crossings, should be investigated during the subsequent detailed environmental investigation and constructed.

It is our understanding from the Draft Program EIR/EIS that completed HST corridors except for stations and locomotive headlamps will not be lighted. However, during the multi-year construction phase there is potential for night, security and construction lighting to impact animals and insects of Hungry Valley as well as astronomical use of Mount Pinos. Light control, shading, and daylight-hours only operations should be required as mitigation. Other visual intrusions include addition of another major linear feature in the viewshed. Hungry Valley State Vehicular Recreation Area is a popular location during the wildflower season for which the park provides guided and self-guided tours. Detailed analysis of viewshed impacts to these and other park-associated activities should be provided and appropriate mitigation proposed.

As for other parks where construction and operation activities may disrupt, close, or cause a decrease in park visitation (such as at this park's Quail Canyon Special Event Area which includes a concession operation), the concessionaire and park must be made whole for any loss of income.

**Castaic Lake State Recreation Area:** The HST Bakersfield-to-Sylmar alignment is proposed to be both at-grade and elevated as it passes above the park along its southwest side. The natural setting and recreational experience will be cumulatively affected as this linear alignment and noise generator is added to the existing I-5 corridor. Revegetation with locally obtained native species to screen and reduce potential sedimentation of the recreational lakes is required to help reduce these impacts. As with other parks, lack of specificity in the Draft Program EIR/EIS does not provide sufficient detail to determine if public access to this State Recreation Area will be restricted. If subsequent specific environmental documents reveal that access may be limited, alternative routes and restoration of lost revenue to the unit's operator, the County of Los Angeles, must be provided.

**Taylor Yard Property:** Recreation at the Taylor Yard property could be compromised if the HST project follows an elevated rail line along the northeastern park boundary as proposed. That alternative may interfere (visually and through disturbances caused by additional passing trains) with the intent of the park plan to provide a natural setting for recreation as a respite from urbanization. Taylor Yard is adjacent to one of last remaining remnants of soft-bottomed, riparian channels in the predominately concrete

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Los Angeles River. Over 300 species of birds find this section of river an essential stopover along the Pacific Flyway. Migrating birds stop for food and rest, and some birds are found year-round, nesting and breeding. About half of the total recorded birds in Los Angeles County have even been spotted along the soft-bottomed portions of the river.

The Taylor Yard properties will not be physically affected if the HST alignment follows the route southwest of the Los Angeles River. That alignment is preferred, except that it has greater potential to conflict with the recreation use of the Cornfield property two miles south.

Proposed alternative HST corridors impacting both the Taylor Yard and Cornfield properties clearly raise the environmental justice issue which is discussed in more detail in the subsequent, "Cornfield Property" section.

**Cornfield Property:** The Cornfield property was the site of a recent hard-fought community battle to stop industrial development and secure the site for badly needed public open space. Purchased by California State Parks for \$33 million, the site will be transformed from a former rail yard and brownfield into a verdant park and gathering place to celebrate, examine, and experience over 10,000 years of history and culture of Los Angeles. It has long been considered one of the most important cultural sites in Los Angeles, as it is tied closely to the story of the area from the earliest human settlements. Indigenous Native American tribes lived in the area for as long as 9,000 years. The site includes portions of the village of Yangna, the site for Spanish colonization of the area with the establishment of El Pueblo de Los Angeles. Also found here are fragments of "Zanja Madre" (the original water system dating from 1789 that supplied water to Spanish settlement of El Pueblo de Los Angeles), and other archeological sites with significant subsurface historic structures including foundations from the historic Southern Pacific Railroad Riverside Station (circa 1873).

The Draft Program EIR/EIS seems to present a number of alternative HST corridor routes. If the HST alignment tunnels under the park entirely and emerges towards the downtown area in a way that conflicts with the view of downtown Los Angeles, the notion of Cornfield as a vantage point for a welcoming view of the city will be seriously compromised. Substantial mitigation would have to be established, perhaps involving far more tunneling than currently envisioned for this alignment. If the HST alignment involves emerging from the tunnel while on the Cornfield site, the open space and related recreation values of the property will be diminished along with the view. This alignment particularly threatens future uses including recreational open space and the proposed Los Angeles History Interpretive Center of Statewide significance. If the HST alignment involves an elevated line that crosses the river to the south of the Cornfield site, the view of downtown Los Angeles from the site could be compromised. Unfortunately, the northeasterly HST alignment across the river would be preferred, except that such an alignment might impact the Taylor Yard property to the north.

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Proposed alternative HST corridors impacting both the Taylor Yard and Cornfield properties clearly raise the environmental justice issue.

The children of the Cornfield/Taylor Yard community are disproportionately low-income children of color. The community within a five mile radius of the Cornfield is 68% Latino, 14% Asian, 11% non-Hispanic white, and 4% African-American with thirty percent of the population below poverty level as compared to 14% for the State of California as a whole. Within five miles of the Cornfield there are 282,967 children and 235,000 children within five miles of Taylor Yard.

Yet, to serve this population, Los Angeles has fewer acres of parks per thousand residents than any major city in the United States, having less than one acre of park per thousand residents. The National Recreation and Park Association standard is ten acres per thousand population. Compare this standard to the 0.9 acres per thousand in the community surrounding Cornfield and the 0.3 acres of parks per thousand residents surrounding Taylor Yard (one of the least park-served areas in Los Angeles) with the 1.7 acres in disproportionately white and relatively wealthy parts of Los Angeles.

The California Department of Parks and Recreation recognizes that the Greater Los Angeles Region is an area that is under-served in regard to park facilities and that many of the area's residents, particularly those least able to afford it, are either unaware of, or feel isolated from, state and federal parklands and recreational facilities. This Department on behalf of the people of the State of California has invested \$78,000,000 in the purchase of the Taylor Yard/Cornfield properties in this decade specifically to address these disparities. This effort will be undone unless alternative routing or a fully subterranean system is chosen to bypass all impacts to these properties.

**Los Angeles to San Diego via Inland Empire Region**

There are currently no units of the California State Park System in close proximity to this proposed corridor alternative. However, as described in the cover letter to these comments, this system is not quiescent. It is quite conceivable that before a preferred alternative is selected by the California High-Speed Rail Authority and prior to when project specific environmental documents are prepared, additions to existing units or major new units will be acquired that may be impacted by your preferred routing. In addition, if circumstances demand that major routing changes occur, it is conceivable that State Park System Units not now considered may be put at risk requiring further analysis by the project proponent and provision of mitigation actions.

**Los Angeles to San Diego via Orange County Region**

Many of the units of the California State Park System discussed in the following sections are wholly or partially within the Coastal Zone (PRC § 30103) of the State of California. Within this zone, environmentally sensitive habitat areas are to be protected against any significant disruption of habitat values, and only uses dependent on those

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resources may be allowed. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas are to be sited and designed to prevent impacts which would significantly degrade these areas, and must be compatible with the continuance of those habitat and recreation areas (PRC § 30240(b)).

**Doheny State Beach:** The proposed rail corridor passes along the northern edge of two-thirds of this park. The Draft Program EIR/EIS proposed two track options, (short and long tunnel) at this park location. The proposed double-tracking short tunnel through this unit will, along with existing passing train's disturbances, only increase if HST trains are added. This option would be very disruptive to park campers and the beach community. Noise and vibration increases due to additional HST frequencies would be disruptive to park campers and visitors, particularly if operations occur between the hours of 10:00 p.m. and 8:00 a.m. Sound barriers or trenching for the at-grade tracks through Doheny State Beach, while recommended, will not fully mitigate for these impacts. To better serve visitor demand for less noise in campsites, the Preliminary General Plan (in progress) seeks to enlarge the southern campground while retaining the same number of campsites. Increasing tracks with more frequent train use will work against this objective, possibly forcing the park, at greater expense, to move the campsites to the north day-use area and relocate that functional area to the current campground. The option for a tunnel alignment along the "long I-5" tunnel to the east of the park is the preferred alternative for this location.

**San Clemente State Beach:** The impacts of a HST corridor on tracks below the bluff will be the same for San Clemente State Beach as described for Doheny State Beach. A sound wall could possibly mitigate some of the effects of passing trains, but that would adversely impact the open views that now exist and impose a visual barrier between the public and the open ocean. A particular concern is the provision of access to beaches at this unit. San Clemente State Beach has traditional at-grade pedestrian crossings, which could be impacted by a dedicated HST right-of-way. Recent Coastal Commission decisions have attempted to make provision for safe public crossings, and any addition rail lines must make similar provisions. A better solution would be to relocate the HST route inland to the tunnel option, as mentioned in the HST Draft Program EIR/EIS. If the long tunnel is built, removing tracks along the beach within the City of San Clemente may provide mitigation opportunities. This conversion of the existing tracks to a linear parkway would enhance the adjoining City and State Parks, and would be a preferable option.

**San Onofre State Beach:** Impacts of new rail corridor options to this unit of the California State Park System will be much the same as described for Doheny and San Clemente State Beaches. Southeast of the San Onofre Nuclear Generating Station, the tracks parallel the length of the park's bluff campsites. For these campsites, passing trains already add to the visual and noise impacts but additional trains will create further disturbances compounding the problem to a high level of direct impact to campsites

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within 150' of the track centerline. While a sound wall could mitigate these impacts, it could also conflict with the view of the ocean from the freeway.

The alternative high-speed rail corridor bisects the San Mateo Creek Wetlands Natural Preserve and Trestles Sub-unit of the park. If the preferred alternative is along the existing tracks, additional interference with the visitor experience can be expected from more passing trains. If the tracks were rerouted along I-5 or nearby, the impacts would move accordingly, but with possible new disturbances to the San Mateo campground of the Cristianitos subunit. If the HST route is in a tunnel in that vicinity, these impacts will be lessened considerably, though there could be temporary disturbances during the construction period. Any of these alternatives may result in changes in sedimentation of San Mateo Creek that could impact the world-famed fur break of Trestles. Specific investigation and measures to eliminate such impacts are required. At-grade pedestrian crossings within San Onofre State Beach may be impacted by a dedicated surface railroad right-of-way. Provisions for safe public access to these beaches must be provided.

The Native American village site of Panhe is located within the area of the proposed alternative routes of this project through San Onofre State Beach, and is listed on the Sacred Lands file at the Native American Heritage Commission and is within the San Mateo National Register Archaeological District. Subsequent specific environmental documents should address this site with particular efforts to avoid impacting it.

If the tunnel alternative is selected, impacts to surface waterways and the wetlands of the San Mateo Creek Wetlands Natural Preserve become a concern to this Department. The Natural Preserve classification [PRC § 5019.71] encompasses distinct areas of outstanding natural or scientific significance established within the boundaries of other State Park System units. Their purpose is to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of Euro-American modifications, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Natural Preserves are managed to allow natural dynamics of ecological interaction to continue without interference, where possible. habitat manipulation is permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for the establishment of the Natural Preserve. Motor vehicle use is prohibited in Natural Preserves.

Impacts of tunnel construction on aquifers may include reduction of critical surface water supplies for wildlife and habitat needs. As described previously in the comments for Henry W. Coe State Park, the Draft Program EIR/EIS specifically acknowledges that shallow groundwater at potential tunneling sites could be affected by dewatering. Also,

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as described for the State Wilderness classification, the Natural Preserve classification is more than surface deep and affords a high level of protection of its resources as described above and which must be addressed in a Final Program EIR/EIS. It is imperative that subsequent analyses make provisions for full and adequate mitigation prior to construction if these alternatives are selected. Post-construction access for maintenance of a subsurface route should be located outside of the park, as should any surface expression of its presence such as ventilation shafts etc.

If the long tunnel option is selected and constructed, the end at San Onofre Creek could potentially impact the I-5 southbound connection with the proposed Foothill Transportation Corridor South, Route 241 toll road. The potential for cumulative impacts to San Onofre State Beach by completion of these two major transportation projects is not presented, discussed, or analyzed in the Draft Program EIR/EIS as required by CEQA Guideline § 15130.

**San Diego North Coast Area Parks:** Parks under the direct administration of the California Department of Parks and Recreation in proximity to proposed HST routes in the northern coastal area of San Diego County are Carlsbad State Beach and Cardiff State Beach. Leucadia State Beach and Moonlight State Beach, while part of the State Park System, are operated under agreement with the City of Encinitas. If the rail options to serve this area are implemented, there could conceivably be some increase of visitation to the parks, but this is not addressed in the Draft Program EIR/EIS. It is not anticipated that improved rail corridors located to the east of the existing Pacific Coast Highway will directly impact the parks, although some diminishment of the recreational experience due to additional trains (e.g. increased noise and pedestrian access), especially for users of the San Elijo Lagoon natural area, which is easily accessed from the park, may occur.

**South Carlsbad State Beach:** This State Beach's access is from the Pacific Coast Highway, which parallels the existing rail corridor. Surface roads that access the Coast Highway are generally grade-separated from the tracks. One possible exception is at the mouth of Bataquitos Lagoon where a recreational user could notice the nearby distant passage of trains where the tracks emerge from a gully to cross it on a trestle bridge, however, recreational use of Bataquitos Lagoon itself is typically not accessed from South Carlsbad SB. If, as a result of subsequent study, rail corridor alignments are chosen closer to this and other northern San Diego County coastal State Park System units, additional analysis will be required to determine potential adverse impacts.

**San Elijo State Beach:** This State Beach is a long and narrow State Park System unit whose length is paralleled by existing railroad tracks and the Pacific Coast Highway. Sidewalks and informal pedestrian paths cross the tracks between Cardiff-by-the-Sea and this park, presenting obvious safety hazards for pedestrians. Assuming proposed expanded use of this alignment, the hazards would increase with the number of passing trains. One or more grade-separated pedestrian links between the park and

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the community would improve this situation, and could serve to mitigate the hazards posed by current and future passing trains. Continued public access to this unit must be assured. Sound walls could mitigate noise and other disturbances from passing trains that will impact the 121 campsites in the recently renovated campground. However, as in other park settings, this mitigation may have deleterious visual consequences that should also be analyzed and mitigation proposed.

**Torrey Pines State Beach and State Reserve:** These two units are not only extremely popular public parks, having been visited by 1.2 million park goers in the last complete year for which we have such statistics, but is a site of rare cultural and biological diversity with numerous sensitive species in coastal sage scrub, southern fore dunes, coastal bluff scrub, coastal salt marsh, southern willow scrub, freshwater emergent marsh and brackish marsh habitats. Los Peñasquitos Marsh Natural Preserve is bisected by the existing and proposed railroad right-of-way. Increased traffic as a result of this project can interfere with the recreational experience, particularly along the Marsh Trail and North Lagoon Trail.

If the new rail projects are tunneled through Peñasquitos lagoon at Torrey Pines State Reserve the noise and vibration will be in a new location and there should be an analysis of these changes regarding the effects on estuarine species ecology. The lagoon is important for sensitive species and as a nursery for commercially important fish.

Section 3.4 of the Draft Program EIR/EIS explains effects of electromagnetic fields and electromagnetic interference in general but does not provide sufficient information regarding potential impacts but suggests possible studies for subsequent analyses. The effects on estuarine species ecology in Los Peñasquitos lagoon should be addressed in the document.

As for all construction methods in the vicinity of State Park System units, there is concern for impacts to the sensitive habitats of Los Peñasquitos Lagoon via transport of potential hazardous materials to new locations through new tunnels and trenches. The existing rail corridor consists of a narrow causeway through Los Peñasquitos Lagoon. Any above ground work in this corridor involves likely impacts to the lagoon even with carefully applied Best Management Practices (BMP's). We have observed numerous examples of problems with construction-related impacts within narrow work corridors and sensitive habitats. Although we are not familiar with the effects of tunneling under wetland habitats, given the porous nature of coastal sandstones in the Torrey Pines vicinity the potential impacts could involve the introduction of construction and maintenance-related hazardous materials into wetland habitats. These issues need to be discussed in detail in the project-level document. Additionally, the document does not discuss what kinds of hazardous material would be encountered or introduced to the project areas either temporarily or long-term.

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The document does not provide site-specific information regarding individual locations or construction techniques in sufficient detail that would facilitate informed discussion about the potential impacts to biological resources. If the alignment occurs above ground, there would likely be large (we estimate 23 acres) and potentially catastrophic impacts to the functioning of Los Peñasquitos Lagoon by further impeding the tidal flow because of an expanded causeway. Los Peñasquitos Lagoon is currently subject to losses of saltwater/brackish water habitats because of restricted tidal flows, and increased incursion of sediment and freshwater from upstream development. The project-specific EIR/EIS should conduct a detailed hydrological study to determine the effects of the project on Los Peñasquitos Lagoon's aquatic systems.

It is difficult to determine the impacts of tunneling in the vicinity of Los Peñasquitos Lagoon without knowing what above ground and belowground construction would be necessary (access portals, staging areas, etc.) to complete the belowground system. The tunneling concept, if there are no significant unforeseen effects, may have potential to greatly improve the wetlands functionally and aesthetically by eliminating the causeway if it does not further restrict the already tenuous wildlife linkage between Carmel Creek and Los Peñasquitos Lagoon. If there are minimal risks (e.g., dewatering the lagoon into the tunnel or causing ecological problems due to hazardous materials, noise, vibration, or electromagnetic interferences) and the causeway is removed it is likely that the lagoon would receive greater tidal flushing, greater wetland acreage, greater connectivity, and less edge effect. An additional consideration (and an effective mitigation measure) would be to collaborate with the City of San Diego, Caltrans, and State Parks to develop a utilities corridor within the tunnel to relocate sewer, water, stormwater, and/or other utility lines in a consolidated and accessible location.

The Draft Program EIR/EIS mentions numerous plant and wildlife species that may be affected by the project. All these species should be addressed in the document with greater detail on species known to occur at Torrey Pines and in close proximity to the rail corridor: least Bell's vireo, coastal California gnatcatcher, western snowy plover, Belding's savanna sparrow, California least tern, light-footed clapper rail, California brown pelican, Orcutt's spineflower (*Chorizanthe orcuttiana*), Brand's phacelia (*Phacelia stellaris*), Nuttall's lotus (*Lotus nuttalianus*), Del Mar sand aster (*Corethrogyne filaginifolia* var. *linifolia* [*Lessingia filaginifolia* var. *filaginifolia*], San Diego marsh elder (*Iva hayesiana*), *Lasthenia glabrata* ssp. *coulteri*, and southwestern spiny-rush (*Juncus acutus* ssp. *leopoldii*), estuary seablite (*Sueda esteroa*), coast woolly-heads (*Nemacaulis denudata* var. *denudata*).

Depending on the alignment option, habitats (as described in Holland 1986) and wildlife species enumerated above will likely be affected by the project. All of these are considered sensitive habitats. Additionally, a number of habitat restoration projects have been completed or are in progress in numerous locations in the Los Peñasquitos Lagoon. Most of these projects were implemented as mitigation for wetland impacts elsewhere in the vicinity. If mitigation sites are destroyed or disturbed, they are typically

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subject to higher replacement mitigation ratios by the U.S. Army Corps of Engineers, California Department of Fish and Game and local agencies. The Draft Program EIR/EIS did not consider the HCP in effect for the City of San Diego, Orange County alternative. All of Torrey Pines State Reserve is included as a Core Preserve Area (MHPA) for the City of San Diego's Multiple Species Conservation Plan (MSCP). Impacts within core areas are strongly discouraged and subject to increased mitigation ratios e.g., 4:1 for upland impacts.

In the proceeding individual park comments for San Onofre State Beach, there was a discussion of the importance of the Natural Preserve classification in the State Park System. As the above discussion in this section on Torrey Pines State Beach and State Reserve indicates, Los Peñasquitos Lagoon Natural Preserve is particularly sensitive. Its proximity to developing urban areas provides not only important open space but also critical biological diversity necessary for a healthy functioning ecosystem. Park management of this site has been focused on preservation and restoration efforts that could be seriously impacted by ill-considered development in the lagoon or its watershed. The limitations of these classifications must be strictly observed.

Due to the presence of rich natural resources, evidence of human history in these parks runs deep. If a route through Los Peñasquitos Marsh is approved, advanced trenching to determine prehistoric/historic levels beneath will be necessary for data recovery and to better understand the relationships between man and his environment.

The preferred mitigation would be relocation of the tracks to the I-5 ROW, an option indicated in the HST plan. This would benefit the ecosystem of the marsh preserve while improving the visitors' experiences if there is no further reduction to the connectivity of Sorrento and Carmel Creeks.

Old Town San Diego SHP: Existing railroad tracks run along the park boundary in the immediate vicinity of the park's Visitor Center serving Coaster and light rail trains. There may be potentially significant issues depending on the design and location of additional tracking at the Old Town location, including adverse impacts of noise, vibration, air pressure, and traffic delays due to passing trains impacting park operations including but not limited to public access, interpretive programs and the location of our new district office. It is conceivable that there may be additional visitation as a result of additional passenger traffic, which should be addressed in the more specific subsequent environmental documents when more is known about the actual schedules and speeds that will be used by the HST in this area. The park will be less visually attractive from the ground if the HST line is elevated, but could gain greater exposure for customers who will be able see the park from the train. An on-grade HST line with sound walls could cause visual blight and further block access to the park (the street layout in the immediate area is very complicated). Thoughtful and well-conceived mitigation will be needed to address and resolve these issues.

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**CUMULATIVE IMPACT ANALYSIS**

Section 3.17 of the Draft Program EIR/EIS contains the cumulative impact analysis for this program document. The analysis discusses impacts separately for each environmental topic presented in the proceeding document (page 3.17-1). CEQA Guidelines § 15130(a)(1) describe a cumulative impact as consisting of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. In this, the subject Draft Program EIR/EIS is inadequate in that it does not describe or analyze projects for impacts to units of the California State Park System.

To analyze a proposed project's contribution to cumulative impacts, a lead agency must identify reasonably foreseeable projects/actions in the vicinity of the proposed project, summarize their effects, identify the contribution of the proposed project to cumulative impacts in the project region, and recommend feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects (CEQA Guidelines § 15130(b)(3)). To be adequate, the Final Program EIR/EIS should clearly identify individual projects contributing to cumulative impacts. Such projects impacting units of the California State Park System of which this Department has current knowledge include Railroad Technology Museum at the Southern Pacific Railroad Sacramento Shops, proposals for major downtown arenas and residential/commercial use developments of the historic Southern Pacific Rail Yards, South Sacramento Loop Road, the Foothill-south (SR 241) tollway, and LOSSAN corridor improvements

These projects taken together may result in cumulative impacts as a consequence of the combination of the project evaluated in the Draft Program EIR/EIS together with other projects causing related impacts to visitation and access to the units of the California State Park System described in these comments, and their cultural, natural, aesthetic and recreational resources held in trust for the people of the State of California.

**ACCESS TO STATE PARK SYSTEM UNITS FOR FURTHER ANALYSIS**

Throughout the Draft Program EIR/EIS, further detailed subsequent analysis is described. If such further work requires entrance to lands administered by the California Department of Parks and Recreation, it will be necessary to obtain written permission in advance.

A scientific collection permit is required for most scientific activities pertaining to natural and cultural resources that involve fieldwork, specimen collection, and/or have the potential to disturb resources or visitors. All requests for biological, geological, or soil investigation/collection permits must be submitted on a DPR 65 – "Application and

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Permit to Conduct Biological, Geological, or Soil Investigations/Collections Form" or for paleontological investigations, a DPR 412 P – "Application and Permit to Conduct Paleontological Investigations/Collections Form" to the Supervisor, Natural Heritage Section of the Natural Resources Division. A permit for investigating archeological resources must be obtained from the Supervisor, Cultural Heritage Section, Cultural Resources Division on a DPR 412 A – "Application and Permit to Conduct Archaeological Investigations/Collections Form." To obtain a right to enter permit for any other purpose including but not limited to survey work, please contact this Department's Deputy Director of Park Operations.

The permits described above may be issued for a maximum period of one year but renewals may be requested by submitting another application and following the same procedures. It is recommended that applications be submitted at least 60 days in advance of the first planned field activity.

Public Resources Code § 5012 authorizes California State Parks, at its discretion, to grant permits and easements to public agencies and utilities under limited circumstances for essential public transportation purposes. By their very nature such permits, leases, and easements have a negative impact on park resources and public use in perpetuity, and are strongly disfavored by Department policy. Many statutory classifications within the State Park System such as State Wilderness and Natural Preserves are by design restrictive to uses that have potential to adversely impact the resources for which they were established. An applicant, prior to requesting access for non-park related projects, should make careful consideration of these limitations. If permanent or temporary leases, easements or rights-of-way are desired for this project, you are encouraged to contact this Department's Deputy Director of Park Operations as early in your subsequent specific environmental process as possible. Such open discussion will facilitate early resolution of potential issues.

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 cont.

**APPENDIX I**

## Affected State Park System Units

The following descriptions are in the same order for the indicated regions as in the discussion in the text of the Department of Parks and Recreation's Comments on "Draft California High-Speed Train Draft Program Environmental Impact Report / Environmental Impact Statement in the section entitled "**SPECIFIC STATE PARK SYSTEM UNIT COMMENTS**." This information is provided as background. Additional information can be found at the sites referenced in that section or by contacting the individuals indicated in the cover letter.

**BAY AREA TO MERCED REGION**

**Eastshore State Park**: This new park accommodates day-use recreation activity. A work-in-progress, it incorporates two State Marine Reserves (Albany and Emeryville Crescent) and is classified as a State Seashore. Some areas of the park are now open to the public, supporting boating, windsurfing, hiking, biking, bird watching and other day-use activities. The park, on the shoreline of the San Francisco Bay, extends from the City of Richmond in the north to Emeryville and Oakland in the south, ending near the east anchorage of the San Francisco Bay Bridge. While no single road extends the entire length of the park, the San Francisco Bay Trail will link the entire park when completed.

The park's purpose is described in the Public Resources Code (§ 5003.03(h)) as being "...a recreational facility harmonious with its natural setting." The recently adopted (2003) general plan for the park says to fulfill this purpose, "...opportunities to enjoy the on-shore breezes, the wildlife, as well as the world-renowned vistas of urban skylines and the Bay and Golden Gate Bridges shall be enhanced. Public access to the San Francisco Bay and its shoreline shall be provided, consistent with resource protection, to meet recreational needs through use of the Bay Trail and waterfront recreational areas."

**Robert W. Crown Memorial State Beach**: The East Bay Regional Park District operates this day-use facility for California State Parks. The park features 2.5 miles of beach, bordered by lawns and picnic grounds, with a bicycle trail. The water at the beach is usually warm and swimming is permitted year round, although there are no lifeguards on duty. A bathroom is available with changing rooms. Nearby are picnic tables, barbecue pits, and a lawn area, well-liked for baseball games. The park is also a popular destination for windsurfers.

The most recent purpose statement (1975) for this property identifies the park's purpose as "...to make available for public outdoor recreational activities the sandy beach with related immediate uplands south of Central Avenue and between Third Street and Westline Drive along the shoreline of the City of Alameda in Alameda County. All beach-oriented recreational activities which are consistent with the protection of beach scenic and natural integrity may be provided."

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**Candlestick Point State Recreation Area:** This day-use park was established in 1977 as California's first urban State Recreation Area. The park offers fishing, hiking, jogging, bicycling, bird watching, informal games, community gardening and picnicking (26 picnic sites). There is a bike path and a fitness course. Candlestick Point is also a popular entry point for windsurfing on the bay. There are cultural programs and special events as well. In FY 2000/2001, it hosted 85,000 visitors.

The park's most recent general development plan (1978) notes the park's purpose as "...to make available to the people the recreational opportunities, passive and active, that are offered by the shoreline, waters, and environment of the San Francisco Bay, and the adjacent bay waters. The lands and resources of the site may be modified or enhanced to achieve optimum realization of the recreational potential.

**San Bruno Mountain State Park:** This park, operated by San Mateo County, provides visitors with day-use facilities, hiking and biking trails, opportunities for nature study, and beautiful views of the region and the bay. The park has family picnic sites near the park entrance. The nearby meadow is used for volleyball, Frisbee tossing and kite-flying. Visitors can also drive to the Mountain's summit to enjoy the commanding views.

The park's general plan provides the most recent purpose statement (1982) for the park as "...to provide to the public a large, relatively undeveloped open space in the midst of the urban areas of north San Mateo County and southern San Francisco. The Park's benefits to the public are for the enjoyment, preservation and enhancement of scenic, biotic and recreation resources. Approximately 2,000 acres of undeveloped landscape provide a setting for hiking, picnicking, nature and scenic interpretation, and rare plant and butterfly preservation."

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

**Henry W. Coe State Park:** This park is a day-use and overnight facility in the Diablo Range straddling Santa Clara and Stanislaus Counties. Henry W. Coe State Wilderness (commonly referred to as the Orestimba Wilderness), a 23,000-acre roadless area is in the Orestimba Creek watershed of the park. The park's recreation

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activities include hiking, mountain biking, backpacking, horseback riding, fishing, camping, picnicking, nature study and photography. The park has 102 campsites, 18 group campgrounds (8 designated as horse camps), and nearly 300 miles of trails, with 100 miles of roads and trails available for mountain biking. In FY 2000/2001, the park hosted 77,000 visitors.

The purpose of the park, as stated in the most recent general plan (1985) is "...to make available to the people for their inspiration, enlightenment, and enjoyment, in an essentially natural condition; the rugged, scenic landscape and wildland values of the inner central coast range of California; the native oak woodlands, riparian corridors, chaparral, and grasslands which are representative of one of California's classic landscapes; the wildlife and naturally functioning ecosystems therein; and the history and significant cultural features of human occupation and activity." Accordingly, resource management is to perpetuate the park's declared values. The recreational facilities are to make those values available in a manner consistent with their perpetuation.

**San Luis Reservoir State Recreation Area (SRA):** This park consists of several management units associated with the San Luis Reservoir. Recreation for overnight and day-use visitors includes camping, fishing, boating, windsurfing, hiking, biking, wildlife viewing, off-road vehicle use, and picnicking. In FY 2000/2001, the park hosted 514,000 visitors. There are 192 campsites plus 2 group campgrounds, as well as 154 picnic sites.

The most recent purpose statement (1976) for the SRA says the park is "...to make possible the full utilization of the aquatic and other recreational opportunities in and about San Luis Reservoir and its forebay, located in western Merced County; together with consideration for all scientific, scenic, and historical resources of the area." Classified as an SRA, the park is to be operated to realize the maximum recreational potential of the area, consistent with the orderly operation of the San Luis Reservoir itself. The park is currently undergoing a master plan update process. Completion is to occur in 2004.

**Pacheco State Park:** This is an overnight camping and day-use facility adjacent to the San Luis Reservoir SRA. It currently has 9 campsites, 2 group campgrounds, and nine picnic sites. Besides camping and picnicking, the primary recreation activity is oriented around appreciation of history and nature. There are trails for hiking, biking and equestrian use. Prior to establishment of the park a portion was leased to a wind energy company and is developed with windmills. At present, only the western 2,600 acres are open for public use. The eastern portion of the park that adjoins San Luis Reservoir is currently closed to the public until additional trail systems are developed and the safety concerns associated with the pre-existing wind turbine farm can be addressed. The park hosted 2,800 visitors in FY 2000/2001.

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The most recent purpose statement (2000) states the park is "...to preserve and protect a substantial area of rolling blue oak woodlands and open grasslands typical of the middle elevation of the southern Diablo Range." The park's public educational, inspirational, and recreational benefits are to be achieved by the Department of Parks and Recreation with the cooperation of other entities. A master plan for the park is currently in progress. In the draft EIR for the park, the purpose is stated as, "To preserve, expand and improve the State Park System through the development of a park and recreation area at Pacheco State Park for the preservation, protection, maintenance, restoration, interpretation, management, and fostering of natural flora and fauna and cultural resources, making them available to the public for educational, inspirational, and recreational benefits."

**McConnell State Recreation Area:** This day-use and overnight SRA has over 70 acres of picnic, camping, and play areas. During FY 2001/2002, the park hosted 57,000 visitors. There are twenty-one individual campsites, two group campsites, and twenty picnic sites. Located on the banks of the Merced River, McConnell SRA is a popular location for Central Valley residents. The park offers visitors a significant respite from the stress of everyday life; its brochure describes the park as, "a shady oasis, a small island of peace and quiet." Recreation opportunities include fishing, swimming, camping, river wading, hiking, nature study, and picnicking. The park also provides access points to rafting on the Merced River, allowing downriver rafting, canoeing and kayaking to take-outs along the Merced River at county parks or at George J. Hatfield SRA.

The most recent purpose statement (1976) for this park says "The purpose of McConnell State Recreation Area is to make possible the full utilization of the recreational opportunities available along this portion of the Merced River, together with consideration for the native riparian scene and all scientific, scenic, historic and natural resources of the area," for which the Department of Parks and Recreation at McConnell is to, "...design, construct, operate, and maintain public recreational facilities of such scope and in such manner as to realize the maximum recreational potential of the area; and to protect and enhance the resources of the area in accordance with its declared purpose."

**SACRAMENTO TO BAKERSFIELD REGION**

**Sacramento Area Parks – Old Sacramento State Historic Park:** This is a National Historic Landmark and thriving waterfront commercial trade center that entertains over 5 million visitors a year. Private owners hold most of its restored buildings, with individual businesses leasing shops and offices. Throughout Old Sacramento are restored and reconstructed historic structures that serve as museums and other attractions. The California State Railroad Museum is part of Old Sacramento State Historic Park. Other downtown Sacramento state park properties in close proximity include: the [California](#)

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[State Capitol Museum](#), [Governor's Mansion State Historic Park](#), [Sutter's Fort State Historic Park](#) and the [State Indian Museum](#). Together these park units hosted 1.4 million visitors in 2000/2001. The [Leland Stanford Mansion State Historic Park](#) is scheduled to open in the first half of 2005.

The most recent purpose statement (1975) for Old Sacramento State Historic Park gives the park's purpose as "...to make available to the people forever, for their enlightenment, inspiration, and enjoyment, part of the town of Sacramento in preserved, restored, and reconstructed form as a representative example of the town environment from 1849 to the latter part of the 19th century together with the scientific, historic, and recreational values inherent to the area."

**Stone Lakes Property** – The Department of Parks and Recreation owns 1,089 acres in the Stone Lakes area that is part of a complex of lands including an 18,000-acre National Wildlife Refuge and other interrelated wildlife and open space preserves now under development in southern Sacramento County. Public access to the Stone Lakes area is currently limited to fund-raising occasions and other events, pending completion of public use plans in future years.

The most recent general planning process policy statement (2000) for the Stone Lake property is to "...preserve and protect two rare natural Central Valley lakes and their surrounding riparian habitat and grassland areas. The property lies within the Pacific Flyway and provides wintering grounds for a variety of waterfowl and other migratory birds, as well as habitat for indigenous species such as the listed Swainsons hawk, the giant garter snake and the longhorn elderberry beetle. The property contains a number of Native American occupancy sites. Located on the southern edge of the Sacramento metropolitan area, the property serves as valuable urban open space." The property is made available to the public for educational, inspirational and recreational benefits through partnership arrangements with other public agencies and non-profit organizations.

**Colonel Allensworth State Historic Park** – The Allensworth townsite located in Tulare County includes twenty-one historic buildings and historic reconstructions, historic building sites, a sixteen unit overnight campground, and a day-use area with 20 picnic sites. In the 2001/2002 fiscal year this park had 12,000 visitors. Recreational activities include exhibits and programs, family camping, guided tours of the historical town, and picnicking. Several community celebrations are hosted through the year attracting thousands of people. As the park is in a remote location, in order for Amtrak to stop at the park, a minimum of twenty reservations must be made in advance.

The most recent general development plan for the park (1976) identifies the park's purpose as "...to make available to people forever the town that was a major attempt in the early 1900s of a minority ethnic group, specifically Black Americans, to establish a sound social and economic base in California. Appropriate recognition will be given in

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the Historic Park to the vision of Colonel Allen Allensworth and his associates in conceiving such an establishment," noting the Department of Parks and Recreation is "...to preserve, restore, reconstruct, and interpret significant buildings and environments in the town of Allensworth, and to maintain and manage these resources in a manner consistent with the purpose of the unit."

**BAKERSFIELD TO LOS ANGELES REGION**

Fort Tejon State Historic Park – This historic site offers visitors a chance to visit a museum and see restored adobes and other artifacts of frontier life of the 1850's and 1860's as well as Civil War Era re-enactments conducted in an historic setting. There are also 12 picnic sites and a group campsite. The park hosted 44,000 visitors in FY 2000/2001.

The most recent general plan (1989) for the park shows the purpose as "...to make available to the people the site of the military post, Fort Tejon, by preserving, restoring, and replicating its historical facilities and environment, and interpreting its significance to the Euro-American colonization of California."

Hungry Valley SVRA – This overnight and day-use facility provides for off-highway motor vehicle recreation as well as mountain biking, hiking, nature study and camping. There are 150 campsites at the park. In the 2001/2002 fiscal year, the park had 408,000 visitors.

The most recent general plan for the park (1981) cites the park's primary purpose as "...to make available to the public opportunities for recreation use of off-highway vehicles; to manage such use in the interest of visitor safety and long-term use of the site for off-highway-vehicle recreation users; to perpetuate important natural, scenic, and cultural values in the unit; and to minimize potential conflict between off-highway-vehicle recreation use and other land uses on this and adjacent properties. The prime resource of Hungry Valley SVRA is the recreational capacity of the valley floors and surrounding hillsides, with its varying steepness and landscapes. In addition, there are natural and cultural values in the unit that can provide other recreational and interpretive opportunities, as well as scientific study."

Castaic Lake State Recreation Area – A unit of the California State Park System, this overnight and day-use facility is operated by the County of Los Angeles. With two bodies of water, the park uses the upper lake for sailing, power boating, water and jet skiing, fishing, boat rentals and a tackle bait shop, while the lower lake is for non-power boating, canoeing and swimming. Other recreational activities at the park include hiking, biking trails, picnic areas, playgrounds, and recreational vehicle and tent camping. Rental group picnic areas are available for up to 600 persons. There are 60 campsites and 2 group campgrounds.

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The purpose statement for this park, given in the most recent general plan (1985), is "...to provide opportunities for outdoor recreation experience for the people, by assuring optimum use and enjoyment of the natural, cultural, recreational, and scenic resources of the lake, its shoreline, and surrounding lands within the SRA as identified in the General Plan Amendment." Per this Purpose Statement, under its operating agreement with the State, Los Angeles County is obligated to, "...design, develop, operate, and maintain recreation facilities, and to provide services which enable the people to enjoy high quality recreational experiences."

Taylor Yard Property – After a decade of controversy, lawsuits and community activism, the passage in 2000 of the statewide parks bond Proposition 12 provided the means to realize a green vision of Taylor Yard. In June 2000, the Governor and the State Legislature approved \$45 Million to acquire lands at Taylor Yard to create the first new State Park in Los Angeles in a generation. The state now owns 58 acres at the site. With continued community involvement, the goal is to eventually acquire the critical remaining 44 acres along the river. With over 100 acres and 2 miles of river frontage, the multi-objective State Park will become the centerpiece of the Los Angeles River Greenway.

Currently an unclassified unit development, Taylor Yard is intended to serve as an urban open space and recreation resource in a part of the Los Angeles core that has long been without both. The design concept (2003) is for a "...seamless park design that fulfills the mission statements of the State and City for the benefit of all stakeholders in a sustainable manner". The consensus conceptual plan (3/2004) for the site includes "natural parkland" consisting of a forested area, a rustic nature walk, an amphitheater, and a setting conducive to enjoyment of nature and "nature play." The "natural parkland" runs along the northeastern side of the park site and is parallel to the railroad tracks.

Cornfield Property – This unclassified unit was recently acquired and is under development. It is intended to serve as an urban open space and recreation resource in a part of the Los Angeles core that has long been without both. The Cornfield property is also intended as an important component in a linear river parkway complex along the Los Angeles River. The initial concept for the park intends that the Cornfield property would serve as the "Front Porch" for the City of Los Angeles. Visually, the project site represents a large open space that fronts the majestic downtown skyline; this is especially true from the northern two-thirds of the property and from the historic North Broadway Street Bridge. There are no other park sites that capture this welcoming view of the city. In fact, the City of Los Angeles recognizes this unique vantage point and is currently implementing plans to enhance North Spring Street as a grand "entry" into the downtown area.

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The project components are designed to serve in the same way that neighborhood porches have functioned across America for decades. The front porch was where families would rest and neighbors would gather. A number of diverse community groups surround the project site and these neighbors could gather together as they picnic, stroll through the park, attend performing arts and special events, and learn about and celebrate cultural groups of today and yesterday. The layout of the park will promote opportunities to tell the many stories that relate to the Cornfield property site. Through a variety of interpretive programs and media such as living history programs, special events, brochures and educational panels, the park will be used to tell the stories of the Native Americans (Tongva) that lived nearby and the early settlement and industrialization of Los Angeles.

**LOS ANGELES TO SAN DIEGO VIA ORANGE COUNTY REGION**

**Doheny State Beach** – This is an overnight camping and day-use facility. Recreation activities it offers include: surfing, volleyball, swimming, sunbathing, beach combing, fishing, biking, roller skating, family picnics, and campfires. In addition, the park offers educational opportunities at the park's local marine life and natural history exhibits, and bird watching at the lagoon. In FY 2000/2001, nearly 1.4 million visitors enjoyed the park. It has 120 campsites, 130 individual picnic sites, and 17 group picnic sites.

The park's proposed purpose statement, found in the Preliminary General Plan and Draft Environmental Impact Report (2003) is "...to make possible the public use and enjoyment of the beach and ocean, and to maintain and improve the park's beach, picnic, camping, and public educational facilities. These activities are to be conducted in a manner that is compatible with nearby existing land uses, promotes public safety and accessibility for all park visitors, minimizes adverse effects on water quality in the ocean and creeks, and preserves the park's natural and cultural resources."

**San Clemente State Beach** – This day-use and overnight facility has a landscaped bluff top with picnic areas. Visitors enjoy surfing on the north end of the one-mile beach. It is reached by hiking on trails that lead down to the beach, which is also popular for body surfing, swimming, and skin diving. There are 161 campsites plus a group campground, as well as 15 picnic sites and 2 group picnic sites. In FY 2000/2001, the park hosted 542,000 visitors.

The most recent purpose statement (1975) for this park established the purpose as "...to make possible the use of the sandy beach along the California coastline within the City of San Clemente for public outdoor recreational activities. All overnight and day-use beach-oriented recreational activities which are consistent with the preservation of the scenic and natural integrity of the beach and of the related uplands may be provided...."

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**San Onofre State Beach** – San Onofre SB in San Diego County includes the Bluffs subunit (an overnight and day-use area), San Onofre Surf Beach subunit (a day-use area), and the Cristianitos subunit, which includes the popular San Mateo campground and day-use facility with a Nature Trail that starts at San Mateo Canyon and leads to the San Mateo State Preserve and Trestles Beach subunits. It hosted 2.8 million visitors in FY 2001/2002. There are 222 campsites and a group campsite at the Bluffs subunit. There are 160 campsites and a group campsite at the San Mateo subunit. Recreational activities at the park include surfing, swimming, surf fishing, clamming, hiking, biking, nature study, and beach recreation.

The park's most recent General Plan (amended 1984) articulates its purpose statement as "San Onofre State beach was established to make available to the people the outstanding natural beach, bluffs, and related geological, ecological, and cultural features along the northern coast of San Diego County, including important uplands inland of the Interstate 5 Freeway in the valley of San Mateo Creek; and to provide for the enjoyment and use of these areas in ways that take full advantage of the recreational opportunities thus afforded, while protecting the natural and cultural values of the region."

**Carlsbad State Beach** – This is a day-use facility that hosted 1.5 million visitors in FY 2001/2002. It offers swimming, surfing, scuba diving, fishing, picnicking (4 sites) and beach combing.

The park's purpose, from the most recent purpose statement (1983) is "...to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands."

**South Carlsbad State Beach** – This is a day-use and overnight camping facility used for swimming, surfing, skin diving, fishing and picnicking (5 sites). The large bluff-top campground (226 sites) is very popular, especially in summer. It hosted 1.4 million visitors in FY 2001/2002.

The most recent purpose statement (1983) for this park is "...to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands."

**Leucadia State Beach** – This is a day-use facility is operated under agreement with California State Parks by the City of Encinitas. It is popular for swimming, surfing, fishing, and picnicking.

Its purpose statement, from the most recent general plan (1983), mirrors that of its sister State Beaches, "...to make available to the people, for their benefit and enjoyment

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forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands.”

**Moonlight State Beach** – This is a day-use facility operated by the City of Encinitas. It offers swimming, surfing, fishing, picnicking (12 sites, some with fire rings), and volleyball.

The most recent purpose statement (1983) for this park seeks to preserve the natural setting for recreational activities, i.e. "...to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands.”

**San Elijo State Beach** – This is a day-use and overnight camping facility. It offers swimming, surfing and picnicking (12 sites). The narrow, bluff-backed stretch of sand has a nearby reef popular with snorklers and divers. The park hosted 766, 000 visitors in 2001/2002. There are 121 campsites in the recently renovated campground.

The park's most recent purpose statement (1983) states its purpose as, "...to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands.” The purpose statement also notes, "Important natural features shall not be degraded.”

**Cardiff State Beach** – This is a day-use area having a gently-sloping sandy beach with warm water. The site offers swimming, surfing, beach combing and picnicking (5 sites). It hosted 1.2 million visitors in FY 2001/2002.

The park's most recent purpose statement declares (1983) that its purpose is "...to make available to the people for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean beach and related uplands.”

**Torrey Pines State Beach and State Reserve** – These two units of the State Park System are located adjacent to each other in central San Diego County. The State Beach is a day-use facility while the two-unit State Reserve was established to protect stands of the rare Torrey Pine and the Los Peñasquitos lagoon and marsh. These facilities hosted 1.2 million visitors in FY 2001/2002.

The State Beach offers swimming, surfing, fishing and picnicking (2 sites). It is also popular for running and walking. The most recent purpose statement (1984) for the beach each is "...to make possible the public use and enjoyment of the Pacific Ocean and sandy coastline beach. The primary values are coastal beach, adjacent ocean waters, and associated recreational values. Recreation use of these primary values shall not be allowed to adversely impact the primary resource values of adjacent Torrey Pines State Reserve and its natural preserves, which are recognized as of greater statewide significance. Recreational facilities and uses may be allowed at the state

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beach, only if they do not impair the extent or quality of the sandy shoreline beach and adjacent prime values of the reserve and preserves.”

The State Reserve offers walking and nature study recreational activities. The most recent purpose statement (1984) for the reserve identifies the purpose as "...to protect and perpetuate the area's prime resource values for the enlightenment, inspiration, and enjoyment of present and future generations. Prime resource values in the reserve in descending order of significance are: 1) the Torrey pine and its native plant community, 2) Los Peñasquitos wetlands, 3) state and federally listed rare, endangered, and threatened plants and animals, 4) evidence of Native American and possibly Early Man occupation, 5) plants and animals designated by the department as species of special interest, and 6) exposed geologic sequences. Secondary values include recreational opportunities that directly relate to, and do not detract from, the primary resource values. The long-range objectives of the department shall be to manage the prime resource values in the unit in such a manner that the ecological processes function as closely as feasible to what they would have without modern mankind's disturbance. Management exceptions to this shall be made only upon a special determination by the department, such as site protection of Native American artifacts that would normally be lost through natural erosion processes. Appropriate visitor use of the unit includes only those activities that allow for and encourage enjoyment of the prime resource values and do not detract from or degrade from these features, so that future generations shall have the same experiences and opportunities.”

**Old Town San Diego State Historic Park**: This is a day-use facility that hosted 6.4 million visitors in FY 2001/2002. The most recent statement of purpose (1977) for this park declares the purpose to be "...to preserve, re-create, interpret, and make available for public enlightenment and enjoyment the historic structures and environment, the activities of the people, and as much as possible of the atmosphere that characterized the community of San Diego during the period 1821 through 1872.” Recreation activities include walking, exhibit viewing, picnicking, tours, festivals, living history events, shopping, and dining.

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APPENDIX 2  
Impacts to State Park System Units

PARK UNIT	PARK SUBUNIT	IMPACT (distance)	IMPACT (type)	4(f) Use	4(f) Constructive Use	6(f) Potential	MITIGATION Necessary if Impacted
<b>BAY AREA/TOMERGED REGION</b>							
Eastshore State Park SS	Albany SMR, Emeryville Crescent SMR	2911 ft.					
Candlestick Point SRA		2395 ft.					
San Bruno Mountain SP		1.14 mi.					
Robert Crown Memorial SB		1.89 mi.					
Marital Cattle Park project		1840 ft.	at-grade				
Henry W. Coe SP	Henry W. Coe SP	3.36 mi.	at-grade & tunnel				
Henry W. Coe SP	Henry W. Coe SW	1.93 mi.	tunnel	X			X
Henry W. Coe SP	Henry W. Coe SW	Through	at-grade / tunnel	X			X
Henry W. Coe SP	Henry W. Coe SP	1974 ft.			X		X
Pacheco SB		2814 ft.	at-grade & tunnel				
San Luis Reservoir SRA		Through	at-grade (8.3 mi)	X			X
McConnell SRA		1100 ft.	at-grade		X		X
McConnell SRA		2723 ft.	at-grade		X		X
<b>SACRAMENTO TO BAKERSFIELD REGION</b>							
Old Sacramento SHP	State Railroad Museum	22-273 ft.	at-grade		X		X
Stone Lakes Property		2-5 miles	at-grade				
Colonel Allensworth SHP		377 ft.	at-grade	X			X
<b>BAKERSFIELD TO LOS ANGELES REGION</b>							
F1 Tejon		2.3 miles	tunnel				
Hungry Valley SVRA		through	at-grade, aerial, tunnel	X			X
Castaic Lake SRA		2809 ft.	aerial & at-grade				
Taylor Yard property		Through	aerial & at-grade	X			X
Taylor Yard property		Through	aerial & at-grade	X			X
Taylor Yard property		2661 ft.	aerial & at-grade	X			X
Cornfield property		Through	tunnel & aerial	X			X
Cornfield property		866 ft.	aerial & at-grade	X			X
Cornfield property		549 ft.	aerial & at-grade	X			X
Cornfield property		562 ft.	aerial & at-grade	X			X

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PARK UNIT	PARK SUBUNIT	IMPACT (distance)	IMPACT (type)	4(f) Use	4(f) Constructive Use	6(f) Potential	MITIGATION Necessary if Impacted
<b>LOS ANGELES TO SAN DIEGO VIA ORANGE COUNTY REGION</b>							
Doheny SB		56 ft.	at-grade		X		X
San Clemente SB		3071 ft.	tunnel				
San Clemente SB		Through	tunnel & at-grade	X			X
San Onofre SB		99 ft.	tunnel	X			X
San Onofre SB	Cristianito Subunit 1	140 ft.	tunnel	X			X
San Onofre SB	Tresiles Subunit 2	Through	tunnel	X			X
San Onofre SB	San Mateo SR	Through	aerial & at-grade	X			X
San Onofre SB	Surfer Beach Subunit 3	Through	aerial & at-grade	X			X
San Onofre SB	Bluffs Subunit 4	Through	at-grade	X		X	X
Carlsbad SB		206 ft.	at-grade		X		X
Cardiff SB		375 ft.	at-grade		X		X
Leucadia SB		705 ft.	at-grade		X		X
Moonlight SB		270 ft.	at-grade		X		X
San Ejilo SB		93 ft.	at-grade		X		X
South Carlsbad SB		15 ft.	at-grade		X		X
Torrey Pines SB		64 ft.	tunnel and grade	X			X
Torrey Pines SR	Peñasquitos Marsh NP	Through	grade & aerial	X			X
Torrey Pines SR	Elen Browning Scripps NP	2347 ft.	grade & aerial	X		X	X
Old Town San Diego SHP		12 ft.	at-grade or elevated		X		X

**Comment Letter AS004 Continued****APPENDIX 3**

## Mitigation Summary for Impacts to State Park System Units

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

Mitigation for impacts to units of the California State Park System may include but may not be limited to:

1. Provide monetary compensation to the California Department of Parks and Recreation (and concessionaire if applicable) for revenues lost during construction due to closure or disruption of California State Park System units.
2. Provide monetary compensation to the California Department of Parks and Recreation on behalf of the people of the State of California for lost park and recreation use. (People of the State of Ca., et al. v. BP America Inc. et al. U.S. Dist. Ct., Central District of CA. No. 92-0837 R)
3. If necessary, due to closure during construction, provide alternative shuttle access service to park visitors.
4. For any loss of facilities, fund the California Department of Parks and Recreation for restoration to a natural state of the existing facility sites prior to project commencement.
5. Fund siting and planning studies as well as providing design and full development costs of facility replacement prior to project commencement.
6. Fund the California Department of Parks and Recreation for inventory and recordation of affected historic structures. When it is feasible and desirable to relocate historic structures, relocation costs shall be fully funded prior to project commencement.
7. In the event that impacts to a unit of the State Park System reduce the unit to less than park value, acquire for dedication to and with the approval of the California Department of Parks and Recreation, park sites of equivalent biological productivity, recreational opportunity, both in kind and in area, within the region of loss, and which are in the opinion of the California Department of Parks and Recreation, of sufficient potential to replace the natural, cultural, aesthetic and recreational values prior to project commencement.
8. Provide funding for the California Department of Parks and Recreation's preparation of Resource Inventory, General Plan, and Management Plan documents for all replacement sites.

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9. Provide full reimbursement for all necessary plans, permits, and associated the California Department of Parks and Recreation staff time on all replacement sites.
10. Provide full market value for real property loss, including lease lands, prior to project commencement.
11. All construction equipment used within a ten-mile radius of units of the California State Park System will require a vehicle cleaning station (to wash undercarriages etc.) to assure protection against exotic plants from out of the area, and tarps under heavy equipment to catch grease/oil.
12. Provide, following any soil disturbance, revegetation with local native plants and a plan for ongoing control of exotics and maintenance.
13. In order to protect wetland resources, require best management practices to reduce erosion during construction, including sedimentation basins and their annual maintenance for the life of the development.
14. Redesign and construct cuts, fills, and aerial structures to eliminate their visual impact to units of the State Park System.
15. To partially mitigate for loss of wildlife corridors and habitat fragmentation, provide, following consultation with and with the approval of the California Department of Parks and Recreation, dedicated conservation corridors between appropriate units of the State Park System and other protected public and private conservation lands prior to construction.
16. Following identification of wildlife corridors, strategically placed wildlife under- or over-crossings should be constructed of sufficient utility to provide ready use by wildlife.
17. Light control, shading, and daylight-hours only operations should be required as necessary, in prior agreement with the California Department of Parks and Recreation, to protect critical wildlife corridors, visitor use areas, and as safety requires.



**Comment Letter AS004 Continued****APPENDIX 4**

## Contributors to Comments by California State Parks

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**Response to Comments of Ruth Coleman, Director – California Department of Parks and Recreation, August 20, 2004 (Letter AS004)**

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**AS004-1**

Acknowledged. The Authority's objectives include planning for a cost effective, prompt and reliable high-speed train service, but at the same time assuring that the project will be an asset to our State and will not have a significant negative impact on our State Parks and open spaces.

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

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

The Authority is committed to utilizing existing transportation corridors and rail lines in the proposed high-speed rail system in order to minimize the potential impacts on California's treasured landscape. In addition, a key Authority objective continues to be avoidance and/or minimization of potential impacts to cultural, park, recreational and natural resources, and wildlife refuges.

The development of high-speed train alignment and station options for the Draft Program EIR/EIS included an extensive screening analysis in which many alignment and station options were

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

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

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

- The Authority has identified the MTA/Metrolink alignment, which avoids the Cornfields property, as the preferred alignment from Sylmar to Union Station<sup>1</sup>.

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

Finally, the list of suggested mitigations included as Appendix 3 (Mitigation Summary for Impacts to State Park Systems Unit) has been fully incorporated into Section 3.16.7 of the Final Program EIR/EIS.

#### **AS004-2**

Acknowledged. Please see response to Comment AS004-1 and the responses to comments AS004-3 through AS004-76.

<sup>1</sup> Between Burbank and Los Angeles Union Station, the MTA/Metrolink alignment refers to a relatively wide corridor within which alignment variations will be studied at the project level.

#### **AS004-3**

Acknowledged. Page 3.7-11 of the Draft EIR/EIS stated, "Overall, the proposed HST Alternative would be highly compatible with local and regional plans that support rail systems and transit-oriented development. The HST Alternative would also provide improved inter-modal connectivity with existing and local commuter systems." Section 2.6.9, "Alternative Alignments and Station Options Considered in Screening Evaluation" of the Program EIR/EIS identifies maximizing connectivity and accessibility as an objective for station evaluation and that the evaluation criteria is "intermodal connections". Section 2.6.9 further states that, "several key factors were considered in identifying potential station stops, including speed, cost, local access times, potential connections with other transportation, ridership potential, and the distribution of population and major destinations along the route". Section 3.1, "Traffic and Circulation" characterizes potential impacts to "Transit, Goods Movement, and Parking" for the No Project, Modal, and HST alternatives. Chapter 6, "High Speed Train Alignment Options Comparison" describes the local transit (and freeway) access linkages for the various HST station options. More detailed information on "local transit access linkages in various areas served by other transportation system components" is beyond the scope of this program EIR/EIS process. Should the HST proposal move forward, more detailed project specific analysis will be required. Please also refer to standard response 2.1.12.

#### **AS004-4**

It is beyond the scope of the Program EIR/EIS to provide "greater specificity as to how the HST project fits in with the balance of the state's transportation system, including public transportation (bus and rail) and bikeway linkages suitable for access to public facilities, such as parks in the vicinity of HST stations". Should the HST proposal move forward, this information will be provided in more detail as part of future project specific studies. Please also see response to Comment AS004-3. While a statewide HST system would improve the overall accessibility to the areas of the state

being served, it is also beyond the scope of the Program EIR/EIS to assess the local access issues to state park units.

**AS004-5**

The Modal Alternative is a hypothetical set of infrastructure improvements to the existing state transportation system (e.g. additional highway lanes and additional airport runway construction) to accommodate the forecast intercity travel demand. The improvements that are part of the Modal Alternative are not currently programmed and are not necessarily identified in other planning documents. The infrastructure improvements identified in the Modal Alternative would have potential impacts to state park lands. As noted in Section 3.16 in Table 3.16-2, the Modal Alternative would have the potential to affect 140 total 4(f) and 6(f) resources (55-85 more 4(f) and 6(f) resources than the HST Alternative).

**AS004-6**

Acknowledged.

**AS004-7**

Please see Standard Response 3.16.1.

**AS004-8**

Studies show HST ridership potential to be highly dependent on the total trip time and the number of transfers. Foreign HST experience, the experience of the Northeast Corridor (Boston to New York to Washington, D.C.), HST studies done elsewhere in the U.S., and the Authority's feasibility studies have all shown that to compete with air transportation and generate sufficient ridership and revenue for economic viability, the intercity HSR travel times between major transportation markets must be below 3 hours. The proposed HST service would provide travel times between Downtown Los Angeles and Downtown San Francisco and Downtown Los Angeles and Downtown Oakland of about 2 and ½ hours, without a transfer, while the trip could be made between Downtown Los Angeles and

San Jose in a little over 2 hours. HST service to the downtowns of major cities such as San Francisco, Oakland, San Jose and to major airports would meet purpose and need, would greatly increase the connectivity and accessibility of the HST system, and enable the system to directly serve major regional transit hubs such as the Transbay Terminal, Diridon Station, Oakland Airport, San Francisco International Airport (SFO) and either West Oakland BART or 12th Street City Center. If the proposed HST system were instead to terminate in locations such as Tracy or Livermore and Palmdale, additional feeder services and substantial development of other local transit systems would be needed in order to provide connectivity and accessibility similar to that with the proposed system. However, such services could not provide comparable trip times and would not be as competitive with air or automobile travel alternatives. Air transportation would be considerably more accessible to intercity passengers than such an HST service. Requiring a transfer at locations outside of urban areas would result in overall travel HST trip times well over 3 hours between the major transportation markets. Local services such as BART have many stops and in the case of BART express services can not be provided. BART also does not serve Livermore, and there are no expansion plans to directly link to Tracy. If BART did serve Livermore, travel times between San Francisco and Livermore would be nearly one hour. Current Metrolink travel times between the Antelope Valley (Lancaster) and Los Angeles Union Station are about 1 hour 50 minutes. With HST travel times at about 1 hour 45 minutes between Livermore and Palmdale, the total travel time for HST between San Francisco and Los Angeles would be about 4.5 hours without including the extra time and inconvenience of two transfers.

**AS004-9**

The LOSSAN Conventional Rail Improvements and any consideration of the LOSSAN corridor between Irvine and San Diego have been removed from this Final Program EIR/EIS. These conventional improvements are the subject of the Caltrans Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been

forwarded to Caltrans for consideration as part of their program environmental review. Please see standard response 6.41.1.

**AS004-10**

The Authority and FRA respectfully disagree with the comment and believe that the criteria used in the analysis were appropriate. A large body of research on expected human annoyance from noise exposure supported US EPA in establishing noise levels to protect human health and welfare. These levels and the annoyance criteria have been repeatedly confirmed in subsequent studies and are appropriate for use in a program EIR/EIS. For noise sensitive open space and parks FRA and FTA noise impact assessment guidance call for the use of Leq to assess noise exposure. For the screening procedure of the Draft Program EIR/EIS, the peak hour equivalent sound level (Leq) from HST was applied to parks, assigning those land uses to FRA's Category 1 sensitivity, with the assumption that the most stringent of the land use criteria would include effects on wildlife. Very low ambient noise levels were assumed in each case. State parks potentially affected by noise from the HST or Modal alternative are typically subject to elevated background noise levels and intruding noise events due to their location in developed or agricultural areas and their proximity to existing transportation facilities. An analysis with metrics, involving measured acoustical spectra information and detectability parameters, is much too site-specific and detailed to undertake during programmatic environmental review, and would not be broadly applicable. A more detailed analysis of potential noise impacts would be appropriate for subsequent project level noise assessment.

**AS004-11**

A monitoring program consistent with FRA methodology would be part of the subsequent project level analysis.

**AS004-12**

The program EIR/EIS considered the potential for HST noise impacts using FRA guidance that is based upon detailed measurements of

existing HST's traveling at various speeds. Figure 3.4-7 is not misleading because wheel-rail and mechanical noise predominates up to 125 mph. The figure describes how HST equipment and track are generally quieter than conventional trains traveling at the same speed. More detailed calculations of HST noise characteristics would be part of subsequent project level noise analysis.

**AS004-13**

Variations in environmental noise levels due to meteorological effects typically average out over time unless a site-specific condition, such as a one-sided wind rose, is documented. Consideration of site-specific meteorological effects is beyond the scope of the program level analysis and would be addressed as appropriate in subsequent project level noise assessment.

**AS004-14**

The Authority followed FRA guidance when the analysis was initiated that specified a screening distance of 900 feet for new rail corridors in rural areas. The Authority and FRA believe that this screening distance of 900 feet is sufficient to estimate the number and extent of potentially noise affected parks and recreation areas at a program level of analysis. It is unlikely that potential indirect impacts would extend beyond this distance; however, subsequent project specific studies would consider potential noise related impacts related to specific sensitive receptors based on specific alignment and operating characteristics, as the proposed HST facilities and operation are further defined. The purpose of the screening analysis undertaken is to provide a measure of noise-sensitive receivers that are close enough to the proposed alignments for noise impact to be possible. Specific HST noise levels will be determined during the project level noise assessment.

FRA's noise impact criteria are not based on a single Ldn value of 65 dBA; instead, the criteria are ambient-based, which means they include effects of relative changes in ambient noise due to a project. The criteria are derived from the expected human annoyance from noise exposure established by the US EPA, with consideration of

levels “requisite to protect public health and welfare with an adequate margin of safety” as well as the minimum differences in levels required for a change in community reaction. The development of the criteria is explained in Appendix A of the FRA guidance manual. Thus, considering noise levels that result in human annoyance is appropriate for considering potential impacts to parks in a program-level analysis. More detailed analysis at project-level review will consider potential impacts to humans and wildlife.

**AS004-15**

Potential noise emissions from high-speed trains at speeds greater than the maximum design speed would be highly speculative. Next generation steel wheel HST systems are not anticipated to exceed 220 mph design speeds.

**AS004-16**

The Authority and FRA agree with the commentor’s assertion that sound walls in rural areas are typically impractical. Alternatives to noise barriers in these locations such as trenches or earth berms could be explored during project level environmental review; however, they may also be impractical due to cost and other impacts related to the extent of land required (footprint) as well as the associated construction impacts. Other noise mitigation techniques would be considered during project level studies to address site-specific noise impacts.

The TGV in France has several locations where topography facilitated the use of fairly deep trenches and earth berms for environmental mitigation. HST noise can be reduced considerably by these methods, but at a considerable cost and property impact. High-speed train systems in Europe and Japan have implemented noise mitigations for human receptors; noise mitigation for wildlife has received less attention.

**AS004-17**

Visual impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review,

based on more precise information regarding location and design of the facilities proposed (e.g., elevated, at-grade, catenary design features, fencing type and location, sound barriers, etc.). The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential visual affects. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific impacts and mitigation measures be addressed.

**AS004-18**

See Response AS004-17. The LOSSAN Conventional Rail Improvements and any consideration of the LOSSAN corridor between Irvine and San Diego have been removed from this Final Program EIR/EIS. These conventional improvements are the subject of the Caltrans Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration as part of their program environmental review. Please see standard response 6.41.1.

**AS004-19**

Construction impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed (e.g., specific alignment, right of way corridor width, elevated, at-grade, cuts and fills, etc.). The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific impacts and mitigation measures be addressed.

In the Final Program EIR/EIS each section of Chapter 3 outlines specific design features that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

**AS004-20**

The PEIR/S evaluates impacts to parklands in Section 3.7 and 3.16. Consistent with the federal Executive Order 12898 – federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations – the PEIR/S also evaluates whether impacts from project alternatives and HST alignments would have disproportionate effects on minority or low-income populations. As noted in the comment, the parklands and recreational areas provide benefits to all populations. There is no indication at the program-level analysis that potential impacts to parklands from the system alternatives and alignments being considered would affect these populations disproportionately.

**AS004-21**

The Co-lead agencies agree with this assessment. The principal reason for the varied levels of impacts as identified in Table 3.7.1 has more to do with the amount of parkland affected.

**AS004-22**

This section is focused on immediate impacts to adjacent land uses, including parklands. While some impacts may occur at a greater distance (e.g., noise, and visual impacts), the 50-foot envelope is appropriate for the land use evaluation in the program-level EIR/EIS considering the proposed system as a whole. Mitigation measures (e.g., noise walls) for impacts that could occur at a greater distances would serve to reduce or mitigate these impacts for adjoining uses, including parklands.

**AS004-23**

Acknowledged. Site-specific potential impacts to trails and recreational areas will be addressed in the subsequent project level

analysis, as more specificity is defined for proposed alignments and facilities.

**AS004-24**

The potential for loss of recreation facilities will be addressed in the project level study of 4(f) and 6(f) resources, only after detailed avoidance and minimization efforts have been exhausted.

**AS004-25**

While some areas may have greater levels of survey data than others, for preparation of the program EIR/EIS, the Co-lead agencies have to rely upon readily accessible geo-spatial data to carry out an analyses and comparison of the geographically extensive study areas across the entire State at an equivalent level of detail. Doing additional surveys, would be well beyond the scope of this programmatic environmental review. Use of geospatial data provides an objective comparison of potential impacts. Comments correctly point out that this type of analysis does not always allow for an evaluation of relative quality or importance of habitat within the project area, and it is agreed that this additional analysis will be needed as part of the project-level, Tier 2 environmental documentation. Additionally, it should be noted that the Authority has dropped from further consideration those alignments in the PEIR/S that would have passed through or under Henry Coe State Park and the Orestimba State Wilderness. It should also be noted that a Modal Alternative with a new roadway through wilderness areas was not included, but certainly could have been for comparative purposes and has been proposed by elected officials for some wilderness areas in the state including the Diablo Range. A new roadway would not be likely to make extensive use of tunneling due to greater width of highways and their ability to negotiate steeper grades, and therefore environmental impacts would be much greater.

**AS004-26**

Section 3.12.2.B has been expanded to include Asian and African Americans. However, this section does not attempt to identify all ethnic groups that may be reflected in cultural resources located in the study area or areas of the HST program. Instead, this section recognizes that various historic themes, ethnic groups, and resource types will be specifically described and addressed as the next-phase identification studies are conducted as part of the project-level, Tier 2 studies.

**AS004-27**

Section 3.12 has been revised to include Cultural Landscapes as a resource type, but not sub-types of cultural landscapes. The APE was defined in consultation with SHPO for this PEIR/Tier 1 study. APE widths of 100 and 500 feet are deemed appropriate for this analysis, particularly given that the APE is very long (the length of all the alignment options for the alternatives under consideration added together). This long APE provides adequate information for the PEIR/Tier 1 analysis to estimate the potential for larger resources such as cultural landscapes, sites, and districts or multi-component properties to exist within the APE. The identification studies for each project level assessment will also benefit from the linear nature of the APE; and these more intensive surveys for the project-level, Tier 2 evaluations will include identification of cultural landscapes, as well as other cultural resource types.

**AS004-28**

The text has been revised as suggested by the comment.

**AS004-29**

Please see response to Comment AS004-27.

**AS004-30**

While the significance of fossil discoveries tends to be greater if found in sparsely fossiliferous geologic units, the probability of impacts to paleontologic resources, even if weighted for hypothetical

significance, ultimately decreases to a negligible level with decreasing average fossil concentration in the unit. Practical considerations constraining the design and implementation of mitigation programs dictate prioritization, with primary focus on those areas where impacts are most likely to occur. Awarding equal (high) sensitivity to all sedimentary formations would effectively eliminate consideration of paleontologic resources from comparison of project alternatives (in the planning phase) and would risk diversion of personnel, funding, and time to areas having low probability of impacts in the mitigation phase. The analysis presented in the PEIR/S is based on the distribution of geologic units within the project area rather than otherwise defined subareas (e.g. park boundaries), as geologic units most accurately parallel the distribution of paleontological resources. The distribution of known fossil localities in relation to those units contributed to the assessment of sensitivity of individual units, but other potential geographic biases affecting known locality distribution were also discussed and taken into account. While there has been no systematic inventory of paleontological resources along much of the routes for this PEIR/Tier I analysis, a long history of geologic and paleontologic studies, numerous reports from residents and other laypersons, and surveys associated with previous construction projects throughout the HST project area have resulted in an adequate qualitative sample of known vertebrate fossil localities in all potentially affected geologic units. (For example, the Pliocene and Pleistocene units underlying parts of the San Luis Reservoir area are assigned high sensitivity, partly because of known localities within that area.)

**AS004-31**

Site-specific paleontological assessment and mitigation measures appropriate to various segments of the project were beyond the scope of this PEIR/S, however the general recommendations for subsequent project level, Tier 2 measures will follow the guidelines established in the current U.S. Bureau of Land Management Handbook and parallel the recommendations of the Society of Vertebrate Paleontology (1995). The Report of the Secretary of the

Interior (2000), entitled "Fossils on Federal and Indian Lands" incorporated recommendations from eight federal agencies charged with land management and informed the framers of Senate Bill S 546 currently pending before the House. Although none of these documents carries the weight of law, they all reflect broadly accepted standards and practices employed by qualified paleontologists who would be responsible for designing and implementing paleontological assessment and mitigation plans for the pre-construction and construction phases. Reference: Society of Vertebrate Paleontology. February 1995, ASSESSMENT AND MITIGATION OF ADVERSE IMPACTS TO NONRENEWABLE PALEONTOLOGIC RESOURCES: STANDARD GUIDELINES. Society of Vertebrate Paleontology News Bulletin Number 163, pages 22-27

**AS004-32**

The statement regarding cumulative impacts on paleontological resources is based on the information and data that have been compiled and analyzed to date.

**AS004-33**

The geologic resources described in the Program EIR/EIS are not limited to economic resources, but are related to potential hazards or constraints to constructing highway, aviation, or HST infrastructure as defined in the three system alternatives. Subsequent project level analysis will address potential effects to fragile and rare geologic features, geologic features of unusual or exceptional beauty, and other specific resources mentioned in the comment, as more specificity is defined for proposed alignments and facilities.

**AS004-34**

Construction related geologic impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed (e.g., specific alignment, right of way corridor width, elevated, at-grade, cuts and fills, etc.). The detail of engineering associated with the project level

environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific impacts to adjacent properties be addressed.

**AS004-35**

Fault crossings and surface rupture are adequate indicators of seismic hazards at the program level of study for thousands of miles of highway and rail alignment options. More specific seismic hazards will be addressed at the subsequent project level of analysis, as more specificity is defined for proposed alignments and facilities.

The LOSSAN Conventional Rail Improvements and any consideration of the LOSSAN corridor between Irvine and San Diego have been removed from this Final Program EIR/EIS. These conventional improvements are the subject of the Caltrans Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration as part of their program environmental review. Please see standard response 6.41.1.

**AS004-36**

Fault crossings were assigned a specific estimated width to allow for a quantification of crossings along the highway and HST alignment options considered. Specific design studies for the purpose of establishing engineering criteria accounted for available data regarding width of specific fault zones (see Tunneling Issues Report, January, 2004). Subsequent project level analysis will address more specific seismic and geologic information.

**AS004-37**

The LOSSAN Conventional Rail Improvements and any consideration of the LOSSAN corridor between Irvine and San Diego have been removed from this Final Program EIR/EIS. These conventional improvements are the subject of the Caltrans Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been

forwarded to Caltrans for consideration as part of their program environmental review. Please see standard response 6.41.1.

**AS004-38**

Construction related geologic impacts are highly site-specific in nature. These issues will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed (e.g., specific alignment, right of way corridor width, elevated, at-grade, cuts and fills, etc.). The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific geologic impacts and mitigations be addressed.

**AS004-39**

Acknowledged. Specific tunneling methods and related construction impacts will be addressed in subsequent project level analysis, as more specificity is defined for proposed alignments and facilities and more information is obtained regarding geologic setting and conditions.

In the Final Program EIR/EIS each section of Chapter 3 outlines specific design features for tunneling that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts. Section 3.18.5 also outlines tunneling methods and potential impacts. Also see response to Comment AF008-25.

**AS004-40**

Impervious surfaces from new HST stations are included as part of this comparison.

**AS004-41**

Please refer to standard response 3.15.8 regarding 303(d) listed streams and methods to minimize impacts to surface waters,

including design practices and additional mitigation measures. The site-specific effects on any given watershed cannot be known in detail for this programmatic evaluation of alternatives or HST alignments. However, with the assumed design practices and mitigation measures, it is not likely that an entire watershed or major portion thereof would be adversely affected by the HST alternative. A detailed analysis of watershed impacts will be conducted as part of the project-level, Tier 2 environmental documentation and was outlined on pages 3.14-19 and 3.14-20 of the Draft PEIR/S.

**AS004-42**

Please see standard response 3.15.2, standard response 3.15.7, and response to Comment AS004 – 41. As recommended, habitat quality in the State Park System can and will be addressed in project-level, Tier 2 analyses. Please also note that the Authority has dropped from further consideration alignments passing through or under Henry Coe State Park and the Orestimaba State Wilderness.

**AS004-43**

The Co-lead agencies agree that impacts from building a HST system through a wilderness area would be different than constructing a HST system next to or within an existing transportation corridor. In an effort to reduce overall impacts, most of the HST alignments were developed adjacent to or within existing transportation corridors, and/or placed in a tunnel alignment – Please see standard response 3.15.5. Section 2.7 of the PEIR/S provides maps of the HST system across the state, showing the portions of the system that would be in tunnel and/or adjacent to or within an existing transportation corridor. Only the expansion of existing roadways was included in the Modal Alternative. Even without any new highways, impacts from the Modal Alternative on biological and wetland resources were found to be more severe, principally due to the larger footprint for the multiple roadway lanes. The Co-lead agencies acknowledge that the quality of the affected resources may be compromised by the proximity of the assumed Modal Alternative roadway widenings to the existing roadway, but note that seventy-six percent of the HST

alignments are also adjacent to or within existing rail or highway transportation corridors or are in tunnel. Please note that the Co-lead agencies did not presume that a new roadway would be built through a wilderness area as part of the Modal Alternative, although such an assumption could clearly have been made.

#### **AS004-44**

Please refer to standard response 3.15.2 and standard response 3.15.13 for a discussion of future project-level, Tier 2 studies. The information in the PEIR/S and associated technical studies have been used to make overall decisions about the alternatives and alignments to be carried forward. It is agreed that the project-level, Tier 2 environmental evaluation will need to rely on field studies and will include an evaluation of resources in parks. Data from previous work will only serve as a starting point for project-level, Tier 2 analyses. Please refer to the Section 3.15.6 on Subsequent Analysis of the PEIR/S.

#### **AS004-45**

Please refer to standard response 3.15.2. Construction scenarios have been added to Section 3.18 of the Final PEIR/S. The Co-lead agencies agree that the project could in certain circumstances result in introduction of exotic species. The following text is added to Section 3.15 of the Final PEIR/S. Construction of the project could in certain circumstances encourage the spread of noxious weeds or other exotic plant species. Seeds of non-native plants can adhere to tires of construction vehicles or contaminate fill that may need to be imported into the construction area. Trains themselves may also contribute to the spread of seeds of exotic plant species. The following text is added to the Mitigation Strategies for Section 3.15.5 for Biological Resources and Wetlands: Mitigation would be developed to minimize or avoid the spread of weeds during construction and operation. Preventive measures during construction could include identification of areas with existing weed problems and measures to control traffic moving out of those areas (e.g. cleaning of construction vehicles, limitations on movement of fill). Mitigation for operational impacts will also be developed.

#### **AS004-46**

Please see standard response 3.15.9 regarding impacts and mitigation to wildlife corridors and habitat fragmentation. Please see standard response 3.15.5 regarding the portion of the HST alignments within or adjacent to existing transportation rights-of-ways and/or within a tunnel. The HST alternatives through Henry Coe State Park and the Orestimaba State Wilderness will not be considered further considered by the Authority. Moreover, the Co-lead agencies would continue and supplement their evaluation of HST alignment options between the Central Valley and the San Francisco Bay area (please see standard response 3.15.7. As noted, further investigation is proposed to select a preferred alignment from within a broad corridor, considering alignment options between (and including) the Pacheco Pass Corridor (SR-152) to the south and the Altamont Pass Corridor (I-580) to the north, excluding alignment options through Henry Coe State Park and the Orestimaba State Wilderness. A construction scenario has been added to the Final PEIR/S in Section 3.18.5. A description of support facilities has been added to the Final PEIR/S in Section 2.6.10.

#### **AS004-47**

A review of references, including the reference mentioned in the comment, reveals the following relevant findings:

- The primary factor in determining use of wildlife passages is their location with respect to habitat; corridors must be designed to connect target habitat areas at either end of the corridor. Known migration routes need to be accommodated.
- Passages need to be evaluated with regard to wildlife functions which include wildlife travel, migration and reproduction, plant propagation, genetic interchange, ability for populations to move in response to changing environmental conditions, and habitat recolonization.
- Carnivores, small mammals and reptiles will use almost any passage if it is in a favorable location with respect to habitat, but ungulates (e.g. deer) need specifically designed passages.

However, specific design measures will improve use of culverts by target species. Passages should be designed with knowledge of the species that will use them, should accommodate multiple species, and should be wide enough to accommodate a large number of species.

- Overpasses are the most effective passage when feasible, but a large number of well-designed culverts may be more cost-effective than a few large overpasses.
- Where possible, design features should include natural lighting, low noise levels, and a clear view to the other side of the passage.
- Fencing and vegetation should be used to funnel animals towards crossings.

It is agreed that these issues should be evaluated and considered in the project-level design and evaluation of facilities. References: Baier, Paul and Steve Loe. 1992. A Checklist for Evaluating Impacts to Wildlife Movement Corridors. *Wildlife Society Bulletin*, 20:434-440. Hartmann, Maureen, "Evaluation of Wildlife Crossing Structures, Their Use and Effectiveness", *Wildlands Center for Preventing Roads*, 2002. Jackson, Scott D. 2000. Overview of Transportation Impacts on Wildlife Movement and Populations. Pp 7-20 in Messmer, T.A. and B. West, (eds) *Wildlife and Highways: Seeking Solutions to an Ecological and Socio-economic Dilemma*. The Wildlife Society, Rodriguez, Alejandro, Giulia Crema, and Miguel Delibes. 1996. Use of Non-Wildlife Passages Across a High Speed Railway by Terrestrial Vertebrates. *The Journal of Applied Ecology*, Vol. 33, No. 6, 1527-1540. Yanes, Miguel, Jose M. Velasco, and Francisco Suarez. 1995. Permeability of Roads and Railways to Vertebrates: the Importance of Culverts. *Biological Conservation*, 71:217-222

#### **AS004-48**

Please see response to Comment AF008-30.

#### **AS004-49**

Overall, it can be expected that the HST Alternative would introduce additional EMF exposures or EMI at levels for which there are no established adverse impacts on humans or wildlife. EMF emissions from HST vehicle passby's are very low, and impacts are therefore not expected to be significant.

#### **AS004-50**

To the extent that they can be readily identified, managers of lands administered for natural values will be contacted during the project-level, Tier 2 analyses. The Co-lead agencies note that such managers have had the opportunity to comment on the Draft PEIR/S and will have the opportunity to comment again on the future project-level, Tier 2 environmental analyses.

#### **AS004-51**

The Co-lead agencies concur with the recommendations made in the comment regarding mitigation for wildlife movement corridors and they have been added to the Final PEIR/S. These include: Overcrossings, if dedicated to wildlife uses, should be appropriately vegetated to afford cover and other species requirements. Undercrossing, if dedicated to wildlife uses, should be appropriately vegetated to afford cover. Functional corridors should be established to provide connectivity to protected lands or land zoned for uses that provide wildlife permeability. These measures would be appropriate for incorporation in project-level, Tier 2 environmental analyses. It is agreed that the impacts of structures developed to maintain wildlife corridors would also need to be evaluated as part of the project-level environmental review. The following text, which summarizes the process identified in A Checklist for Evaluating Impact to Wildlife Movement Corridors, has been added to the Mitigation Strategies on Section 3.15.5: Provisions for maintaining wildlife corridors would provide connectivity between wildlife habitat areas. Wildlife crossings would be of a design, shape and size to be sufficiently attractive to encourage wildlife use. Overcrossings and undercrossings for wildlife would be appropriately vegetated to

afford cover and other species requirements. The following process would be used in design of corridors:

1. Identify the habitat areas the corridor is designed to connect.
2. Select several species of interest from the species present in these areas
3. Evaluate the relevant needs of each selected species
4. For each potential corridor, evaluate how the area will accommodate movement by each species of interest
5. Draw the corridors on a map
6. Design a monitoring program

**AS004-52**

It is acknowledged that sections 4(f) and 6(f) are from separate laws, however given their complimentary nature and the relatively few number of 6(f) resources potentially affected by this project, they were placed in one section.

**AS004-53**

The potentially affected 4(f) and 6(f) resources are identified in the regional technical reports that provided the basis for Section 3.16. The analysis of Section 4(f) and 6(f) in Section 3.16 of the Final Program EIR/EIS meets the stated primary goal through identifying each potentially impacted resource and the nature of potential impact in terms of its relative proximity to the proposed facilities. A table identifying the potential affects to parks for both the alternatives is provided in the Final Program EIR/EIS (Appendix 3.16-A). The Authority disagrees with your assessment and believes that there is sufficient information in the document to select a preferred alignment and station locations (see Chapter 6A). Please also see standard response 3.15.13 and response to Comment AS004-1.

**AS004-54**

The Park names have been revised as noted in the comment. A table identifying the potentially impacted parks for all Alternatives and Options considered is provided in the Final Program EIR/EIS (Appendix 3.16-A).

**AS004-55**

Acknowledged.

**AS004-56**

Acknowledged.

**AS004-57**

Acknowledged.

**AS004-58**

Acknowledged.

**AS004-59**

Acknowledged.

**AS004-60**

It was beyond the scope of the ridership estimates prepared to date to forecast the difference in visitation to the State Park system that may occur if an statewide HST system is implemented. Subsequent ridership analysis, prior to project implementation will provide additional information on increased travel to and from park units, based on the more specifically defined HST system.

**AS004-61**

The two HST alignments crossing Henry Coe State Park have been removed from further analysis. See Standard Response 6.3.1.

**AS004-62**

See comment ASO04-61.

**AS004-63**

See comment ASO04-61. The San Luis Reservoir State Recreation Area is within a broad corridor between the Bay Area and Central Valley identified for further investigation. This corridor is generally bounded by the Pacheco Pass (SR-152) to the South and the Altamont Pass (I-580) to the North. The high-speed rail alignments studied as part of the Program EIR/EIS did not go through the San Luis Reservoir Recreation Area and any further analysis in this area will focus on alignment options that avoid this, and other State Parks.

**AS004-64**

Acknowledged.

**AS004-65**

The proposed HST station option at the downtown Sacramento area does not directly impact the historic sites and attractions listed in the comment. It is beyond the scope of this programmatic analysis to estimate additional visitation to these sites.

**AS004-66**

Acknowledged. Please see standard response 6.12.1.

**AS004-67**

Acknowledged. Please see standard response 6.15.4.

**AS004-68**

Acknowledged.

**AS004-69**

Acknowledged. The HST Interstate 5 Grapevine alignment from Bakersfield to Sylmar has not been selected as part of the preferred system of alignment options. Please see standard response 6.23.1.

**AS004-70**

Acknowledged. Please see standard response 6.23.1.

**AS004-71**

The MTA/MetroLink corridor is an existing rail corridor used by MetroLink commuter services and Amtrak intercity services. Use of the MTA/MetroLink corridor offers opportunities to mitigate potential HST impacts (e.g. by putting the alignment underground, on aerial structure, or by aligning it away from sensitive resources). The HST design option assumes that the alignment would be along San Fernando Road adjacent to Taylor Yards (primarily to avoid curves). The MTA/MetroLink design option along the existing MetroLink right-of-way around the Taylor Yards area should also be considered in future studies. In contrast the I-5/METROLINK alignment option would bisect the Cornfield property with a new, at-grade alignment. Constructing the I-5/METROLINK alignment underground through the Cornfield property would not be practicable because of the need to transition to an aerial structure to serve the LAUS HST station site.

The MTA/MetroLink and Combined I-5/METROLINK options are expected to have similar construction costs. However, the Combined I-5/METROLINK could require approximately 2 miles (3.2 km) of tunneling (including segments under Silver Lake and Elysian Park), and therefore is considered to have more constructability issues than the MTA/MetroLink option. The combined I-5/METROLINK alignment is opposed by the City of Burbank because they believe it would have high impacts to established residential neighborhoods from the use of high-elevated structures over existing freeway overpasses through Burbank.

During the project-level review, in the Sylmar – Los Angeles segment, as well as other highly urbanized areas throughout the system, the Authority will work closely with the potentially affected communities on mitigation measures to avoid, reduce, and/or include feasible measures to mitigate potential impacts to local communities. Please also see standard response 6.24.2.

**AS004-72**

The Cornfield and Taylor Yard Properties are included and addressed in the Final Program EIR/EIS and if affected will be subject to a full 4(f) analysis during project level environmental review. The greater site-specific focus of the subsequent project level analysis will allow for further avoidance and minimization efforts, as well as identification of specific mitigation, if impacts cannot be avoided. The Authority has identified the MTA/Metrolink alignment, which avoids the Cornfield property, as the preferred alignment. Between Burbank and Los Angeles Union Station, the MTA/Metrolink alignment refers to a relatively wide corridor within which alignment variations will be studied at the project level. This preference is due in part, because it would have fewer potential effects on both the Cornfield Property and the Taylor Yards. Please also see standard response 6.24.2.

**AS004-73**

Acknowledged.

**AS004-74**

Acknowledged. The LOSSAN Conventional Rail Improvements have been removed from the Final Program EIR/EIS. Conventional rail improvements are within the purview of Caltrans and the proposed conventional improvements to LOSSAN are the subject of the Caltrans and FRA LOSSAN Rail Improvements Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration. Please see standard response 6.41.1. Please also see standard response 6.34.1.

**AS004-75**

Land development projects are not individually accounted for or named in the cumulative analysis. The developments are generally included in the economic growth analysis, which addresses the

cumulative impacts of growth in conjunction with the system alternatives (No-Project, Modal, and HST) considered in the Final Program EIR/EIS. The South Sacramento Loop Road, the Foothill-south (SR 241) tollway, and LOSSAN corridor improvements are included in the projects considered in the Final PEIR/S cumulative impacts analysis (Section 3.17).

**AS004-76**

Acknowledged.

Comment Letter AS005



Terry Tamminen  
Agency Secretary  
Cal/EPA



Department of Toxic Substances Control

1001 "I" Street, 25<sup>th</sup> Floor  
P. O. Box 806  
Sacramento, California 95812-0806

AS005



Arnold Schwarzenegger  
Governor

August 25, 2004

AUG 27 2004

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

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed California High Speed Train System (SCH No. 2001042045). As you are aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, where hazardous substances have been released. As a potential Responsible Agency under the California Environmental Quality Act (CEQA), DTSC is submitting comments to ensure that the environmental documentation prepared for this project adequately addresses the potential environmental impacts associated with any remediation activities, which may be required to address hazardous substances release(s) within the proposed project area.

We note that the draft EIR/EIS analyzes a proposed high speed train (HST) system and compares it with a No Project/No Action Alternative (No Project) and a Modal Alternative (potential improvements to the highways and airports serving the same intercity travel demand and the HST Alternative). The EIR/EIS Summary indicates that after public comments are considered, the California High Speed Rail Authority (Authority) may select a preferred HST corridor/alignment, general station locations, and recommended mitigation strategies, and may recommend further measures to consider in more detail at the project level to avoid and minimize potential adverse environmental impacts. Should the HST system be approved, subsequent phases of project development would include project specific environmental analysis for a segment or segments and station locations of the proposed HST system.

Section 3.11 of the EIR/EIS provides a good discussion of the regulatory requirements for hazardous substances and the criteria to be used to identify study areas for the presence of hazardous waste and materials. The EIR/EIS discusses the need to check the proposed route(s) against all environmental databases to evaluate the potential for

Mr. Dan Leavitt  
August 25, 2004  
Page 2

contaminated sites and the need to remediate the sites. The EIR/EIS also discusses, in very general terms, the potential impacts from hazardous substance releases on the construction, operation and maintenance of the proposed alternatives. Section 3.11.5 indicates that further analysis and specific mitigation will be included in subsequent project-level analysis and identifies tasks that will be performed during the project-level environmental review.

DTSC agrees with the discussion/analysis provided in the Program EIR/EIS. Once the preferred route is identified, the route should be the subject of an environmental database search. Site assessments should be conducted prior to construction to determine if any hazardous substances are present. For example, former agricultural land may contain pesticide residues, while land adjacent to existing roadways may contain lead that was aerially deposited from automobile exhaust. Depending on the results of the assessment, soil and/or groundwater sampling may be necessary to determine whether a site will need to be addressed at the project-specific level.

Issues to consider during future project-specific level analyses include, but are not limited to, the following:

- an assessment of air impacts and health impacts associated with excavation activities;
- identification of any applicable local standards which may be exceeded by excavation activities, including dust levels and noise levels;
- transportation impacts from the removal or remedial activities; and
- the risk of upset should an accident occur at the site or in transit to disposal.

As a potential Responsible Agency, DTSC will continue to monitor the progress of the proposed High Speed Train System. Please contact me at (916) 322-8955 if you have any questions or would like to schedule a meeting to discuss our comments further.

Sincerely,

Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section

cc: See next page

AS005-1  
cont.

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CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

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**Comment Letter AS005 Continued**

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Mr. Dan Leavitt  
August 25, 2004  
Page 3

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**Response to Comments of Guenther W. Moskat, Chief of Planning and Environmental Analysis Section, California Department of Toxic Substances Control, August 27, 2004 (Letter AS005)**

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**AS005-1**

Acknowledged.

Comment Letter AS006

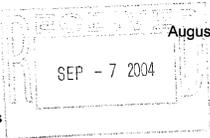
AS006

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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

Re: Proposed High-Speed Train System Draft Program EIR/EIS

Dear CA High-Speed Rail Authority:

Thank you for the opportunity to comment on the Proposed High-Speed Train (HST) System Draft Program Environmental Impact Report/Environmental Impact Statement (DEIR/EIS). The Program EIR/EIS addresses the potential environmental impacts of the proposed HST system at a conceptual and planning level. The document indicates the program-level analysis of the biological resource impacts uses data that is representative rather than complete, and is intended for comparison purposes between alternatives. The DEIR/EIS analyzes a proposed HST Alternative and compares it with a No Project/No Action Alternative and a Modal Alternative (potential improvements to the highways and airports serving the same intercity travel demand as the HST alternative). Should the HST advance to the next stage of analysis, subsequent phases of project development would include project-specific environmental analysis for a segment or segments and station locations of the proposed HST system.

AS006-1

Commission staff has not had the opportunity to review the entire document in detail; however, at this time, given the general nature of the programmatic analysis, we would like to offer some general comments on the range of alternatives we believe should be considered in preparing a program-level EIR/EIS for this project. In particular, we feel the DEIR/EIS should include more specific analysis of the project's relationship to and affect on demand for other known transportation improvement projects, particularly those within the LOSSAN (Los Angeles to San Diego and San Luis Obispo) rail corridor and Interstate 5 (I-5) corridor in South Orange County and San Diego County.

The DEIR/EIS raises several significant questions regarding the need to coordinate the potential mass transit and highway projects being considered to serve the projected demand for transportation improvements in the future. The stated objective of the HST system is "to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as intercity travel demand in California increases, in a manner sensitive to and protective of California's unique natural resources. The system needs to be practicable and feasible as well as economically viable. The system should maximize the use of existing transportation corridors and rights-of-way, be implemented in phases, and be completed by 2020".

AS006-2

Our comments will focus primarily on the portion of the proposed HST alignment in the coastal zone in Orange and San Diego Counties. Section 30252 of the Coastal Act encourages the provision and extension of transit service to serve new development and

AS006-3

CA High Speed Rail Authority
August 30, 2004
Page 2

maintain and enhance public access to the coast. In San Diego County, the existing LOSSAN and I-5 corridors cross several lagoons which include wetlands and other environmentally sensitive habitat that are protected by Sections 30233 and 30240 of the Coastal Act. Section 30233 limits allowable uses for wetland fill to eight allowable uses, typically including water-dependent and habitat restoration activities, and not including the proposed type of development. Section 30240 of the Coastal Act limits uses within environmentally sensitive habitat areas to only uses dependent on the resources and compatible with the continuance of those habitat and recreation areas. Section 30231 requires the biological productivity of coastal wetlands to be maintained and, where feasible, restored. The Chapter 3 policies of the Coastal Act will be used as the standard of review for the portions of this project crossing the lagoons and they are attached for your reference.

AS006-3 cont.

The DEIR/EIS indicates, in the Los Angeles to San Diego via Orange County region, the proposed HST Alternative would extend no further south than from Los Angeles to Irvine. The use of conventional (non-electric) train technology from Los Angeles to San Diego along an improved LOSSAN rail corridor (currently used by Amtrak, Surfliner, Metrolink, and the Coaster commute services) is being considered as part of this document. Using the technical data from this document, Caltrans and the U.S Dept. of Transportation Federal Railroad Administration (FRA) are also preparing a separate program EIR/EIS that considers conventional (non-electric) improvements on the LOSSAN corridor, since Caltrans would be responsible for those improvements.

AS006-4

The LOSSAN Corridor Strategic Plan has been published and the draft EIR/EIS has been released for public review. Commission staff has attended a number of meetings for this effort and participated in the screening alternatives analysis. We concur with the options being eliminated from further consideration within the LOSSAN and I-5 corridors, and have concerns regarding some remaining options as discussed in the following comments. Regarding the South Orange County Inland Bypass Alternative, please refer to the attached Coastal Commission Staff comments on the DEIR/EIS for South Orange County Infrastructure Improvement Project (SOCTIIP). Any potential HST alternative attempting to coincide with potential highway corridors traversing the San Mateo Creek watershed would raise the same significant conflicts with Coastal Act policies identified in the attached comment letter.

In section S.4.4 Areas of Controversy, the DEIR/EIS indicates concerns have been raised regarding potential impacts from double-tracking (adding a second track adjacent to the existing track) in sensitive coastal lagoons for non-electric service in San Diego County. In addition, concerns have been raised regarding potential impacts on coastal bluffs, beaches, views, historic areas, and sensitive habitat communities along the coast for non-electric service improvements to the existing LOSSAN rail corridor between South Orange County and San Diego. Of the design options that were carried forward from the screening analysis, we concur with the objections that have been raised to the short tunnel concept through San Clemente, which would double-track the rail alignment along the beach through Dana Point, the Doheny State Beach facilities and below the Marblehead site. In addition, we support the design options of tunneling under Camino Del Mar or I-5 to bypass the Del Mar coastal bluffs, however further analysis is necessary to determine the least environmentally damaging option.

AS006-5

The document states a fully-dedicated alignment for the HST is not possible within existing right-of-ways. In San Diego County, only two distinct alignments were studied:

AS006-6



U.S. Department of Transportation
Federal Railroad Administration

**Comment Letter AS006 Continued**

CA High Speed Rail Authority  
 August 30, 2004  
 Page 3

LOSSAN and I-5. Due to the terrain and pattern of residential development in coastal San Diego County, no other options were determined feasible. In addition, within the LOSSAN corridor, in several areas, constraints have been identified that would require any potential double-tracking to occur within a new alignment, such as I-5. However, it is not clear within the document how the improvements necessary to serve the HST would compare to the double-tracking alternative being analyzed for conventional improvements to the rail, commuter and freight service along the LOSSAN corridor.

The DER/EIS should make clear the distinction between improvements necessary for the non-electric HST compared to those necessary for double-tracking within the LOSSAN corridor, including but not limited to, relocation of the existing alignment from the beaches and bluffs in San Clemente/Dana Point and Del Mar areas. In some respects, because the fully-dedicated alignment is not feasible, it appears the coastal alignment for the HST in San Diego County is not an option. However, this is not clearly stated and the DEIR/EIS does not identify the coastal alignment as an alternative eliminated from further consideration. Please address why a clear choice between the coastal and inland alignment for the HST system is not part of this program-level analysis.

As stated, due to environmental constraints within the existing LOSSAN corridor immediately along the coast in South Orange County and Del Mar, viable alternatives include relocating the entire alignment to I-5 in San Clemente/Dana Point, and to either I-5 or Camino Del Mar in the Del Mar area. We encourage such relocation and feel the DEIR/EIS should also address the level of use that would remain in the existing right-of-way, if such relocation should occur. The project specific DEIR/EIS for improvements in these areas should also include a thorough analysis of the impacts associated with retention or removal of the existing right-of-way alignment/improvements. Specifically regarding the Camino Del Mar vs. I-5 alternatives, a thorough analysis of the impacts to Los Penasquitos Lagoon from removal of the berm and railroad crossing compared to the impacts to San Dieguito Lagoon from a new railroad crossing must be provided in order to determine the least environmentally damaging alternative.

Because both the HST and LOSSAN Corridor Improvement Studies contemplate alternatives utilizing the I-5 right-of-way, these projects and the associated analysis must coordinate with the Caltrans I-5 highway widening project currently under consideration. Specifically, coordination efforts and the NEPA/404 process are ongoing for the North Coast Interstate 5 HOV/Managed Lanes Corridor Project which involves either ten (10) or eight (8) general purpose plus four (4) high-occupancy vehicle (HOV) additional lanes within the I-5 corridor from State Route 52 to the Orange County line. Therefore, it appears the Modal Alternative identified in the DEIR/EIS does not represent the full scale of the highway improvements contemplated along the I-5 corridor. Due to the potential for rail improvements to also utilize the I-5 corridor, we feel this EIR/EIS should contain a comparative analysis of the effects of the proposed HST system, double-tracking and the I-5 widening project on the environment and traffic circulation. The analysis should address how implementation of the HST system and/or double-tracking would affect the demand for additional lanes on I-5 so the appropriate combination of alternate transit and highway improvements can be implemented to serve the region.

The historic rights-of-way serving the LOSSAN and I-5 transportation corridors have been constructed on berms which have had a deteriorating effect on the tidal prism and habitat values within Los Penasquitos, San Dieguito, San Elijo, Batiqitos, Agua

AS006-6  
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AS006-7

AS006-8

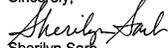
AS006-9

CA High Speed Rail Authority  
 August 30, 2004  
 Page 4

Hedionda and Buena Vista Lagoons and their watersheds. We recognize these rail and highway corridors and impacts exist; however, any improvements to these corridors must be done in a manner that acknowledges past impacts and represents a significant benefit or improvement to the lagoon environment in order to be given serious consideration as to their permissibility under the Coastal Act. In addition, any potential impacts on the lagoon environment should be done only once for the least environmentally damaging combination of improvements having the greatest long-term benefit to coastal resources, regional traffic and public access to the coast. For any impacts that are unavoidable and allowable, maximum mitigation will be required.

In addition, most of these lagoons are under the care of a management entity or foundation that has completed or is in the process of developing a restoration plan for the lagoon ecosystem. Any highway or rail projects should correspond to the recommendations in those plans for improvements to the lagoon environment. Any project analysis should also include consideration of impacts to the City of San Diego Multiple Species Conservation Plan (MSCP) and County of San Diego Multiple Habitat Conservation Plan (MHCP) planning efforts, portions of which have been incorporated into the certified local coastal programs (LCPs) for those areas in the coastal zone.

In summary, we believe this document as well as the program DEIR/EIS for the LOSSAN Corridor Improvement Studies and any environmental documents for I-5 improvements should consider the full range of potential transportation improvements within I-5 and the LOSSAN corridor crossing these sensitive watersheds, so impacts can be minimized or avoided to the extent possible. The purpose of a comprehensive approach would be to determine the best combination of mass transit and highway improvements having the least impact and most benefit to coastal resources and public access. Although we understand this is program-level review, we feel this is the appropriate time to identify the issues that must be addressed in order to allow the Coastal Commission to review these potential projects for consistency with the Coastal Act. Please call me with any questions or if you need further clarification.

Sincerely,  
  
 Sherilyn Sarb  
 District Manager

- cc: Chuck Damm
- Deborah Lee
- Tami Grove
- John Dixon
- Teresa Henry
- Richard Chavez
- Bruce April
- John DiGregoria
- Nancy Frost
- Ben Frater
- Pam Beare
- Bob Hoffman

(G:\San Diego\SHERILYN\Transportation\HST Comments DEIR,EIS 8.30.04.doc)

AS006-9  
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AS006-10



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

## Comment Letter AS006 Continued

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD: (415) 904-5200

July 30, 2004

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AUG 03 2004

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICTMacie Cleary-Milan  
Deputy Director, Environmental and Planning  
Transportation Corridor Agencies  
125 Pacifica, Suite 100  
Irvine, CA 92618-3304Re: Coastal Commission Staff Comments on Draft EIR/EIS, South Orange County  
Transportation Infrastructure Improvement Project (SOCTIIP)

Dear Ms. Cleary-Milan:

Please accept the California Coastal Commission (CCC) staff's comments on the above-referenced Draft EIR/EIS. Due to budget constraints we have not had the opportunity to more than cursorily review this document, so these comments will necessarily be brief and incomplete.

**I. Overall Concerns.**

We are deeply concerned over the serious adverse environmental effects from any of the alternatives which would traverse the San Mateo Creek watershed (i.e., alternatives A7C-FEC-M, FEC-W, and FEC-M). We have not had time to review the traffic information thoroughly, but from our brief review it is unclear the degree to which mass transit options being considered for southern California (e.g., the California High Speed Rail Project) would reduce congestion on I-5 between Orange and San Diego Counties. Even assuming that one of the "build" alternatives is justified on a traffic congestion basis, we do not believe any of these three San Mateo Creek alignment alternatives could reasonably be determined the least environmentally damaging feasible alternative, given their significant and unmitigable adverse effects to one of the most, if not *the* most, undeveloped and pristine coastal watershed in southern California. Each of these alternatives would raise fundamental policy conflicts with the Coastal Act, in that the proposed highway could not be found to be an allowable use under Section 30240 of the Coastal Act, which limits uses within environmentally sensitive habitat areas to "... only uses dependent on environmentally sensitive habitat area resources," or with Section 30233 of the Coastal Act, which limits allowable uses for wetland fill to eight allowable uses (typically water-dependent and habitat restoration activities, and none of which apply to this project). In addition, these alternatives would seriously diminish the habitat values for a number of threatened and endangered species and wetlands in the San Mateo Creek watershed. They would thus be inconsistent with other sub-sections of these Coastal Act policies (including, but not limited to, the requirement of 30233 for adoption of the least environmentally damaging feasible project alternatives).

These alternatives would also be inconsistent with a number of other specific requirements of the Coastal Act, including the requirements of Section 30251 to minimize grading and natural landform alteration (these alternatives would entail 40-80 million cubic yards of grading,

Page 2

according to EIR/S Table 2.4-5, p. 2-95), and the requirements of Sections 30210-30212 and 30240(b) to protect public access and recreation (the proposal would seriously degrade the recreation values of the adjacent campground and nature trail in San Onofre State Park). We are also greatly concerned over potential water quality impacts (as addressed in Section 30231 of the Coastal Act).

**II. Specific Comments.**

Page ES-27 should read "consistency certification," not "consistency determination" in the paragraph beginning "CCC."

We take exception to the conclusion on page ES-49 that because there have been variations in past studies concerning noise impacts on birds, "substantive adverse impacts to local avifauna ... is not anticipated." This conclusion is unwarranted and defies common sense.

Page ES-43 notes that the California Coastal Act contains more stringent regulations than the Army Corps. For clarification, including for consideration of mitigation measure WW-11 on page ES-45, and for any consistency certification and/or coastal development permit ultimately submitted, the TCA will need to perform wetland delineation(s) using Coastal Act definitions. To assist this effort, please review Attachment 1 to this letter, which clarifies the difference between "Army Corps" and "CCC" wetland definitions. Furthermore, what is omitted in the EIS discussion, is that one of the "more stringent" policies (as discussed in Section I above), is that under the Coastal Act's "allowable use" test, any alternative which involves fill of wetlands could not be found consistent with Section 30233 of the Coastal Act.

Page ES-108-109, discussing Coastal Commission procedures and concerns, is incomplete. The alternatives cited as not triggering a CDP (because they are outside the coastal zone) should be followed by: "However, if any of those alternatives would affect coastal zone resources, a consistency certification would be required." The following list Coastal Commission concerns contained on these EIS pages is overly narrow, as it omits public access and recreation concerns (including effects on San Onofre State park campground, which is used for coastal recreation and was established as mitigation for a campground originally within the coastal zone but displaced by the San Onofre Nuclear Generating Station). The list should also include water quality, air quality, marine resources, recreational fishing, geologic hazards, minimizing energy consumption and vehicle miles traveled, and public works capacities and facilities.

We strongly reject the conclusion stated on page ES-109 that because development in the coastal zone would need a coastal development permit, "Therefore, the SOCTIIP build Alternatives have no cumulative impacts on the coastal zone." All of the SOCTIIP "build" Alternatives, but most particularly the alternatives traversing the San Mateo Creek watershed (i.e., alternatives A7C-FEC-M, FEC-W, and FEC-M), would have significant adverse individual and cumulative impacts on a number of coastal zone resources. Furthermore, we do not understand how this EIS conclusion could be reconciled with the conclusion on page ES-54 that:

*Under NEPA, the unavoidable adverse impacts of the SOCTIIP build Alternatives related to wildlife and vegetation would be substantial and adverse even after mitigation ... For*

**Comment Letter AS006 Continued**

Page 3

*the FEC-M, FEC-W, A7C-FEC-M, CC, CC-ALPV, and ALC-ALPV Alternatives, the effects of general habitat loss, wildlife loss (including sensitive species) and habitat fragmentation are anticipated to result in substantial impacts even after mitigation.*

The accompanying mitigation measures on pp. ES-52-53 and ES-58-60 (for threatened and endangered species) may minimize wildlife impacts, but given the proposed significant adverse effects from direct habitat displacement, habitat fragmentation, 40+ (up to 80) million cubic yards of grading (Table 2.4-5, p. 2-95), noise, runoff and erosion, we do not believe these measures would adequately mitigate, or reduce to a level of non-significance, the significant adverse effects on the affected sensitive wildlife resources.

Page 4.10-16 (mitigation measure WW-3). For alternatives FEC-M, FEC-W, A7C-FEC-M, and any other alternative for which a consistency certification will be submitted, please add the Coastal Commission to the list of agencies to receive any mitigation, management, monitoring measures, water quality plans, and other resource agency coordination measures.

Page 4.10-7. The discussion about the Coastal Commission could be confusing, as it mentions the Coastal Zone Management Act but not the specific requirement for a consistency certification. This could be remedied by referencing any such discussion elsewhere in the document, or by adding a sentence to this effect in this paragraph. Also, for clarity, we recommend a more specific description of the coastal zone in San Clemente and northwestern Camp Pendleton, along the lines of: "the coastal zone in the project area generally ranges from about 1000 ft. in northern San Clemente to about 4000 ft. in the San Mateo Creek watershed."

Page 4.10-7 (as well as the discussion on 4.10-15). The wetland discussion references Army Corps delineations, but not Coastal Act delineations, which differ (please see the third "specific comment" above (p. 2), and Attachment 1). Page 4.10-15 more specifically references the Coastal Act, but we want to be clear how the wetland criteria differ, which any wetland delineator will need to take into consideration.

Page 4.11-42. The document states the mitigation ratios would be 1:1 or whatever regulatory standard is applicable. Please be advised that depending on the resource and the impact, as a general rule of thumb the Commission generally requires greater than a 1:1 ratio. For example, in our recent objection to the "Border Fence" project, the CCC determined the mitigation ratios proposed insufficient, requiring "...increas[ing]... the habitat mitigation ratios to 4:1 for coastal salt marsh (including disturbed coastal salt marsh), to 3:1 for disturbed maritime succulent scrub, to 3:1 for southern maritime chaparral, and to 3:1 for disturbed coastal sage scrub." (CC-063-03)

Page 4.11-52. Please explain why Caltrans will be assuming mitigation responsibilities for mitigation after 3 years of corridor operation, and how funding for such mitigation will be guaranteed.

**III. Procedural Issues.** As we informed TCA in our letter to Nancy Lucast dated September 25, 1996 (Attachment 2), a number of the alternative alignments being considered would trigger the need for a consistency certification to the Commission, as well as, depending on the alternative,

Page 4

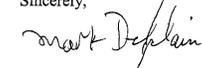
possible coastal development permits from the City of San Clemente and/or the Coastal Commission (if any physical development is proposed seaward of the coastal zone boundary).

Alignments now entitled A7C-FEC-M, FEC-W, and FEC-M would require submittal of both a consistency certification (for the entire project) and a coastal development permit application (for the portion of the project seaward of the coastal zone boundary on Camp Pendleton) to the Commission, for the reasons explained in the attached letter.

Any coastal development permitting requirement would arise under the California Coastal Act of 1976, as amended (PRC 20 Section 30000, et seq.). The federal consistency requirement arises under Section 307 of the Coastal Zone Management Act, 16 U.S.C. Section 1456 (with implementing regulations at 15 CFR Part 930).

Thank you for the opportunity to comment. If you have any questions or comments, please feel free to contact me at (415) 904-5289.

Sincerely,



MARK DELAPLAINE  
Federal Consistency Supervisor

Attachments (2)

cc: San Diego Coast District Office  
South Coast District Office

**Comment Letter AS006 Continued**

Page 5

Attachment 1Definition of Wetlands

Various state and federal agencies are charged with regulating the use of wetlands within the Coastal Zone, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the California Coastal Commission. While each of these agencies regulates wetlands under a different statutory authority, they all define "wetland" based on three basic parameters: hydrology, soil type, and vegetation. Generally speaking, the Corps uses the narrowest definition, requiring evidence of each of the three wetland parameters. USFWS, CDFG, and the Commission generally accept evidence of positive field indicators of any one of the three parameters to demonstrate that an area is a wetland, i.e. areas wet long enough to bring about the formation of hydric soils or to support the growth of wetland plants. This difference is often expressed as a "three parameter" versus a "one parameter approach."

For additional background, the wetland definition used by the Corps is provided in the Corps 1987 Wetland Delineation Manual (Environmental Laboratory 1987) states in part:

*Definition: The CORPS (Federal Register, Section 328.3(b), 1991) and the EPA (Federal Register, Section 230.4(t), 1991) jointly define wetlands as: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*

The USFWS, CDFG, and Coastal Commission wetland definitions (the last of which is the applicable standard of review in this case) are all based on a classification scheme published in Cowardin et al. (1979). The Cowardin classification system provides:

*Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes<sup>1</sup>; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.*

Consistent with Cowardin, the wetland definitions provided under the Coastal Act and the Commission's administrative regulations are based on periodic or permanent wetland hydrology. Coastal Act Section 30121 defines wetland as:

*Wetland means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens.*

<sup>1</sup> Normally, a particular vegetation type (e.g., hydrophytic vegetation) is considered to predominate when it makes up more than 50% of the vegetation.

Page 6

Commission Regulation Section 13577(b) elaborates:

*...Wetlands are lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deepwater habitats....*

**Comment Letter AS006 Continued**

**CHAPTER 3  
COASTAL RESOURCES PLANNING AND  
MANAGEMENT POLICIES**

**ARTICLE 1  
GENERAL**

Section

30200 Policies as standards; resolution of policy conflicts

**ARTICLE 2  
PUBLIC ACCESS**

Section

30210 Access; recreational opportunities; posting  
 30211 Development not to interfere with access  
 30212 New development projects; provision for access; exceptions  
 30212.5 Public facilities; distribution  
 30213 Lower cost visitor and recreational facilities; encouragement and provision,  
 overnight room rentals  
 30214 Implementation of public access policies; legislative intent

**ARTICLE 3  
RECREATION**

Section

30220 Protection of certain water-oriented activities  
 30221 Oceanfront land; protection for recreational use and development  
 30222 Private lands; priority of development purposes  
 30222.5 Oceanfront land; protection for aquaculture use and development  
 30223 Upland areas  
 30224 Recreational boating use; encouragement; facilities

**ARTICLE 4  
MARINE ENVIRONMENT**

Section

30230 Marine resources; maintenance  
 30231 Biological productivity; waste water  
 30232 Oil and hazardous substance spills  
 30233 Diking, filling or dredging  
 30234 Commercial fishing and recreational boating facilities  
 30234.5 Fishing; economic, commercial, and recreational importance  
 30235 Revetments, breakwaters, etc.  
 30236 Water supply and flood control  
 30237 Habitat conservation plan; Bolsa Chica

**ARTICLE 5  
LAND RESOURCES**

Section

30240 Environmentally sensitive habitat areas; adjacent developments  
 30241 Prime agricultural land; maintenance in agricultural production  
 30241.5 Agricultural lands; viability of uses  
 30242 Lands suitable for agricultural use; conversion  
 30243 Productivity of soils and timberlands; conversions  
 30244 Archaeological or paleontological resources

**ARTICLE 6  
DEVELOPMENT**

Section

30250 Location, generally  
 30251 Scenic and visual qualities  
 30252 Maintenance and enhancement of public areas  
 30253 Safety, stability, pollution, energy conservation, visitors  
 30254 Public works facilities  
 30254.5 Sewage treatment plants and conditions  
 30255 Priority of coastal-dependent developments

Comment Letter AS007

AS007



Terry Tamminen  
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor



August 30, 2004

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

Re: Draft Program EIR/EIS Comments

To Whom It May Concern:

Enclosed, please find the California Environmental Protection Agency's comments on the Draft Program EIR/EIS and the potential impacts of a statewide high-speed train system.

If you have any questions, please contact me.

Sincerely,

Maureen Gorsen  
Deputy Secretary for Law Enforcement and General Counsel  
Office of the Secretary

Enclosures (2)



Terry Tamminen  
Secretary for  
Environmental  
Protection

California Integrated Waste Management Board

Linda Moulton-Patterson, Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-6000  
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025  
[www.ciwmb.ca.gov](http://www.ciwmb.ca.gov)



Arnold Schwarzenegger  
Governor

August 30, 2004

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

RE: California High Speed Rail Authority – Draft EIR/EIS

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the Draft EIR/EIS for the California High Speed Rail Authority Train System. On behalf of the Legal Office Staff of the California Integrated Waste Management Board (CIWMB), I offer brief comments below. Based on the jurisdiction of the CIWMB, my comments are limited to issues involving non-hazardous waste disposal.

Recognizing that this is a "program" EIR/EIS, it does not adequately plan to address the project impacts on solid waste disposal sites or on solid waste generation and disposal from construction, operation and maintenance of such a project. It only prepares the reader to understand the program analysis, by stating that drafters will know about solid waste disposal sites by consulting the database of such sites as maintained by the Integrated Waste Management Board. The program EIR/EIS does not yet contemplate the need to address diversion, recycling or disposal of solid waste during the construction or operation phases of the project, much less specifically analyze such needs. The program EIR/EIS is more concerned with the potential to address disturbing existing hazardous waste disposal sites or contaminated land on which the project maybe built.

The program EIR/EIS needs, at least, to address the potential for generation of solid waste, and propose to address it specifically before the project phase. This part of a program analysis should conceptually propose the need to deal with demolition and construction debris, its diversion from landfilling, recovery of materials and, then, disposal of the remainder. Furthermore, the program EIR/EIS needs to demonstrate an understanding of the need to analyze the impacts of solid waste generation from trains and station operation during the operational phase.

I am available if you have questions about this letter. Please contact me at (email) [rconheim@ciwmb.ca.gov](mailto:rconheim@ciwmb.ca.gov), or (phone) (916) 341-6076.

Sincerely,

Robert Conheim  
Senior Staff Counsel

California Environmental Protection Agency

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.ciwmb.ca.gov/>

AS007-1



U.S. Department  
of Transportation  
Federal Railroad  
Administration

**Comment Letter AS007 Continued**



Terry Tamminen  
Agency Secretary  
Cal/EPA



**Department of Toxic Substances Control**

1001 "I" Street, 25<sup>th</sup> Floor  
P. O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

August 25, 2004

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

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed California High Speed Train System (SCH No. 2001042045). As you are aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, where hazardous substances have been released. As a potential Responsible Agency under the California Environmental Quality Act (CEQA), DTSC is submitting comments to ensure that the environmental documentation prepared for this project adequately addresses the potential environmental impacts associated with any remediation activities, which may be required to address hazardous substances release(s) within the proposed project area.

We note that the draft EIR/EIS analyzes a proposed high speed train (HST) system and compares it with a No Project/No Action Alternative (No Project) and a Modal Alternative (potential improvements to the highways and airports serving the same intercity travel demand and the HST Alternative). The EIR/EIS Summary indicates that after public comments are considered, the California High Speed Rail Authority (Authority) may select a preferred HST corridor/alignment, general station locations, and recommended mitigation strategies, and may recommend further measures to consider in more detail at the project level to avoid and minimize potential adverse environmental impacts. Should the HST system be approved, subsequent phases of project development would include project specific environmental analysis for a segment or segments and station locations of the proposed HST system.

Section 3.11 of the EIR/EIS provides a good discussion of the regulatory requirements for hazardous substances and the criteria to be used to identify study areas for the presence of hazardous waste and materials. The EIR/EIS discusses the need to check the proposed route(s) against all environmental databases to evaluate the potential for

Mr. Dan Leavitt  
August 25, 2004  
Page 2

contaminated sites and the need to remediate the sites. The EIR/EIS also discusses, in very general terms, the potential impacts from hazardous substance releases on the construction, operation and maintenance of the proposed alternatives. Section 3.11.5 indicates that further analysis and specific mitigation will be included in subsequent project-level analysis and identifies tasks that will be performed during the project-level environmental review.

DTSC agrees with the discussion/analysis provided in the Program EIR/EIS. Once the preferred route is identified, the route should be the subject of an environmental database search. Site assessments should be conducted prior to construction to determine if any hazardous substances are present. For example, former agricultural land may contain pesticide residues, while land adjacent to existing roadways may contain lead that was aerielly deposited from automobile exhaust. Depending on the results of the assessment, soil and/or groundwater sampling may be necessary to determine whether a site will need to be addressed at the project-specific level.

Issues to consider during future project-specific level analyses include, but are not limited to, the following:

- an assessment of air impacts and health impacts associated with excavation activities;
- identification of any applicable local standards which may be exceeded by excavation activities, including dust levels and noise levels;
- transportation impacts from the removal or remedial activities; and
- the risk of upset should an accident occur at the site or in transit to disposal.

As a potential Responsible Agency, DTSC will continue to monitor the progress of the proposed High Speed Train System. Please contact me at (916) 322-8955 if you have any questions or would like to schedule a meeting to discuss our comments further.

Sincerely,

Gyenther W. Moskat, Chief  
Planning and Environmental Analysis Section

cc: See next page

AS007-2  
cont.

AS007-2

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

**Comment Letter AS007 Continued**

Mr. Dan Leavitt  
August 25, 2004  
Page 3

cc: Ms. Maureen F. Gorsen  
Deputy Secretary for Law Enforcement  
and Counsel  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> floor  
Sacramento, California 95814

Ms. Carol Northrup  
Assistant Director  
Department of Toxic Substances Control  
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Mr. James McRitchie, Chief  
Office of Environmental Analysis, Regulations and Audits  
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PO Box 806  
Sacramento, California 95812-0806



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**Response to Comments of Maureen Gorsen, Deputy Secretary for Law Enforcement and General Counsel, California Environmental Protection Agency, August 30, 2004 (Letter AS007)**

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**AS007-1**

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

**AS007-2**

Acknowledged.

**Comment Letter AS008**

**AS008**

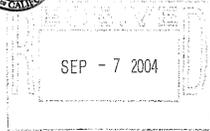
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(916) 445-2407  
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1020 N STREET, ROOM 506  
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FAX (916) 323-2596

*California State Senate*

**MICHAEL J. MACHADO**  
SENATOR, FIFTH DISTRICT



COMMITTEES  
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CALIFORNIA CORRECTIONAL  
SYSTEM  
CAPITOL AREA  
FLOOD PROTECTION  
CENTRAL VALLEY ECONOMIC  
DEVELOPMENT  
DELTA RESOURCES AND  
DEVELOPMENT  
CHAIR  
URBAN ECONOMIC DEVELOPMENT

August 30, 2004

Joseph E. Patrillo, Chair  
California High Speed Rail Commission  
925 L Street Suite 1425  
Sacramento, CA 95814

Dear Mr. Patrillo:

I am writing to request inclusion of the Altamont Pass Alternative as a route for California High Speed Rail.

The Altamont Pass Alternative would enable my constituents to travel to and from work faster, benefiting the environment and improving the quality of life in the Central Valley. Currently, many Central Valley resident undertake lengthy commutes to job centers in the Bay Area. Given traffic backups, and ridership levels along the Capitol Corridor and Altamont Commuter Express trains, the Altamont Pass Alternative provides the demand needed to help offset the capital costs of investing in High Speed Rail.

Thank you for your attention to this request. Please feel free to contact me at (916) 445-2407 if I can be of any further assistance.

Sincerely,

MICHAEL J. MACHADO  
Senator, Fifth District

MJM:cg

AS008-1

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**Response to Comments of Michael J. Machado, Senator, Fifth District, California State Senate, August 30, 2004  
(Letter AS008)**

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**AS008-1**

Acknowledged. Please see standard response 2.18.1.



CALIFORNIA HIGH-SPEED RAIL AUTHORITY



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

Comment Letter AS009

AS009

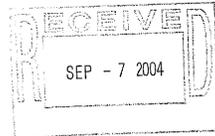
State of California  
DEPARTMENT OF TRANSPORTATION  
Memorandum

Business, Transportation and Housing Agency

*Flex your power!  
Be energy efficient!*

To: MEHDI MORSHED  
Executive Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Date: August 31, 2004



From: WARREN WEBER  
Chief  
Division of Rail

Subject: Draft Program Environmental Impact Report/Environmental Impact Statement (PEIR/EIS) for the Proposed California High-Speed Train System

Attached are comments from the California Department of Transportation (Department) regarding the PEIR/EIS for the Proposed California High-Speed Train System. We would like to thank you for the opportunity to review this document and look forward to working closely with the California High-Speed Rail Authority to implement proposed projects.

If you have any questions about the attached comments, please contact Patrick Merrill, of my staff, in the Department's Division of Rail at (916) 654-7543.

Attachment

c: Dan Leavitt  
California High-Speed Rail Authority

Comments from the Department of Transportation  
Draft Program Environmental Impact Report/Environmental Impact Statement  
for the Proposed California High-Speed Train System  
(SCH#2001042045)

Division of Rail, Capital Projects South

- 1. Page S-4, third paragraph states, "...the projected travel time by High-Speed Train (HST)...between Los Angeles and San Diego would be just over one hour." We believe this could not occur on shared tracks along the LOSSAN Corridor. AS009-1
- 2. Page S-4, last paragraph states, "...small portions of the route on shared track with other passenger rail operations." We do not concur that sharing tracks from Los Angeles to San Diego is a small portion. AS009-2
- 3. Page S-8, second paragraph states, "...the HST Alternative is forecasted to result in denser development..." The presence of HST alone may not promote density increases. There are a number of other factors that should be in place, such as, an integrated transit system design, community partnerships, and the availability of incentives. AS009-3
- 4. Page S-15, second paragraph states, "The HST Alternative would provide a completely separate transportation system..." This may not be possible, if tracks are shared along the LOSSAN Corridor. AS009-4
- 5. Page S-15, fifth paragraph states, "While there would be a potential noise increase due to additional HST services, existing train noise would be reduced in areas with existing grade crossing because horn and crossing gate noise due to grade separation would be eliminated." Since the proposal is to build the HST in/adjacent to existing right-of-way, does this mean grade separations will be built at existing at-grade crossings along the HST system? AS009-5
- 6. Page S-16 - Is there enough room to place the HST infrastructure completely within the existing rail rights-of-way? AS009-6
- 7. Page 2-18 - Generally, mode split highway trips/rail would not be 50%. AS009-7
- 8. Page 3.1-23 - In discussing the HST option between Los Angeles and Fullerton, a four track system is arrayed where two dedicated tracks will be for passenger service and two for freight. The complications of moving freight to the many customers in the corridor would make this option difficult to implement. AS009-8
- 9. Page 3.2-19 - We recommend including an additional consideration for safety and external security enhancements in concert with newly instituted Federal efforts. Given the recent terrorist events, mode safety will continue to be a factor weighed in choice. AS009-9

**Comment Letter AS009 Continued**

- 10. Page 3.2-22 - The first bullet under "Environment" states "...fully fenced and grade-separated (including grade crossings)..." The track cannot be fully fenced as it would mean keeping customers out of stations and obstructing rail yards. Additionally, does this mean that there will be no track at-grade anywhere at all along the proposed HST system? AS009-10
- 11. Page 3.7-11 - The second paragraph in Section B states "...Along some of the potential alignments in all regions except the LOSSAN corridor, there would be potential for localized impacts on community cohesion..." Whenever additional tracking is being considered, the potential for localized impacts on community cohesion exist, even along the LOSSAN corridor, and should be studied as part of the project-level analysis. AS009-11
- 12. Page 3.7-12 - The last sentence of the second paragraph states, "Also, in several of the rail corridors under consideration, rail activity could be expanded within the existing right-of-way and would not require additional right-of-way." This expansion of rail activity within the existing right-of-way would be difficult in numerous segments along the LOSSAN corridor. Due to very constrained rights-of-way, it is not reasonable to assume that a project of this magnitude could avoid right-of-way procurement. AS009-12
- 13. Page 3.7-24 - The first sentence of the page states, "The second alignment option traveling south out of Los Angeles Union Station (LAUS) would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." What is meant by "adjacent"? Is this something different than being located in the same right-of-way as the LOSSAN corridor? AS009-13
- 14. Page 3.7-25 - The first sentence of the page states, "Under the HST Alternative, no new physical barrier to neighborhood interaction would be created." The HST Alternative has 2 subcomponents, a high-end and a low-end. The low-end may exacerbate an existing physical barrier to neighborhood interaction, especially in coastal communities, as well as those in urban neighborhoods whose community is integrated into the existing corridor on both sides of the track. AS009-14
- 15. Page 3.7-25 - Contained within the Property Section, the proposed HST Alternative is described as having a high potential for property impact. The following Section, Environmental Justice, describes the HST Alternative has having low potential. During the study of the Commerce to Fullerton Triple Track Project, the California Department of Transportation (the Department) learned that many of the properties that would be impacted are also predominately socio-economically challenged populations. We believe that the HST Alternative would have a high potential for environmental justice impact in these areas. AS009-15
- 16. Page 3.9-19 - It was our understanding that the long single tunnel (no station) option was eliminated as part of the California High-Speed Rail Authority (CHSRA) screening process. AS009-16

- 17. Page 3.11-5 - Contained in Table 3.11.3-1, there is an \* which states, "Totals presented do not include the identified LOSSAN sites because this segment is not a part of the HST Alternative defined for the representative demand." We are unclear what this means. AS009-17
- 18. Page 3.15-29 - The first sentence in the HST Alternative section states, "Both the HST alignment options and the conventional improvements would be located within existing rights-of-way..." However, the first sentence of Page 3.7-24 states, "The second alignment option traveling south out of LAUS would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." There appears to be a conflict as to where the alignments will be located. AS009-18
- 19. Page 3.15-30 - Two options are described for Dana Point/San Clemente. However, Page 3.9-19 describes a third option, the long single tunnel (no station). Will the CHSRA carry two or three options forward for Dana Point/San Clemente? AS009-19
- 20. Page 4-6 - Section F describes the HST projected annual operation and maintenance costs. Costs for purchase of the fleet, depreciation and interest, propulsion fuel and labor (for both fleet maintenance and the day-to-day operations) have not been included. We recommend all costs associated with operations and maintenance be included in this section. AS009-20
- Division of Rail, Capital Projects North
- 21. Page 1-8 (Table 1.2-3) footnote "d" fails to mention that travel time from Burbank (Airport) to San Jose downtown is at least 1/2-hour less on the *Pacific Surfliner* than the *San Joaquin*. This alternative only requires one bus connection: Santa Barbara-San Jose. AS009-21
- 22. Page 1-10 (Section E. Safety) third paragraph refers to a "Coast Corridor (Oakland to Los Angeles)" intercity rail service. While the interstate Amtrak *Coast Starlight* serves this segment, it is not state-supported now. AS009-22
- 23. Page 1-10 (Section F. Modal Connections) - This statement is incorrect: "...other airports remain entirely unconnected to the local and regional transit systems." Bob Hope's (Burbank) Airport receives direct service from the Amtrak *Pacific Surfliners* and *San Joaquin* Thruway bus. Metrolink shares a regional rail station here, too. AS009-23
- 24. Page 2-1 (Section 2.1.1 Modal Alternative) - Why "existing conventional passenger rail was not included in this alternative" is unclear. In the Central Valley, continued improvements to the *San Joaquins* could "meet the same intercity demand that would be served by the proposed HST system" as an affordable alternative. Furthermore, this EIR/EIS makes few references to intercity travel demand served via Greyhound and other private motorcoach operators. If their markets represent an insignificant share of proposed HST ridership, then some discussion should clarify these differences. Such an explanation would balance the extensive review of aviation in the rest of this chapter. AS009-24
- 25. Page 2-12 (Section 2.4.2 Aviation Element) - Stockton Metro Airport (SCK) no longer provides commercial passenger service at this time. Also, not all of the airports listed are AS009-25



**Comment Letter AS009 Continued**

illustrated in Figure 2.4-1 (i.e., Long Beach). This map (which repeats with the same mistakes throughout the study) incorrectly shows intercity rail from Gilroy to San Jose and Los Angeles to Riverside and San Bernardino (shown in the wrong spot). In the north, intercity rail goes to Auburn, not Placerville.

26. Page 3.4-1 (footnote) "This separation **reduces** the need for trains to blow horns at grade crossings and eliminates the need for warning bells." Don't grade separations eliminate both the bells and horn blowing?

27. Comments on right-of-way and compatible land use - Current local land use development near this rail corridor appears to only consider a 20 year Regional Transit visioning plan for a future light rail extension in their EIRs and negative declaration documents. What's important and a negative consequence of this "lack of full visioning to include electric higher speed intercity rail options" are the possible corridor right-of-way setback variations that might be needed and left unaddressed in environmental assessments. Would the "setback widths" restricting local land use development against corridor encroachment be the same for a future high speed intercity train project compared with a much slower future light rail project?

28. In the next 20 years it's a gamble what the Federal Government will fund as far as modern intercity rail improvements. However, some driving forces for "a separate passenger intercity rail corridor of 500 miles or less" in California may be the increased cargo tonnage/year in goods movement needed to sustain a much larger western U.S. regional population and Pacific Rim import/exports. Hauling greater cargo tonnages by air, truck and train (on shared systems becoming more congested with passengers) may have finite limits. Aviation has already "separated out" some of their freight from passenger systems with the emergence of dedicated air cargo bases. But, aviation is probably more expensive than bulk goods transported by freight trains.

29. Ongoing preservation activities of long rail corridors with specified setback widths provided for County and City General Plans is a step that is needed as "front-loaded mitigation" from the HST EIR/EIS for local jurisdiction awareness in a rapidly developing State it would seem.

30. HSRA might consider collaborating with Caltrans and local agencies on right-of-way preservation efforts now in order to mitigate escalating real estate costs as well as impacts on surrounding communities and new planned residential areas.

District 3

31. The proposed HST Alternative, Sacramento to Bakersfield (north) will provide good multi-modal connectivity to the Highway 50 Corridor in Sacramento. So as to facilitate a seamless multimodal system, the analysis of the HST station at Power Inn Road should consider locating the HST station with the existing light rail train station and Park and Ride lot at Power Inn Road in partnership with the Sacramento Regional Transit District.

AS009-25  
cont.

AS009-26

AS009-27

AS009-28

AS009-29

AS009-30

AS009-31

32. The proposed HST could have a major impact to the State highway system where the tracks will be located in the Department's right-of-way, and particularly where the train would cross or directly impact a state highway.

33. Potential impacts to the operation of any State highway or highway interchange due to the construction, maintenance, and operation of the HST system must be assessed during the project specific analysis. A traffic impact study (TIS) or multiple studies should be prepared to assess these impacts.

34. The Department would need to review and, if appropriate, comment on hydraulic/hydrology impacts and specific hydraulic mitigation measures during the "project specific environmental analysis."

District 4

35. The CHSRA should be aware that a "Cooperative Agreement" between the Department and CHSRA for improvements to state highways (HST crossings within the Department's right-of-way), shall be entered into prior to any development activity occurring, such as Project Study Report and PS&E documents. Therefore, the document should be executed early in the project implementation phase.

36. Construction by the CHSRA of improvements which lie within state highway rights-of-way or affect state facilities, shall not be commenced until the CHSRA's original contract plans, involving such work and plans for utility relocations, are approved by the Department's District Director of Transportation (or delegated agent), and until the Department authorizes such work with encroachment permits.

37. Regarding mitigation strategies for potential impacts on surface waters, best management practices that should be considered for stormwater are biofiltration swales and detention, infiltration or wet basins- and not "wetlands." The following sentence in Chapter 3, Hydrology and Water Resources, on page 3.14-19, second bullet needs correction: "These may include measures to provide permeable surfaces where feasible and to retain and treat stormwater onsite using catch basins and treatment (filtering) wetlands."

38. For later project-level environmental review, traffic impact studies may be needed to determine potential impact of auto trips to stations located near U.S. 101.

39. There will be significant construction stage impacts if the alignment encroaches onto the I-880 median between Fremont and San Jose. There is a need for a detailed analysis of potential construction impacts during project level environmental review. If the southern I-880 median alignment is chosen, suggest that lead agency may need to develop a Transportation Mitigation Plan for Departmental review/comment. Traffic studies may also be needed to determine ongoing potential impact of auto trips to stations located near I-880.

40. For later project level environmental review, traffic studies may be needed to determine potential impact if a station is located in Los Banos near I-5.

AS009-32

AS009-33

AS009-34

AS009-35

AS009-36

AS009-37

AS009-38

AS009-39

AS009-40

Comment Letter AS007

AS007



Terry Tamminen  
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor



August 30, 2004

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

Re: Draft Program EIR/EIS Comments

To Whom It May Concern:

Enclosed, please find the California Environmental Protection Agency's comments on the Draft Program EIR/EIS and the potential impacts of a statewide high-speed train system.

If you have any questions, please contact me.

Sincerely,

Maureen Gorsen  
Deputy Secretary for Law Enforcement and General Counsel  
Office of the Secretary

Enclosures (2)



Terry Tamminen  
Secretary for  
Environmental  
Protection

California Integrated Waste Management Board

Linda Moulton-Patterson, Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-6000  
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025  
[www.ciwmb.ca.gov](http://www.ciwmb.ca.gov)



Arnold Schwarzenegger  
Governor

August 30, 2004

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

RE: California High Speed Rail Authority - Draft EIR/EIS

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the Draft EIR/EIS for the California High Speed Rail Authority Train System. On behalf of the Legal Office Staff of the California Integrated Waste Management Board (CIWMB), I offer brief comments below. Based on the jurisdiction of the CIWMB, my comments are limited to issues involving non-hazardous waste disposal.

Recognizing that this is a "program" EIR/EIS, it does not adequately plan to address the project impacts on solid waste disposal sites or on solid waste generation and disposal from construction, operation and maintenance of such a project. It only prepares the reader to understand the program analysis, by stating that drafters will know about solid waste disposal sites by consulting the database of such sites as maintained by the Integrated Waste Management Board. The program EIR/EIS does not yet contemplate the need to address diversion, recycling or disposal of solid waste during the construction or operation phases of the project, much less specifically analyze such needs. The program EIR/EIS is more concerned with the potential to address disturbing existing hazardous waste disposal sites or contaminated land on which the project maybe built.

The program EIR/EIS needs, at least, to address the potential for generation of solid waste, and propose to address it specifically before the project phase. This part of a program analysis should conceptually propose the need to deal with demolition and construction debris, its diversion from landfilling, recovery of materials and, then, disposal of the remainder. Furthermore, the program EIR/EIS needs to demonstrate an understanding of the need to analyze the impacts of solid waste generation from trains and station operation during the operational phase.

I am available if you have questions about this letter. Please contact me at (email) [rconheim@ciwmb.ca.gov](mailto:rconheim@ciwmb.ca.gov), or (phone) (916) 341-6076.

Sincerely,

Robert Conheim  
Senior Staff Counsel

California Environmental Protection Agency

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.ciwmb.ca.gov/>

AS007-1



U.S. Department  
of Transportation  
Federal Railroad  
Administration

**Comment Letter AS007 Continued**



Terry Tamminen  
Agency Secretary  
Cal/EPA



**Department of Toxic Substances Control**

1001 "I" Street, 25<sup>th</sup> Floor  
P. O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

August 25, 2004

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

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed California High Speed Train System (SCH No. 2001042045). As you are aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, where hazardous substances have been released. As a potential Responsible Agency under the California Environmental Quality Act (CEQA), DTSC is submitting comments to ensure that the environmental documentation prepared for this project adequately addresses the potential environmental impacts associated with any remediation activities, which may be required to address hazardous substances release(s) within the proposed project area.

We note that the draft EIR/EIS analyzes a proposed high speed train (HST) system and compares it with a No Project/No Action Alternative (No Project) and a Modal Alternative (potential improvements to the highways and airports serving the same intercity travel demand and the HST Alternative). The EIR/EIS Summary indicates that after public comments are considered, the California High Speed Rail Authority (Authority) may select a preferred HST corridor/alignment, general station locations, and recommended mitigation strategies, and may recommend further measures to consider in more detail at the project level to avoid and minimize potential adverse environmental impacts. Should the HST system be approved, subsequent phases of project development would include project specific environmental analysis for a segment or segments and station locations of the proposed HST system.

Section 3.11 of the EIR/EIS provides a good discussion of the regulatory requirements for hazardous substances and the criteria to be used to identify study areas for the presence of hazardous waste and materials. The EIR/EIS discusses the need to check the proposed route(s) against all environmental databases to evaluate the potential for

Mr. Dan Leavitt  
August 25, 2004  
Page 2

contaminated sites and the need to remediate the sites. The EIR/EIS also discusses, in very general terms, the potential impacts from hazardous substance releases on the construction, operation and maintenance of the proposed alternatives. Section 3.11.5 indicates that further analysis and specific mitigation will be included in subsequent project-level analysis and identifies tasks that will be performed during the project-level environmental review.

DTSC agrees with the discussion/analysis provided in the Program EIR/EIS. Once the preferred route is identified, the route should be the subject of an environmental database search. Site assessments should be conducted prior to construction to determine if any hazardous substances are present. For example, former agricultural land may contain pesticide residues, while land adjacent to existing roadways may contain lead that was aerielly deposited from automobile exhaust. Depending on the results of the assessment, soil and/or groundwater sampling may be necessary to determine whether a site will need to be addressed at the project-specific level.

Issues to consider during future project-specific level analyses include, but are not limited to, the following:

- an assessment of air impacts and health impacts associated with excavation activities;
- identification of any applicable local standards which may be exceeded by excavation activities, including dust levels and noise levels;
- transportation impacts from the removal or remedial activities; and
- the risk of upset should an accident occur at the site or in transit to disposal.

As a potential Responsible Agency, DTSC will continue to monitor the progress of the proposed High Speed Train System. Please contact me at (916) 322-8955 if you have any questions or would like to schedule a meeting to discuss our comments further.

Sincerely,

Gyenther W. Moskat, Chief  
Planning and Environmental Analysis Section

cc: See next page

AS007-2  
cont.

AS007-2

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CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

**Comment Letter AS007 Continued**

Mr. Dan Leavitt  
August 25, 2004  
Page 3

cc: Ms. Maureen F. Gorsen  
Deputy Secretary for Law Enforcement  
and Counsel  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> floor  
Sacramento, California 95814

Ms. Carol Northrup  
Assistant Director  
Department of Toxic Substances Control  
1001 I Street, 25<sup>th</sup> floor  
PO Box 806  
Sacramento, California 95812-0806

Mr. James McRitchie, Chief  
Office of Environmental Analysis, Regulations and Audits  
Department of Toxic Substances Control  
1001 I Street, 22<sup>nd</sup> floor  
PO Box 806  
Sacramento, California 95812-0806

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**Response to Comments of Maureen Gorsen, Deputy Secretary for Law Enforcement and General Counsel, California Environmental Protection Agency, August 30, 2004 (Letter AS007)**

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**AS007-1**

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

**AS007-2**

Acknowledged.

**Comment Letter AS008**

**AS008**

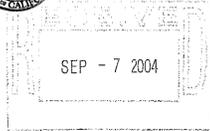
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1020 N STREET, ROOM 506  
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(916) 323-4306  
FAX (916) 323-2596

*California State Senate*

**MICHAEL J. MACHADO**  
SENATOR, FIFTH DISTRICT



COMMITTEES  
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DELTA RESOURCES AND  
DEVELOPMENT  
CHAIR  
URBAN ECONOMIC DEVELOPMENT

August 30, 2004

Joseph E. Patrillo, Chair  
California High Speed Rail Commission  
925 L Street Suite 1425  
Sacramento, CA 95814

Dear Mr. Patrillo:

I am writing to request inclusion of the Altamont Pass Alternative as a route for California High Speed Rail.

The Altamont Pass Alternative would enable my constituents to travel to and from work faster, benefiting the environment and improving the quality of life in the Central Valley. Currently, many Central Valley resident undertake lengthy commutes to job centers in the Bay Area. Given traffic backups, and ridership levels along the Capitol Corridor and Altamont Commuter Express trains, the Altamont Pass Alternative provides the demand needed to help offset the capital costs of investing in High Speed Rail.

Thank you for your attention to this request. Please feel free to contact me at (916) 445-2407 if I can be of any further assistance.

Sincerely,

MICHAEL J. MACHADO  
Senator, Fifth District

MJM:cg

AS008-1

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**Response to Comments of Michael J. Machado, Senator, Fifth District, California State Senate, August 30, 2004  
(Letter AS008)**

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**AS008-1**

Acknowledged. Please see standard response 2.18.1.



Comment Letter AS009

AS009

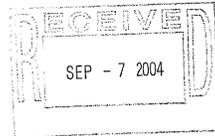
State of California
DEPARTMENT OF TRANSPORTATION
Memorandum

Business, Transportation and Housing Agency

Flex your power!
Be energy efficient!

To: MEHDI MORSHED
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Date: August 31, 2004



From: WARREN WEBER
Chief
Division of Rail

Subject: Draft Program Environmental Impact Report/Environmental Impact Statement
(PEIR/EIS) for the Proposed California High-Speed Train System

Attached are comments from the California Department of Transportation
(Department) regarding the PEIR/EIS for the Proposed California High-Speed
Train System. We would like to thank you for the opportunity to review this
document and look forward to working closely with the California High-Speed
Rail Authority to implement proposed projects.

If you have any questions about the attached comments, please contact
Patrick Merrill, of my staff, in the Department's Division of Rail at
(916) 654-7543.

Attachment

c: Dan Leavitt
California High-Speed Rail Authority

Comments from the Department of Transportation
Draft Program Environmental Impact Report/Environmental Impact Statement
for the Proposed California High-Speed Train System
(SCH#2001042045)

Division of Rail, Capital Projects South

- 1. Page S-4, third paragraph states, "...the projected travel time by High-Speed Train
(HST)...between Los Angeles and San Diego would be just over one hour." We believe
this could not occur on shared tracks along the LOSSAN Corridor. AS009-1
2. Page S-4, last paragraph states, "...small portions of the route on shared track with other
passenger rail operations." We do not concur that sharing tracks from Los Angeles to
San Diego is a small portion. AS009-2
3. Page S-8, second paragraph states, "...the HST Alternative is forecasted to result in
denser development..." The presence of HST alone may not promote density increases.
There are a number of other factors that should be in place, such as, an integrated transit
system design, community partnerships, and the availability of incentives. AS009-3
4. Page S-15, second paragraph states, "The HST Alternative would provide a completely
separate transportation system..." This may not be possible, if tracks are shared along
the LOSSAN Corridor. AS009-4
5. Page S-15, fifth paragraph states, "While there would be a potential noise increase due to
additional HST services, existing train noise would be reduced in areas with existing
grade crossing because horn and crossing gate noise due to grade separation would be
eliminated." Since the proposal is to build the HST in/adjacent to existing right-of-way,
does this mean grade separations will be built at existing at-grade crossings along the
HST system? AS009-5
6. Page S-16 - Is there enough room to place the HST infrastructure completely within the
existing rail rights-of-way? AS009-6
7. Page 2-18 - Generally, mode split highway trips/rail would not be 50%. AS009-7
8. Page 3.1-23 - In discussing the HST option between Los Angeles and Fullerton, a four
track system is arrayed where two dedicated tracks will be for passenger service and two
for freight. The complications of moving freight to the many customers in the corridor
would make this option difficult to implement. AS009-8
9. Page 3.2-19 - We recommend including an additional consideration for safety and
external security enhancements in concert with newly instituted Federal efforts. Given
the recent terrorist events, mode safety will continue to be a factor weighed in choice. AS009-9



**Comment Letter AS009 Continued**

- 10. Page 3.2-22 - The first bullet under "Environment" states "...fully fenced and grade-separated (including grade crossings)..." The track cannot be fully fenced as it would mean keeping customers out of stations and obstructing rail yards. Additionally, does this mean that there will be no track at-grade anywhere at all along the proposed HST system? AS009-10
- 11. Page 3.7-11 - The second paragraph in Section B states "...Along some of the potential alignments in all regions except the LOSSAN corridor, there would be potential for localized impacts on community cohesion..." Whenever additional tracking is being considered, the potential for localized impacts on community cohesion exist, even along the LOSSAN corridor, and should be studied as part of the project-level analysis. AS009-11
- 12. Page 3.7-12 - The last sentence of the second paragraph states, "Also, in several of the rail corridors under consideration, rail activity could be expanded within the existing right-of-way and would not require additional right-of-way." This expansion of rail activity within the existing right-of-way would be difficult in numerous segments along the LOSSAN corridor. Due to very constrained rights-of-way, it is not reasonable to assume that a project of this magnitude could avoid right-of-way procurement. AS009-12
- 13. Page 3.7-24 - The first sentence of the page states, "The second alignment option traveling south out of Los Angeles Union Station (LAUS) would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." What is meant by "adjacent"? Is this something different than being located in the same right-of-way as the LOSSAN corridor? AS009-13
- 14. Page 3.7-25 - The first sentence of the page states, "Under the HST Alternative, no new physical barrier to neighborhood interaction would be created." The HST Alternative has 2 subcomponents, a high-end and a low-end. The low-end may exacerbate an existing physical barrier to neighborhood interaction, especially in coastal communities, as well as those in urban neighborhoods whose community is integrated into the existing corridor on both sides of the track. AS009-14
- 15. Page 3.7-25 - Contained within the Property Section, the proposed HST Alternative is described as having a high potential for property impact. The following Section, Environmental Justice, describes the HST Alternative has having low potential. During the study of the Commerce to Fullerton Triple Track Project, the California Department of Transportation (the Department) learned that many of the properties that would be impacted are also predominately socio-economically challenged populations. We believe that the HST Alternative would have a high potential for environmental justice impact in these areas. AS009-15
- 16. Page 3.9-19 - It was our understanding that the long single tunnel (no station) option was eliminated as part of the California High-Speed Rail Authority (CHSRA) screening process. AS009-16

- 17. Page 3.11-5 - Contained in Table 3.11.3-1, there is an \* which states, "Totals presented do not include the identified LOSSAN sites because this segment is not a part of the HST Alternative defined for the representative demand." We are unclear what this means. AS009-17
- 18. Page 3.15-29 - The first sentence in the HST Alternative section states, "Both the HST alignment options and the conventional improvements would be located within existing rights-of-way..." However, the first sentence of Page 3.7-24 states, "The second alignment option traveling south out of LAUS would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." There appears to be a conflict as to where the alignments will be located. AS009-18
- 19. Page 3.15-30 - Two options are described for Dana Point/San Clemente. However, Page 3.9-19 describes a third option, the long single tunnel (no station). Will the CHSRA carry two or three options forward for Dana Point/San Clemente? AS009-19
- 20. Page 4-6 - Section F describes the HST projected annual operation and maintenance costs. Costs for purchase of the fleet, depreciation and interest, propulsion fuel and labor (for both fleet maintenance and the day-to-day operations) have not been included. We recommend all costs associated with operations and maintenance be included in this section. AS009-20
- Division of Rail, Capital Projects North**
- 21. Page 1-8 (Table 1.2-3) footnote "d" fails to mention that travel time from Burbank (Airport) to San Jose downtown is at least 1/2-hour less on the *Pacific Surfliner* than the *San Joaquin*. This alternative only requires one bus connection: Santa Barbara-San Jose. AS009-21
- 22. Page 1-10 (Section E. Safety) third paragraph refers to a "Coast Corridor (Oakland to Los Angeles)" intercity rail service. While the interstate Amtrak *Coast Starlight* serves this segment, it is not state-supported now. AS009-22
- 23. Page 1-10 (Section F. Modal Connections) - This statement is incorrect: "...other airports remain entirely unconnected to the local and regional transit systems." Bob Hope's (Burbank) Airport receives direct service from the Amtrak *Pacific Surfliners* and *San Joaquin* Thruway bus. Metrolink shares a regional rail station here, too. AS009-23
- 24. Page 2-1 (Section 2.1.1 Modal Alternative) - Why "existing conventional passenger rail was not included in this alternative" is unclear. In the Central Valley, continued improvements to the *San Joaquins* could "meet the same intercity demand that would be served by the proposed HST system" as an affordable alternative. Furthermore, this EIR/EIS makes few references to intercity travel demand served via Greyhound and other private motorcoach operators. If their markets represent an insignificant share of proposed HST ridership, then some discussion should clarify these differences. Such an explanation would balance the extensive review of aviation in the rest of this chapter. AS009-24
- 25. Page 2-12 (Section 2.4.2 Aviation Element) - Stockton Metro Airport (SCK) no longer provides commercial passenger service at this time. Also, not all of the airports listed are AS009-25



**Comment Letter AS009 Continued**

illustrated in Figure 2.4-1 (i.e., Long Beach). This map (which repeats with the same mistakes throughout the study) incorrectly shows intercity rail from Gilroy to San Jose and Los Angeles to Riverside and San Bernardino (shown in the wrong spot). In the north, intercity rail goes to Auburn, not Placerville.

AS009-25 cont.

26. Page 3.4-1 (footnote) "This separation **reduces** the need for trains to blow horns at grade crossings and eliminates the need for warning bells." Don't grade separations eliminate both the bells and horn blowing?

AS009-26

27. Comments on right-of-way and compatible land use - Current local land use development near this rail corridor appears to only consider a 20 year Regional Transit visioning plan for a future light rail extension in their EIRs and negative declaration documents. What's important and a negative consequence of this "lack of full visioning to include electric higher speed intercity rail options" are the possible corridor right-of-way setback variations that might be needed and left unaddressed in environmental assessments. Would the "setback widths" restricting local land use development against corridor encroachment be the same for a future high speed intercity train project compared with a much slower future light rail project?

AS009-27

28. In the next 20 years it's a gamble what the Federal Government will fund as far as modern intercity rail improvements. However, some driving forces for "a separate passenger intercity rail corridor of 500 miles or less" in California may be the increased cargo tonnage/year in goods movement needed to sustain a much larger western U.S. regional population and Pacific Rim import/exports. Hauling greater cargo tonnages by air, truck and train (on shared systems becoming more congested with passengers) may have finite limits. Aviation has already "separated out" some of their freight from passenger systems with the emergence of dedicated air cargo bases. But, aviation is probably more expensive than bulk goods transported by freight trains.

AS009-28

29. Ongoing preservation activities of long rail corridors with specified setback widths provided for County and City General Plans is a step that is needed as "front-loaded mitigation" from the HST EIR/EIS for local jurisdiction awareness in a rapidly developing State it would seem.

AS009-29

30. HSRA might consider collaborating with Caltrans and local agencies on right-of-way preservation efforts now in order to mitigate escalating real estate costs as well as impacts on surrounding communities and new planned residential areas.

AS009-30

District 3

31. The proposed HST Alternative, Sacramento to Bakersfield (north) will provide good multi-modal connectivity to the Highway 50 Corridor in Sacramento. So as to facilitate a seamless multimodal system, the analysis of the HST station at Power Inn Road should consider locating the HST station with the existing light rail train station and Park and Ride lot at Power Inn Road in partnership with the Sacramento Regional Transit District.

AS009-31

32. The proposed HST could have a major impact to the State highway system where the tracks will be located in the Department's right-of-way, and particularly where the train would cross or directly impact a state highway.

AS009-32

33. Potential impacts to the operation of any State highway or highway interchange due to the construction, maintenance, and operation of the HST system must be assessed during the project specific analysis. A traffic impact study (TIS) or multiple studies should be prepared to assess these impacts.

AS009-33

34. The Department would need to review and, if appropriate, comment on hydraulic/hydrology impacts and specific hydraulic mitigation measures during the "project specific environmental analysis."

AS009-34

District 4

35. The CHSRA should be aware that a "Cooperative Agreement" between the Department and CHSRA for improvements to state highways (HST crossings within the Department's right-of-way), shall be entered into prior to any development activity occurring, such as Project Study Report and PS&E documents. Therefore, the document should be executed early in the project implementation phase.

AS009-35

36. Construction by the CHSRA of improvements which lie within state highway rights-of-way or affect state facilities, shall not be commenced until the CHSRA's original contract plans, involving such work and plans for utility relocations, are approved by the Department's District Director of Transportation (or delegated agent), and until the Department authorizes such work with encroachment permits.

AS009-36

37. Regarding mitigation strategies for potential impacts on surface waters, best management practices that should be considered for stormwater are biofiltration swales and detention, infiltration or wet basins- and not "wetlands." The following sentence in Chapter 3, Hydrology and Water Resources, on page 3.14-19, second bullet needs correction: "These may include measures to provide permeable surfaces where feasible and to retain and treat stormwater onsite using catch basins and treatment (filtering) wetlands."

AS009-37

38. For later project-level environmental review, traffic impact studies may be needed to determine potential impact of auto trips to stations located near U.S. 101.

AS009-38

39. There will be significant construction stage impacts if the alignment encroaches onto the I-880 median between Fremont and San Jose. There is a need for a detailed analysis of potential construction impacts during project level environmental review. If the southern I-880 median alignment is chosen, suggest that lead agency may need to develop a Transportation Mitigation Plan for Departmental review/comment. Traffic studies may also be needed to determine ongoing potential impact of auto trips to stations located near I-880.

AS009-39

40. For later project level environmental review, traffic studies may be needed to determine potential impact if a station is located in Los Banos near I-5.

AS009-40



**Comment Letter AS009 Continued**

District 6

- 41. It appears that the Draft EIR/EIS looks to the year 2020 in developing the capacity of the HST system. On page S-14, under Growth Potential, there is information of population growth to 2035. At the program level, the draft needs to go beyond a 15- to 20-year planning horizon and assess the needed capacity of the HST system, to 2035 at a minimum. AS009-41
- 42. Although conceptual, the proposed HST alignment appears to run near and parallel State Route (SR 99) through the San Joaquin Valley. The HSRA needs to coordinate with the Department and regional planning agencies for planning efforts along SR 99, including use of information in the Transportation Concept Report (TCR) and the Route 99 Corridor Master Plan. AS009-42
- 43. The draft should provide a general discussion (matrix) of benefit/cost and environmental comparisons between at-grade, elevated guideway, and below grade (open trench or tunnel) separations. For instance, below grade segments running through built communities may be more environmentally acceptable and cost-effective than an elevated guideway segment. AS009-43
- 44. The location of a high-speed maintenance and storage facility in a central San Joaquin Valley community (Fresno, Tulare, Visalia, Bakersfield, etc.) could be an economic benefit for this high unemployment area of the state with its potential for jobs creation. AS009-44
- 45. Page S-15, second paragraph, first sentence states that the proposed HST system would provide "...an improved level of connectivity between existing transportation modes (air, highway, transit) that would not be provided under the No Project or Modal Alternative." This improved level of connectivity needs to be clearly explained. AS009-45
- 46. Page S-16, first paragraph, third sentence states that the HST Alternative would have "lower impacts because of extensive use of existing right-of-way..." The HSRA needs to address encroachment, operational, and maintenance issues along the rights-of-way of highway facilities. AS009-46
- 47. Page 3.1-6, "Sacramento to Bakersfield" section, the paragraph contains information on the six airports and three intercity highways (SR 99, I-5, and I-80) considered in the analysis of the Modal alternative. There is no discussion of the interconnectivity potential that the HST alternative could provide for the Central Valley airports and intercity highways. AS009-47
- 48. Any positive impact of the HST alternative on goods movement in the Sacramento to Bakersfield segment needs to be emphasized. Goods movement is a concern in the San Joaquin Valley, given the high level of truck traffic on highways and rail freight service on the Union Pacific and Burlington Northern Santa Fe rail lines. AS009-48

- 49. Page 3.1-17, "High-Speed Train Alignment Option Comparisons" section, the list of major alignment and station options includes activity centers in Sacramento, Modesto, Merced and Bakersfield. Given that the City of Fresno is the most populous city in the San Joaquin Valley, Fresno should be listed as one of the major alignment and station options. The Council of Fresno County Governments has taken a position that a high-speed rail station in Fresno County should be located in downtown Fresno. For Fresno, the only station option carried forward for further consideration in the Program EIR/EIS is located in downtown Fresno within the UP Railroad right-of-way. This site would be closest to the city's center, as well as the triangle formed by SR 99, SR 41 and SR 180. This would provide good connectivity (including bus transit) and accessibility, which would result in higher ridership (2.5 to 3.2 million total boardings annually by 2020) and revenue potential than other areas within Fresno County. This station would be generally compatible with existing and planned development and is the preferred choice of the City of Fresno. AS009-49
- 50. Page 3.7-2, under Land Use Compatibility, middle of first paragraph states, "For highway corridors (under the No Project and Modal Alternatives) and for proposed HST, land use compatibility was assessed using GIS layers (or aerial photographs where available)...." The HSRA needs to incorporate information from Caltrans' planning documents and activities for highway corridors potentially impacted by high-speed rail, two of which are described below. AS009-50
- 51. A Transportation Concept Report (TCR) is a long-range planning document that establishes a planning concept for the corridor for a planning horizon (25 years). The TCR provides route data and information, as well as current and projected operating characteristics. Considering reasonable financial and physical constraints, the TCR defines the appropriate Concept Level of Service (LOS) and facility types for each route. It broadly identifies the nature and extent of improvements needed to attain the Concept LOS. Capacity-enhancing improvements, such as lane additions, are the primary focus for LOS attainment. The TCR also identifies transit, the high-speed passenger rail system, and the deployment of Intelligent Transportation Systems as integral to route corridor development. The Ultimate Transportation Corridor, as identified in the TCR, ensures that adequate right-of-way is preserved for the ultimate projects beyond 25 years. AS009-51
- 52. As previously mentioned, the HSRA should coordinate with the Department on the Route 99 Corridor Master Plan, currently being developed. The Department and local communities are working together to develop a master plan to improve the SR 99 corridor. The Route 99 Corridor Master Plan will strengthen community identity, unify freeway improvements, and develop design concepts that tie communities through the San Joaquin Valley together and foster a valley-wide identity. In addition to dealing with aesthetic concerns, the document will address capacity needs as increased regional and interregional traffic puts more stress on the corridor. AS009-52
- 53. The development of the Route 99 Corridor Master Plan will guide public and private sector decisions in the development of the SR 99 Corridor by setting specific improvement approaches and themes. In the spirit of environmental justice, the AS009-53



**Comment Letter AS009 Continued**

<p>Department is looking for public and community involvement, which results in ownership of the plan by everyone.</p>	<p>AS009-53 -cont.</p>	<p>62. How will construction impacts on the regional system be mitigated during the ten-year design-build period? How and when will the decision be made to select contractors, partners and/or private enterprise for Design-Build, Operate and Maintenance of the train system? Would additional legislation need to be in place before such arrangement?</p>	<p>AS009-62</p>
<p>54. The information presented in the Program DEIR is too broad for Traffic Engineering to analyze and comment on. It appears that the proposed alignment would be adjacent or within existing railroad and highway right-of-way. Preliminary engineering drawings are needed to adequately evaluate potential impacts to the existing highway facilities. Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to the Department for review.</p>	<p>AS009-54</p>	<p>63. The CHSRA is considering high-density development at the major center stations. Will this cause increased distribution traffic impact to the state transportation system. If so who would pay for needed mitigation?</p>	<p>AS009-63</p>
<p><u>District 7</u> 55. Other local/regional proposed High Speed Rail (HSR) Projects need to be mentioned in the program document such as the numerous Southern California HSR MagLev studies, as well as the proposed Las Vegas, Nevada to Anaheim, California (Disneyland) project.</p>	<p>AS009-55</p>	<p><u>District 10</u> 64. Map 4 - Sacramento to Bakersfield. The BNSF alignment to the east of Stockton does not depict a potential station (unlike the UPRR alignment that shows the ACE Downtown Station). A potential rail station should be considered and depicted for the BNSF rail alignment to the east of Stockton. Also, a discussion about intermodal transportation connections should be included (re. connection to AMTRAK, regional bus system, ACE train, etc.).</p>	<p>AS009-64</p>
<p>56. Preferred alignment from Kern County into North LA County – A preferred alignment should be determined and included in the FEIR/FEIS program document. SCAG's Palmdale to LAX study may be an additional resource in respect to the Palmdale alignment.</p>	<p>AS009-56</p>	<p>65. Map 5 - Stockton to Merced. The map depicts proposed alignments that bypass Modesto and Merced to the west of each respective city. These bypass alignments can be growth inductive, and the EIR should discuss and address these issues and potential impacts.</p>	<p>AS009-65</p>
<p>57. Future alignments of the HST system in Southern California – how will the ultimate California HST connection(s) between the Los Angeles Union Station and San Diego be implemented?</p>	<p>AS009-57</p>	<p>66. Maps 5 and 6 - Stockton to Merced, and Merced to Fresno. The two proposed alignments are to the west of the new UC Merced campus (under construction). The EIR should include a discussion concerning options to include and support the new UC Merced campus and students.</p>	<p>AS009-66</p>
<p>58. Planning Coordination – A need for the Authority and Departmental coordination for engineering, design, right-of-way, planning, intermodal connectivity, environmental impacts, potential impacts to Native American burial and other archaeological sites, impact to wildlife corridors, noise impacts, construction impacts, need for cooperative agreements, maintenance and operational activities, etc. should be fully discussed in the FEIR/FEIS program document.</p>	<p>AS009-58</p>	<p>67. Page 3.1-5, Item C, Traffic and Circulation Resources by Region, Bay Area to Merced. Route 205 should be included with I-580 and SR-152 as providing access to I-5 in the Central Valley. Route 205 is a significant east/west connector from the San Francisco Bay Area to the San Joaquin Valley, and it is used extensively by commuters and for goods movement.</p>	<p>AS009-67</p>
<p>59. Corridor Preservation – Along with corridor alignment, corridor preservation will be necessary including right-of-way acquisition and freeway alignments should be identified in the EIR/EIS program document.</p>	<p>AS009-59</p>	<p>68. Traffic and Circulation Element, Section 3.1, Page 3.1-17, B, Sacramento to Bakersfield, HST Alignment Option Comparison. Although major alignment and station options are discussed for Sacramento, Modesto, Merced, and Bakersfield, there was no discussion for Stockton. It is recommended that Stockton be included in this section.</p>	<p>AS009-68</p>
<p>60. System Compatibility – the proposed steel rail technology is different than the MagLev HSR studies that are currently being studied in Southern California. The problems relating to lack of system compatibility between competing projects should be discussed. The rationale for selecting the HST steel rail technology over the MagLev technology should also be discussed.</p>	<p>AS009-60</p>	<p>69. Great care needs to be taken in understanding the demographics of the potential riders and how it relates to truly high-speed transportation system.</p>	<p>AS009-69</p>
<p>61. Construction Management Plans – construction management plans would include the need for detours, lane closures, haul routes, etc. (This will be needed during implementation phases.)</p>	<p>AS009-61</p>	<p>70. Forecasting such a project as HST will need a well-calibrated Mode Choice Model such as a Logit Model.</p>	<p>AS009-70</p>
		<p>71. The route adoption and station placement will be key to the success of this project. If inadequate transit connectivity exists, then the full potential and benefit of this HST project would not be realized.</p>	<p>AS009-71</p>

**Comment Letter AS009 Continued**

72. Community involvement and support is important when planning and deciding on rail alignments and station locations.

AS009-72

73. The document should include issues pertaining to context sensitive solutions, especially when the rail alignments and stations are adjacent to or in proximity to existing transportation infrastructure (such as highways and city streets).

AS009-73

74. Any phasing (incremental approach) of the HST system should fully include and address impacts on the existing regional transportation system and connectivity to other transportation systems.

AS009-74

75. On a programmatic-level this document cannot be expected to contain the project-level detail necessary to fully analyze impacts. However, when alignment decisions are made that have the potential for complex, economic, and social impacts, or benefits, a case could be made for including a detailed cost/benefit analysis. The Altamont Pass alignment for the Northern Mountain Crossing was apparently discarded based on quantitative data alone, whereas, a case could be made for that alignment based on qualitative data and analysis would have shown a viable, if not preferable alternative. The Los Banos and Merced options could be growth inducing and escalate land conversions from agriculture. The Altamont Corridor is, for the most part, already, or planned to be, urbanized. The rationale or bias for a linkage through San Jose based on the split, two versus three node, configuration of the two approaches is simply not adequately supported in the documentation.

AS009-75

District 11

76. In general, the District is supportive of the HST project as it would improve mobility for residents and visitors in San Diego by providing another transportation choice for inter-regional travel. If the HST service were competitive with road or air travel, then the project might serve to reduce the number of vehicles on major highways, thereby helping to alleviate traffic congestion, air pollution, road maintenance, etc.

AS009-76

77. District 11 has been closely involved with various committees and studies related to the proposed coastal HST route (i.e.: the LOSSAN corridor). These comments will not be repeated here. Regarding the proposed inland (I-15 corridor) routing, the District has for a number of years been working on a concept called Managed Lanes or a "freeway within a freeway" which would allow for directional capacity adjustment on demand. It is important to note that the Managed Lanes design as currently planned maximizes the use of the I-15 right-of-way between SR-163 and SR-78, leaving little or no room for additional HST facilities.

AS009-77

78. The District and SANDAG are supportive of the HST concept as described in the Program EIR/EIS document. The SANDAG / Western Riverside COG I-15 Interregional Partnership (IRP) Policy Committee also supports the HST system which could potentially divert long distance travel between Riverside County and San Diego onto a new system paralleling I-15.

AS009-78

79. Although without the addition of a specific commuter-oriented service the HST system may serve only a small percentage of I-15 commute trips due to wider station spacing and longer service frequency. Commuter use of HST would depend on significant cooperation and coordination of station location / spacing and service frequency with local governments and transit operators, as well as implementation of higher intensity transit oriented design around stations.

AS009-79

80. Furthermore, regarding station locations and the overall scope of the project, the District encourages HSRA to look at alternatives which extend the HST line into heart of the City of San Diego. A station located in or immediately near downtown San Diego has the potential to dramatically increase ridership on the system by providing a convenient multi-modal access point for large numbers of people. In the inland I-15 corridor specifically, the District encourages the Agency to consider alternatives extending the line past the proposed Qualcomm Stadium station into downtown, and possibly beyond to Chula Vista and the Mexican border.

AS009-80

81. Regarding the urban design and visual impact assessment analysis methodology used in the Program EIR/EIS, the document follows CEQA guidelines rather than the more demanding Federal level methodology used by FHWA. This approach tends to simplify the study but results in a less comprehensive analysis. Environmental and visual considerations will likely be significant concerns in the more specific focus EIR document(s).

AS009-81

District 12

82. Was a Major Investment Study (MIS) prepared for the HST project? It is not clear whether one was prepared. Also, are there any previous feasibility studies or long-term rail plans prepared for this project?

AS009-82

83. Please include a discussion on the feasibility of utilizing the HST alignment for cargo transport during non passenger-operating hours. There should be a feasibility study for utilizing the HST alignment for cargo transport, and the Authority should determine if the cargo transport option would also potentially reduce the truck traffic on intercity highways parallel to the HST alignment.

AS009-83

84. In the urban areas, the tracks should be grade separated in Orange County. A tunnel, trench or an elevated alignment would improve safety and create a buffer for pedestrian and local traffic.

AS009-84

85. Please include a discussion on the potential growth-inducing impacts associated with the HST project at hub stations.

AS009-85

86. According to the travel conditions summary section of the Program EIR/EIS, the HST could experience overall savings in passenger costs between 8% and 44% compared to the No Project alternative. It is not clear whether this cost savings would be experienced during the initial operation of the project or over the operational life of the project.

AS009-86



**Comment Letter AS009 Continued**

- 87. The Program EIR/EIS states the HST would also reduce traffic on intercity highways. What plans are there to encourage ridership to maximize this shift in mode choice? AS009-87
- 88. There should be further discussions on the operational costs of the proposed HST project. The project discusses the total project costs, but not the costs associated with the operations and maintenance of the project. The analysis should layout the costs of ridership and the estimated subsidy expected for the project. AS009-88
- 89. We would like to see a discussion about the impacts to the Department's facilities (e.g. encroachment into right-of-way). Also, please include a discussion on support facilities, i.e. park and ride lots, transit connections, modal connections from the freeways systems in Orange County. AS009-89
- 90. The cities of South Orange County, San Clemente, Dana Point and San Juan Capistrano, participated in both the LOSSAN and the High-Speed Rail Studies and formed a Rail Working Group. This group concluded with findings to support the Interstate Long Split Tunnel alternative developed in the LOSSAN study. AS009-90
- 91. District 12 and OCTA have plans to conduct an I-5 MIS planning effort. Along with freeway improvements, rail expansion and track alignments will be an important subject in the I-5 MIS. The MIS will explore all modal types and expansion of transit and rail through the I-5 corridor. The MIS, HST, and LOSSAN plans should be consistent in the treatment of rail expansion and alignments. AS009-91

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**Response to Comments of Warren Weber, Chief of Division of Rail, California Department of Transportation, August 31, 2004 (Letter AS009)**

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**AS009-1**

The travel time on page S-4 of the Draft Program EIR/EIS refers to the HST service between Los Angeles to San Diego via the Inland Empire (I-215/I-15). The HST service along the LOSSAN corridor would go no further south than Irvine.

**AS009-2**

The HST service would go no further south along the LOSSAN corridor than Irvine. The segment from Los Angeles to Irvine (44 miles) is considered a relatively small segment of the statewide network (over 800 miles).

**AS009-3**

Acknowledged. Please see the findings of "Economic Growth and Related Impacts" study summarized in Chapter 5 of the Draft Program EIR/EIS. This analysis concluded that the HST Alternative would result in denser development than the No Project and Modal alternatives even without changes in land use policies and new incentives for densification. Additional land use strategies/incentives could increase this benefit of the HST system. Please also see standard response 2.1.12 in regards to HST station locations.

**AS009-4**

The word "predominately" has been substituted for the word "completely" in Section S.6 of the Final EIR/EIS document. Therefore, the Final EIR/EIS states, "The HST Alternative would provide a predominately separate transportation system...".

**AS009-5**

Yes.

**AS009-6**

Project specific level of detail and preliminary engineering analysis will be required to determine if there is enough room for the HST infrastructure to completely fit, co-locating within existing freight right-of-way (where the alignment is designated as being in or adjacent to freight right-of-way). At a conceptual level, it appears that co-location may be possible since most of the freight right-of-way is presumed to be at least 100 feet wide.

**AS009-7**

As stated on page 2-7 of the Draft Program EIR/EIS, the forecast ridership demand is approximately 58 million intercity trips and 10 million long distance commute trips. For the purpose of defining the Modal Alternative, the intercity trips were divided between air and highway modes based on the expected proportion of the 58 million trips that would be diverted from each mode (approximately 41% (24 million) from highway and 59% (34 million) from air. The long distance commute trips (10 million) were assumed to be highway trips, thus raising the proportions to approximately 50% each for the development of the Modal Alternative, which is appropriate for the analysis presented in the EIR/EIS. The geographic distribution of diverted air and highway trips was also available from Business Plan ridership studies.

**AS009-8**

The assumption of 2 dedicated tracks for passenger service and 2 for freight was made for the purposes of defining the physical infrastructure and required land area (footprint) and basic operating characteristics (i.e., travel time). Specific operating plans would be defined and evaluated in subsequent project level studies.

**AS009-9**

The Authority considers safety as a critical objective for the proposed HST system. The additional definition of safety and external security enhancements would be premature and too speculative at this stage of study, but would be considered during project-level review.

The HST tracks will be fully access controlled through the use of fencing and wayside monitoring and detection systems along at-grade sections and at other potential access points. The system will also be fully grade separated from other modes of transportation (i.e., roadways). Stations and rail yards will be designed to restrict access to track areas while allowing for safe and efficient processing of passengers and trains. Please also see standard response 2.8.1.

**AS009-10**

The system would not keep customers out of stations. The conceptual design assumes a considerable amount of at-grade configuration (see figures 2.7-5, 2.7-7A, 2.7-7B, 2.7-9, 2.7-11, and 2.7.13), where the HST system is at-grade, it would be fully fenced. Section 3.2.3 of the Final Program EIR/EIS has been revised to read "fully access controlled," instead of "fully fenced".

**AS009-11**

The sentence has been revised to remove the reference to the LOSSAN corridor.

**AS009-12**

The referenced sentence explicitly states "...in several of the rail corridors under consideration...". It should not be inferred that LOSSAN is one of these corridors. Nor should it be inferred that additional right-of-way would not be required in the majority of the alignment options considered throughout the state. A significant amount of right-of-way would be required throughout the system as reflected in the HST Alternative description (Section 2.6) and the capital costs (Section 4.2.2).

**AS009-13**

The referenced sentence has been replaced with the following: "The second alignment is a shared use alignment that would provide HST service along the existing LOSSAN corridor. The segment from Union Station to Fullerton would be improved to provide a total of 4 tracks and the segment from Fullerton to Irvine would be improved to provide a total of 2 tracks. Improvements in the Fullerton to Irvine segment would be made primarily within the existing right-of-way, however infrastructure requirements would be further evaluated at the project level."

**AS009-14**

Please see standard response 6.40.1, standard response 6.41.1 and standard response 6.42.1. The "low-end" improvements (along the LOSSAN corridor) have not been carried forward for further consideration.

**AS009-15**

Only a small portion of the Los Angeles to San Diego via Orange County alignment option received a "high" and "medium" rating for property impacts. The property section states "...no more than 2 m (3km) of rail alignment and station locations (1% or less of the total alignment distance in the LOSSAN region) would have a high potential for property impact,...". The reference to high potential for property impacts for the HST Alternative is directly associated with these specific portions of the alignment option. The "low" rating for the majority of the segment considered resulted in an overall "low" rating. This alignment option was also rated "low" for potential environmental justice impacts, since the areas of potential impact represented a relatively small portion of the overall alignment length and as stated in the Draft Program EIR/EIS, the residential uses along the alignment option identified with high minority populations are typically buffered by non-residential uses. Should the HST proposal move forward, additional study will be done as part of project-level studies.

**AS009-16**

Please see Standard Response 6.41.1.

**AS009-17**

For comparison with other system alternatives (No-Project and Modal) the total number of potential hazardous material and waste sites identified under the HST Alternative is based on a statewide system of alignment options that most closely reflects the system assumed in the development of the ridership forecasts or “representative demand”, which did not include the LOSSAN corridor. (see Page 2-7 of the Draft Program EIR/EIS) Also, please see standard response 6.41.1.

**AS009-18**

See response to Comment AS009-13.

**AS009-19**

Please see standard response 6.41.1.

**AS009-20**

Purchase of the initial fleet is considered a capital cost in the Program EIR/EIS and was included. [see 4-C-13 and 4-C-18 of Appendices]. Fleet maintenance, replacement, depreciation, and interest are included in Equipment Maintenance in Table 4.3-3. Propulsion (power) costs are also included in Table 4.3-3. Labor is included in all categories, as appropriate in Tables 4.3-3 and 4.3-4.

**AS009-21**

The Pacific Surfliner service does not provide intercity conventional rail service between San Jose and Santa Barbara and requires at least one modal transfer. Table 1.2-3 does not include intercity bus service travel times – which would be faster than any existing conventional rail service between these points and would not require a transfer.

**AS009-22**

Acknowledged. Page 1-10 of the Draft Program EIR/EIS does not state that the Coast Corridor is state-supported.

**AS009-23**

The Final EIR/EIS has been changed to acknowledge the existing rail service connections at Burbank Airport.

**AS009-24**

Section 2.5.1 “Modal Alternatives Considered and Rejected” provides the explanation as to why conventional rail improvements were not included in the Modal Alternative (page 2-17 of the Draft Program EIR/EIS. Please also see standard response 2.9.1 in regards to the rejection of HST technologies at speeds below 200 mph. The slower conventional rail service sharing tracks with conventional freight services with much longer travel times (which are not competitive with air and auto travel modes) would not “meet the same intercity demand that would be served by the proposed HST system”. The Program EIR/EIS acknowledges that the Modal Alternative consists of future expansions of highways and airports since highway and air transportation travel are clearly the predominant modes for intercity trips in California (Draft Program EIR/EIS page 2-15).

**AS009-25**

The only commercial carrier, America West, stopped commercial service at Stockton metropolitan Airport in September of 2003 during the late stages of preparation of the Draft EIR/EIS. San Joaquin County is actively seeking a new commercial carrier for the Stockton airport. For the purposes of defining the No-Project and Modal Alternatives, Stockton Metropolitan Airport will remain in the document with appropriate clarifications. However, as in the Draft Program EIR/EIS, it is not improved under the Modal Alternative.

Figure 2.4-1 has been revised per the comments.

**AS009-26**

The footnote on page 3.4-1 has been revised to read as follows: "This eliminates the need for trains to blow horns or sound warning bells at these grade separated (previous grade crossing) locations."

**AS009-27**

Land use compatibility, as considered for determining the extent of potential property impacts, was reviewed based on existing land uses and for future land uses, based on general plans and other planning documents. It is within the authority of local land use agencies to consider planning measures to reflect proposed future transportation projects, including rail projects. The Authority intends to work with local jurisdictions during implementation if a decision is made to go forward with the proposed HST program.

**AS009-28**

Acknowledged.

**AS009-29**

Local jurisdictions would be responsible for general plan revisions.

**AS009-30**

Coordination of preservation efforts could be considered in the future, following the completion of this program EIR/EIS process and after a decision has been made to move forward with the proposed HST system.

**AS009-31**

Acknowledged. The Authority has identified the downtown Sacramento station site as the preferred HST station location for a potential station to serve the Sacramento area. This station option would maximize opportunities for intermodal connectivity and is located in downtown Sacramento within walking distance of the State Capitol.

**AS009-32**

The Authority would coordinate with Caltrans during subsequent project level environmental reviews of segments with the potential to affect the Department's facilities.

**AS009-33**

Acknowledged. These studies will be considered as part of future project specific study should the HST proposal move forward.

**AS009-34**

Acknowledged.

**AS009-35**

Acknowledged that Caltrans has established requirements for work to be performed within state highway right of way or affecting state highway facilities.

**AS009-36**

Please see response to Comment AS009-35.

**AS009-37**

Acknowledged. The sentence has been revised.

**AS009-38**

Acknowledged.

**AS009-39**

Acknowledged.

**AS009-40**

Acknowledged, however, the Authority has determined to remove from further consideration the suggested station at Los Banos.

**AS009-41**

Acknowledged. The Draft EIR/EIS does not look only to the year 2020 in setting the capacity of the system. The ridership and revenue forecasts use 2020 as the base forecast year. However, the ridership and revenue studies also evaluated how ridership would grow over time and as the system matures, up to the year 2050 (see Authority's June 2000 Business Plan and CRA ridership and revenue studies). As noted on page 2-7 of the Draft Program EIR/EIS, the HST system would have a capacity to carry more than two times the high-end forecasts for 2020. Please also see Section 3.2.3 of the Program EIR/EIS under "sustainable capacity".

**AS009-42**

See response to Comment AS009-32.

**AS009-43**

The Draft Program EIR/EIS described the alignment configuration of each alignment option considered and the supporting information as to why particular configurations were proposed (e.g., constructability, cost, land use constraints, etc.). The specific issues vary by segment and it is not practical to consider such site-specific details at the program level. Site-specific alignments would be studied and refined at the project level.

**AS009-44**

Acknowledged.

**AS009-45**

Please see Section 3.2.3 of the Program EIR/EIS under "Connectivity". See Final Program EIR/EIS Section 3.2.4.B. Operational and maintenance issues associated with locating HST infrastructure within or adjacent to existing rights of way are highly site specific in nature and will be addressed during the subsequent project level analysis, as more specificity is defined for proposed alignments and facilities.

**AS009-46**

Encroachment, operational, and maintenance issues along the right-of-way of highway facilities, along with other issues related to HST constructed in or adjacent to highway right-of-way, were factors considered in the elimination of highway alignment options throughout the state (please see Chapter 2, Section 2.6.9 of the Draft Program EIR/EIS). In only two segments were freeway alignments considered as part of the HST Alternative. The segment from the Inland Empire to San Diego (I-215/I-15) corridor where there are no existing rail rights-of-way, and the I-880 alignment between San Jose and Fremont. In each of these cases, these options were determined to have the least potential environmental impacts at a program level analysis. In the case of the I-215/I-15 corridor, no other feasible alignment option was identified. Should the HST proposal move forward, project specific analysis will address in detail the potential impacts of the HST system on highway facilities. Please see response to Comment AS009-45.

**AS009-47**

The potential "interconnectivity" that the HST alternative could provide for the Central Valley airports and intercity highways was not considered to be significant enough to note as part of this Program EIR/EIS. Should the HST proposal move forward this may be considered as part of future studies.

**AS009-48**

See Final Program EIR/EIS Section 3.1.4.B.

**AS009-49**

The section referenced on Page 3.1-17 is referring to alternative station locations and as mentioned in your comment, there is only one station option in Fresno that is carried forward in the Program EIR/EIS.

**AS009-50**

The analysis method is appropriate and adequate for the program level EIR/EIS. Caltrans plans and reports and local agency site-specific planning documents would be fully considered in subsequent project level environmental review.

**AS009-51, 52, 53, & 54:**

Acknowledged. The Authority plans to cooperate with the Department in the development of corridor plans and concepts, and to coordinate with Department regarding proposed HST system planning, and looks forward to the Department inclusion of the proposed HST system in its planning efforts. See also above response to Comment AS009-35.

**AS009-55**

Section 2.3.3 has been added to the Final Program EIR/EIS to address related projects. Please also see response to Comment AL061-1.

**AS009-56**

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

**AS009-57**

Please see standard response 10.1.7. The Authority has identified Los Angeles Union Station as a potential HST station location and the I-215/I-15 Corridor (via the Inland Empire) as the preferred HST alignment between Los Angeles and San Diego.

**AS009-58**

Coordination with state and federal agencies has been and would continue to be an essential part of environmental review of the proposed HST system. During project level environmental review, agency coordination would be focused on, regional and site-specific

resources and issues, including intermodal connectivity, Native American and archaeological resources, wildlife corridors, noise, and construction impacts, as well as coordination with other projects and actions in the vicinity of proposed HST facilities and permitting of construction. Please also see the discussion of "design practices" in Chapter 3 of the Final Program EIR/EIS.

**AS009-59**

The certified Final Program EIR/EIS will support future corridor preservation activities for preferred corridors. Please also see response to Comment AS009-30.

**AS009-60**

See Sections 2.6.6 and 2.6.7 of the Draft Program EIR/EIS.

**AS009-61**

Acknowledged.

**AS009-62**

These issues will be further addressed in subsequent implementation and planning studies, in project level environmental reviews and in engineering and design work. Each section of Chapter 3 also outlines specific design features that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts. The Authority's powers are sufficient to build and operate the proposed HST system, including the use of contractors.

**AS009-63**

The Authority does not have jurisdiction over local land use decisions, but it expects to work with local jurisdictions to encourage denser development around station areas. The potential for traffic impacts related to the HST stations (exclusive of other land use changes) are presented in the Program EIR/EIS. Detailed traffic analysis would be completed for project level environmental review. Please refer to Chapter 6B of the Final Program EIR/EIS regarding transit oriented development guidelines.

**AS009-64**

During the screening evaluation, a station option was considered on the BNSF alignment near Farmington Road. The station option was eliminated from further consideration. See Section 2.6.9.B., Page 2-59. The Final Program EIR/EIS identifies the Downtown Stockton ACE station as preferred. However, based upon your comment, the Authority has recommended that a potential Stockton station along the BNSF alignment be considered at the project-level.

**AS009-65**

Chapter 5 of the Program EIR/EIS analyzes the growth inducement potential at a regional and county level. Section 5.3.5. addresses differences between HST Alignment options. However, it would be primarily HST stations, rather than alignments, which would have the potential to induce growth. In addition the Authority has not identified the bypass options at Merced and Modesto as within the preferred alignment option for the Central Valley segment of the proposed HST system. See also response to Comment AF008-13.

**AS009-66**

Specific issues pertaining to the interface between the new UC Merced campus and the Merced HST station options would be identified and addressed in a subsequent project level review.

**AS009-67**

Page 3.1-5, Item C has been revised to include I-205.

**AS009-68**

The section referenced on Page 3.1-17 is referring to alternative station locations and because there is only one station option in Stockton that is carried forward in the Draft Program EIR/EIS, no comparative analysis is needed.

**AS009-69**

Acknowledged.

**AS009-70**

Acknowledged. Please see standard response 2.1.1 and standard response 2.1.2.

**AS009-71**

Acknowledged.

**AS009-72**

Acknowledged.

**AS009-73**

Specific design solutions will be addressed as part of subsequent project level environmental reviews. Please see the "design practices" descriptions included as part of Chapter 3 (for each environmental resource area) of the Final Program EIR/EIS document.

**AS009-74**

Acknowledged. Please see standard response 10.1.7.

**AS009-75**

See standard response 6.3.1. Neither CEQA nor NEPA require an environmental impact report or statement to include a cost/benefit analysis.

**AS009-76**

Acknowledged.

**AS009-77**

Acknowledged.

**AS009-78**

Acknowledged.

**AS009-79**

Acknowledged. Please also see response to Comment AL040-5.

**AS009-80**

Acknowledged. Please see standard response 2.36.1.

**AS009-81**

Acknowledged. The analysis was done at an appropriate level for a program EIR/EIS document. Should the HST proposal move forward, more detail analysis will be done as part of future project-specific studies.

**AS009-82**

A business plan and not an MIS was prepared by the Authority for the proposed HST system. A number of previous feasibility studies for the HST system are referenced in the Program EIR/EIS (see Section 2.3.1), which addresses comparison of an HST system to other modal alternatives.

**AS009-83**

Please see standard response 2.7.1 and standard response 2.7.3.

**AS009-84**

Acknowledged.

**AS009-85**

Statewide and regional growth inducing potential is addressed in Chapter 5. Potential local growth inducing impacts associated with particular proposed stations will be addressed in subsequent project level environmental review.

**AS009-86**

Passenger costs were estimated and compared based on average passenger costs per mode and per trip for five representative city pairs and assuming full HST system operation. See Page 3.2-34 "Passenger Cost".

**AS009-87**

Specific programs are not defined at this stage of study, however, the HST would be a commercial system and use of the system would be encouraged by price incentives, and other advantages/benefits of the HST system including, but not limited to, excellent safety and reliability, reduced passenger cost, convenience, and competitive trip times.

**AS009-88**

Operations and maintenance (O&M) related costs are estimated in Section 4.3.2 of the Program EIR/EIS. Revenue and O&M cost estimates prepared for the Authority's Final Business Plan indicated a statewide HST system in California could operate at a revenue surplus, including all operations and maintenance cost elements. The HST system is being advanced as a commercially viable proposal that would cover operating costs with system revenues.

**AS009-89**

Please see response to Comment AS009-35. These topics will be addressed comprehensively in subsequent project level environmental review.

**AS009-90**

Please see standard response 6.41.1.

**AS009-91**

Acknowledged.

Comment Letter AS010

AS010

STANDING COMMITTEES  
 AGRICULTURE & WATER RESOURCES  
 BANKING, COMMERCE  
 & INTERNATIONAL TRADE  
 SUBCOMMITTEE ON ASIA TRADE &  
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California State Senate AUG 31 2004

SENATOR  
 JEFF DENHAM  
 TWELFTH SENATE DISTRICT



SELECT COMMITTEES  
 AIR QUALITY IN THE CENTRAL VALLEY  
 THE CALIFORNIA  
 CORRECTIONAL SYSTEM  
 CALIFORNIA-MEXICO COOPERATION  
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 JOINT COMMITTEES  
 FAIRS ALLOCATION  
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 CALIFORNIA'S WINE INDUSTRY  
 RULES COMMITTEE APPOINTMENTS  
 CALIFORNIA EMERGENCY COUNCIL  
 NATIONAL CONFERENCE OF  
 STATE LEGISLATURES  
 COUNCIL OF STATE GOVERNMENTS - WEST

April 5, 2004

Mr. Joseph E. Petrillo, Chairperson  
 High Speed Rail Authority  
 925 L Street  
 Sacramento, CA 95814

Dear Mr. Petrillo:

As you are well aware, transportation is a major issue in the Central Valley and throughout all of California. Traffic and congestion plague our roads and highways making it clear that the importance of high-speed rail cannot be ignored.

As the High Speed Rail Authority progresses in bringing a high-speed rail system to California, I would like to offer my strong support for the location of a maintenance hub at the former Castle Airforce Base in Atwater. The Castle Airport Aviation and Development Center is an excellent site for the maintenance facility. This site is centrally located to the rail system, has the necessary acreage of land available and the airport is available for transportation of necessary products for construction and maintenance of the system.

Additionally, Merced County consistently ranks in double-digit unemployment. The location of the maintenance facility at Castle Airport Aviation and Development Center is estimated to create 2,000 full-time jobs for the community in a variety of skill sets. Our community has the labor force available to fill these jobs and putting these people to work allows for an economic influx into the area.

I would like to reiterate my support for the location of the High Speed Rail Maintenance Facility at Castle Airport Aviation and Development Center. This site is a great match for the needs of a maintenance facility as well as a match for the community.

Sincerely,

JEFF DENHAM  
 Senator, 12<sup>th</sup> District

cc: Dr. Lee Boese, Jr., Chairman, Merced High Speed Rail Committee

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AS010-1



CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

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**Response to Comments of Jeff Denham, Senator, California State Senate, August 31, 2004 (Letter AS010)**

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**AS010-1**

Acknowledged. Please see standard response 2.35.1.

**Comment Letter AS011**



**California Regional Water Quality Control Board  
Santa Ana Region**

**Terry Tamminen**  
Secretary for  
Environmental  
Protection

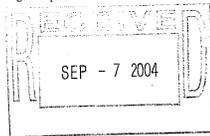
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**Arnold Schwarzenegger**  
Governor

September 1, 2004

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



**DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE CALIFORNIA HIGH-SPEED TRAIN SYSTEM, SCH #2001042045**

Dear Mr. Leavitt:

Staff of the Regional Water Quality Control Board, Santa Ana Region (RWQCB), have reviewed the May 2004 EIR/EIS regarding the proposed high-speed train system that would extend from San Diego to Sacramento, including portions of Orange, Riverside, and San Bernardino Counties under Region 8 jurisdiction. We have the following comments:

Section 3.14, Hydrology and Water Resources, and Section 3.15, Biological Resources satisfactorily cover the types of surface water, wetland, and groundwater issues of concern during the construction of the routes. Although no water bodies in Region 8 are identified for potential impacts, we request that any new channel crossings, or proposed revisions to channel crossings, be inventoried and identified in the final EIR/EIS and during the noted Clean Water Act Sections 404/401 permit application process. Information concerning Section 401 certification can be found at the Regional Board's website, [www.swrcb.ca.gov/rwqcb8/html/401.html](http://www.swrcb.ca.gov/rwqcb8/html/401.html)

AS011-1

The DEIR implies that if the proposed San Bernardino loop alignment route is chosen, there will be fewer overall "potentially impacted waters and wetlands" than if routes are chosen that include the Riverside, Colton, and University of California Riverside alignments and stations. Board staff believes that the alignment that least affects water quality standards (that is, quality objectives and beneficial uses) identified in the Santa Ana River Basin Water Quality Control Plan - Region 8 should be selected over others.

AS011-2

If you have any questions, please contact Glenn Robertson at (909) 782-3259 or me at (909) 782-3234.

Sincerely,

Mark G. Adelson, Chief  
Regional Planning Programs Section

cc: Scott Morgan – State Clearinghouse

Q: Planning/Groberts/Letters/DEIR-USDOT- CA High Speed Train System

*California Environmental Protection Agency*



CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

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**Response to Comments of Mark G. Adelson, California Regional Water Quality Control Board, September 1, 2004  
(Letter AS011)**

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**AS011-1**

Acknowledged. No additional or different water crossings have been identified in the Final Program EIR/EIS for Region 8. See discussion of "design practices" in Chapter 3 (for each environmental resource area) of the Final Program EIR/EIS.

**AS011-2**

Acknowledged. Please see standard response 6.29.3.

Comment Letter AS012



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
1416 Ninth Street
Sacramento, CA 95814
(916) 853-4875

ARNOLD SCHWARZENEGGER, Governor AS012



August 31, 2004

Mehdi Morshed, Executive Director
California High Speed Rail Authority
C/O 925 L Street, Suite 1425
Sacramento, California 95814

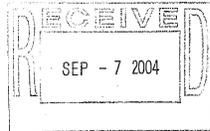
Allan Rutter, Administrator
Federal Railroad Administration
U.S. Department of Transportation
1120 Vermont Ave N.W. M/S 20
Washington, D.C. 20590

Dear Messrs. Morshed and Rutter:

California High-Speed Train Draft Program Environmental Impact Report
(EIR)/Environmental Impact Statement (EIS) SCH 2001042045

The California Department of Fish and Game (Department) has reviewed the California High-Speed Train Draft Program EIR/EIS (DPEIR/EIS) and provides comments on fish and wildlife resources that may be affected by the project. The project consists of a high-speed train program that will serve as a guide for planning and implementing high-speed train infrastructure and providing high-speed train services to customers throughout California between the major metropolitan centers of Sacramento and the San Francisco Bay Area in the north, through the Central Valley, to Los Angeles and San Diego in the south. The train system would be approximately 700 miles long and capable of traveling 220 miles per hour, with a fully grade-separated track, and with state of the art safety, signaling, and automated control systems.

The Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish and Game Code section 1802). The Department is a Trustee Agency under the California Environmental Quality Act (CEQA), Section 15386, and a Responsible Agency for ensuring that fish and wildlife resources of the State are addressed pursuant to CEQA. The Department also has regulatory authority with regard to the "take" of any state listed threatened or endangered species under the California Endangered Species Act (CESA), and over activities that substantially divert or obstruct the natural flow of, or substantially change or use material from the bed, channel, or bank of any river, stream, or lake (Fish and Game Code section 1602). California maintains lists of fully protected species. The Department can not authorize the incidental take of those species listed as "Fully Protected" as per California Fish and Game Code sections 3511, 4700, 5050, and 5515.



Conserving California's Wildlife Since 1870

Dear Messrs. Morshed and Rutter

Page 2

The Department's comments are based on the impacts discussion and proposed mitigation strategies identified in the California High-Speed Train EIR/EIS and the three (3) following alternatives: (1) a No Project Alternative, (2) High-Speed Train (HST) Alternative, and (3) a Modal Alternative. Various corridor alignments have been identified and proposed for selection in subsequent analyses.

The Department offers the following comments and recommendations on the California High-Speed Train EIR/EIS regarding impacts to wildlife, the habitats on which they depend and the Department's jurisdiction and role in conserving lands for the benefit of those species. The Department participated in and provided comments at five (5) Resource Agency workshops held by the California High Speed Rail Authority (Authority) and Federal Railroad Administration (FRA) and commented on the Notice of Preparation and the September 4, 2002 Revised Draft Summaries, Environmental Analysis Methodologies. Many of our concerns remain unaddressed in the DPEIR/EIS. The Department urges the Authority and the FRA to complete the additional suggested program level analyses and re-circulate a DPEIR/EIS prior to certification of a final environmental document for the project.

AS012-1

STATEWIDE ISSUES

Alternatives
HST Alternative

The HST Alternative analyzed two types of train technologies: electrified steel-wheel-on-steel-rail dedicated service and non-electrified steel-wheel-on-steel-rail (conventional) service for the Los Angeles to San Diego corridor. The electrified train, capable of maximum speeds of 220 mph requires an "access-controlled right-of-way" and "fully grade-separated" track. Some existing rail infrastructure would be used, but in some areas 3 or 4 mainline tracks may be utilized to provide different levels of service.

The Department requests more information regarding the infrastructure and configuration of train related systems such as electrical supply substations, booster stations, catenary wires and safety features such as perimeter fencing. These infrastructure features contribute to overall impacts the HST alternative may have on wildlife. The inadequate project description in the DPEIR/EIS made it difficult to adequately evaluate project-related impacts and feasible mitigation measures on biological resources and wetlands. A discussion, analysis of the potential impacts and proposed mitigation for the design features, infrastructure, construction methods, noise barriers and numerous other un-described project details will need to be addressed in the subsequent analysis of impacts, but also warrants discussion in the DPEIR/EIS. Many of the design features, infrastructure, and construction methods are already known to some extent, as demonstrated by Figures 2.6-3 and 2.6-5 and through discussions at HST Resource Agency workshops. Therefore, their impacts on wildlife should be discussed in more detail in the DPEIR/EIS.

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No Project Alternative vs. Modal Alternative

The No Project Alternative chosen as the baseline for comparison of the Modal and HST Alternatives is unusual in that it is based on anticipated

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Federal Railroad Administration

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improvements to highway, air, and rail currently projected to be implemented by 2020. It is not clear what the real value of the proposed HST project would be. Even though the HST system would serve the same passenger population that currently uses highways, airports and trains, it should be made clear in the DPEIR/EIS that implementation of the HST does not preclude implementation of the Modal Alternative. Therefore, the DPEIR/EIS should include an evaluation of impacts based on implementation of all of the alternatives (No Project, Modal, and HST) to more accurately represent a probable future transportation system in California.

Alternative Corridor Options

The general analysis of the Alternative Corridor Options was thorough in that it described and made general estimates of the potential number of acres of wetlands and other waters, numbers of species, and identified a few of the larger conservation areas impacted. This general selection of alternative corridors, according to the DPEIR/EIS would result in alignments with potentially fewer significant natural resource impacts. The analysis of alternatives highlighted why some sections were selected over others that represented options with the fewest potential impacts to biological resources and wetlands. Subsequent analyses will provide more detail regarding which alignments remaining will result in fewer significant natural resource impacts. The Department anticipates further analysis and opportunities to review and comment on remaining alignment selection to further avoid and minimize impacts.

3.15.2B. Biological Resources and Wetlands By Region

In general, the DPEIR/EIS presented no specific discussion and analysis of the types of biological resource impacts that would need to be mitigated. The DPEIR/EIS simply provided cursory lists of the wetlands, wildlife species whose movement may be impacted, wildlife species, and plants and vegetation communities that would potentially be impacted by the project as generated from the California Natural Diversity Database (CNDDDB). Site-specific surveys, on-site visits, and consultation with species experts and agency biologists will be necessary to further analyze the project impacts of the various corridor alignments on biological resources and wetlands, and develop site-specific mitigation measures.

The evaluation of project impacts provided by the DPEIR/EIS was extremely limited. For example, only single statements were made regarding impacts of light, shadow, noise, and fencing for at-grade alignments. The DPEIR/EIS should discuss the potential impacts the HST and Modal alternatives may have on wildlife. The Department recommends the DPEIR/EIS be revised to include more detailed project descriptions for each alternative and discuss potentially significant direct, indirect, and cumulative impacts and feasible mitigation measures for the following impacts including, but not limited to: EMI/EMF, light, noise, vibration, disturbance, habitat fragmentation, sedimentation, habitat loss, conservation lands (NCCPs, HCPs, mitigation lands, conservation easements and other conserved lands), public use on conservation lands, energy supply and infrastructure, regional and statewide growth inducement, direct and indirect mortality due to collision on HST drafts, and edge effects.

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Study Wildlife Movement/Migration Corridors

The HST has the potential to disrupt already beleaguered wildlife passages, threatening the continued viability of many species. Construction of access controlled rail lines may create barriers to the movement of wildlife, thereby cutting them off from important food, shelter, or breeding areas. Isolation of sub-populations limits the exchange of genetic material and puts populations at risk of local extinctions through genetic and environmental factors. Barriers can prevent the re-colonization of suitable habitat following local extirpations, ultimately putting the species at risk of extinction.

The DPEIR/EIS proposes to study wildlife movement/migration corridors further in subsequent "project-level studies". The information the DPEIR/EIS relied upon for the impacts analysis for the DPEIR/EIS was obtained from the Missing Linkages report by the California Wilderness Coalition (2000). The "Linkages" lines are estimations of location and indicate areas in need of connectivity. These lines should be used for general planning purposes only. They may provide some guidance in the subsequent alignment-specific project analysis and may guide mitigation strategies for creating linkages where there are currently choke points or impassable areas as project mitigation for impacted wildlife movement. At a program level, the DPEIR/EIS must analyze impacts to wildlife resulting from loss of corridors, habitat fragmentation, and population isolation.

The DPEIR/EIS Section 3.15.4 Comparison of Alternatives by Region mentioned wildlife underpasses, overpasses, and tunnels as potential mitigation. A discussion and analysis of these measures as feasible mitigation measures should be included in the Mitigation Strategies Section. Research should be conducted before the selection of the alignments to determine the best locations for wildlife movement passage structures, numbers of structures, alignment elevation or tunneling based on animal movement patterns, landscape features, and habitat. Specific alignments and wildlife passage structures such as underpasses, overpasses, elevating the alignment and tunnels may not be suitable for all species and locations and would need to be evaluated carefully in subsequent analysis of alignment sections. Methods to determine the best locations for wildlife movement structures or avoidance should include at a minimum: 1) track count surveys, 2) ditch crossing surveys, 3) monitoring trails with infrared or Trailmaster cameras, and 4) GIS habitat modeling to identify likely wildlife travel corridors and anthropogenic barriers (such as highways, canals, and reservoirs) at the landscape level. In addition, wildlife habitat linkages will need to be identified using habitat models, information from the movement studies and GIS analyses.

In addition to identifying wildlife movement corridors, habitat linkages, the amount and type of wildlife habitat fragmented, and reduced habitat value and/or viability by the project will need to be quantified and mitigated. We anticipate the acres of fragmented habitat to be significant due to the linear nature of the project.

The Department recommends avoiding and restoring wildlife movement corridors and mitigating the interruption of wildlife corridors by elevating the track, relocating sub-segments, changing track alignment and design, tunneling, and

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constructing overpasses and underpasses at corridor areas as appropriate. Given the scale of potential impacts to wildlife movement, the required number of corridor mitigations could be substantial. The DPEIR/EIS must discuss the potential scope of the mitigation program so that the Authority and the Public may properly assess the cost-feasibility of the project. The scale of potential impacts from this project are unprecedented, and the Department can envision the costs of mitigation for wildlife passage alone ranging up to 20% of the HST capital construction cost.

**NCCPS, HCPs, and other Regional Plans**

The DPEIR/EIS is required to discuss any inconsistencies between the proposed project and applicable general and regional plans [CEQA 15125 (a)]. The DPEIR/EIS should analyze and include a discussion of impacts to applicable regional plans including, but not limited to, recovery plans, habitat restoration plans, Natural Community Conservation Plans (NCCPs), Habitat Conservation Plans (HCPs), mitigation land management plans, and coordinated resource management plans. Many approved and in-progress plans were overlooked and inconsistencies were not addressed in the Program DPEIR/EIS (See additional comments on specific conservation plans in 3.15.2B. Biological Resources and Wetlands By Region comments below).

The primary objective of the NCCP program is to conserve natural communities at the ecosystem scale and focus on the long-term stability of wildlife and plant populations while accommodating compatible land use. The Department recommends the California High Speed Rail Authority and Federal Railroad Administration follow the requirements and general principals, and where appropriate in active planning areas, participate in developing and enter into planning agreements for HCPs, NCCPs and other conservation planning efforts.

Many approved and permitted HCPs/NCCPs are currently being implemented in various areas of the state, including several in the Bay Area and Central Valley and many more in Southern California. The conservation land reserve systems for these plans will be nearing completion in approximately 20 to 25 years, which is coincident with the HST completion timeline. It is imperative that potential impacts to these reserve systems be identified and analyzed in for the DPEIR/EIS, as HST impacts to these areas at +15 or +20 years could result in significant and unmitigatable project impacts which may preclude project completion. At a minimum, the DPEIR/EIS should identify potential conflicts between the project and HCP/NCCP proposed reserve systems so that appropriate adjustments can be made to these plans now to accommodate the HST alignments and ensure that impacts to the reserve systems are minimized.

The Department recommends including in the DPEIR/EIS tables and written summaries that list and discuss the adopted and in progress plans and their policies which may be impacted by the HST project and project alternatives. This analysis should address proposed plans (those whose implementation is anticipated by 2020) similar to timeline used to analyze other alternatives and impacts in the DPEIR/EIS.

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**Wetlands, riparian areas, other waters and hydrologic connectivity**

The DPEIR/EIS should address impacts of interrupted hydrologic connections and hydrologic function in lagoons, vernal pools, and other highly sensitive wetlands that are crossed by the HST alternative. The DPEIR/EIS should discuss the range of impacts to wildlife and plants dependent on these habitats, such as isolating populations increased sedimentation, pollution, etc. The DPEIR/EIS did not address the impacts of construction and maintenance activities on aquatic and riparian habitat such as habitat loss, fragmentation and the response of fish and wildlife to these conditions. The DPEIR/EIS should analyze the potential impact tunneling and train corridor construction may have on seeps and springs and related direct and indirect impacts on wildlife.

**Noise, Vibration, and Disturbance**

The DPEIR/EIS should include wildlife study areas for noise and vibration impacts. The reported impacts on wildlife range from minor behavioral responses to severe changes in the use of an area. Information on the physiologic, population, and reproductive effects for most species and situations is currently unknown, especially those effects related to high-speed rail. The noise exposure-vs-distance curves are based on human ranges of tolerance for maximum level and duration. The DPEIR/EIS should develop a noise and vibration impact study to evaluate the impacts on wildlife that includes noise and vibration ranges expected to impact wildlife. Data is available for both airports and highways for analysis of the other alternatives. The study should examine noise, below surface vibration, and surface vibration impacts on wildlife. The study design should be approved by the Department and the U.S. Fish and Wildlife Service (USFWS).

In areas of important wildlife habitat or wildlife concentration areas the construction of the HST alternative would introduce a new source of disturbance during construction and operation of the HST that may negatively affect the way wildlife use their habitat. Examples would include HST traffic in traditional sandhill crane roosting areas, or other similarly important habitats. The DPEIR/EIS should analyze aversion, displacement and behavioral modification impacts on wildlife (this analysis may in part be evaluated by the noise and vibration study suggested above).

Noise and vibration will likely have impacts to "sensitive land uses" including the Department's Wildlife Areas, Ecological Reserves, and other conservation lands. Wildlife areas are typically managed for hunting, fishing, wildlife viewing, and education opportunities. While ecological reserves are managed as preserves that provide refuge for sensitive wildlife and plants, they are also used by the public for wildlife viewing and education. These areas should be considered "sensitive land uses" to be evaluated within a minimum 1,000-foot study area.

**Energy, Air Quality and Wildlife Impacts**

The DPEIR/EIS should analyze the direct, indirect, and cumulative energy supply infrastructure and consumption impacts on wildlife for each alternative. Burning petroleum products to power vehicles or produce electricity results in the production of CO2, a greenhouse gas (GHG). In addition to the pollutants analyzed

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in the Air Quality section, an analysis of CO2 emissions for each alternative should be included. While CO2 is not a pollutant per se, its impact on the people, habitats, and species of California (and the world) is undeniable. Recognizing this fact, the State recently passed landmark legislation mandating the reduction of GHGs emitted from new vehicles and setting goals and timelines for major increases in renewable energy. Given that the proposed methods already include an analysis of energy use and its resultant toxic emission loads, it is relatively simple to include a calculation of annual tons of CO2 emissions as well.

The only way to reduce GHG emissions is to use less fuel. The document should address how the HST will further the State's goal of reducing GHG emissions and thereby reduce impacts on wildlife and habitats.

"EMI / EMF"

The potential impacts of EMI/EMF on wildlife were not addressed in the DPEIR/EIS. EMI/EMF has been shown to cause birds to deviate from flight direction and migration. Please analyze the project's potential EMI/EMF direct, indirect, and cumulative impacts on wildlife.

Regional and Statewide Growth Inducement

The DPEIR/EIS should analyze increased human population pressures on rare, threatened, and endangered species and their habitats as a result of the project's impacts on regional and statewide development growth for each alternative. The high-speed rail would result in increased build out all along each of the corridors. Reasonably foreseeable future projects may compound or increase impacts to biological resources. These potential growth induced impacts should be addressed in the Biological Resources and Wetlands section of the DPEIR/EIS, and should be considered in the project's cumulative impact analysis.

DFG Lands

Department of Fish and Game Wildlife Areas, Ecological Reserves, Conservation Easements and other conservation lands will be impacted by the HST alternative. Many Department lands are within one mile of the HST corridor alignments. Some of these lands were acquired and conveyed in fee title or conservation easement to the Department to mitigate impacts of other projects.

Ecological Reserves will be impacted by the project. Ecological Reserves are typically acquired for the protection of threatened or endangered native plants, wildlife or aquatic species or specialized habitat types for the benefit of the general public. Take of any bird, plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve is prohibited per Title 14 Section 630 (1).

Many Department Wildlife Areas are also within one mile of the project or in the alignment corridor. Wildlife Areas are acquired for the protection and enhancement of habitat for a wide variety of species. In addition to providing species and habitat protection, many of these areas are open to the public for wildlife viewing, hiking, hunting, fishing and nature tours. Some wildlife areas depend on

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visitor's fees for operations, maintenance and management. The HST may impact the number of visitors resulting in reduced revenues and visitor use of these areas. Physical access and uses may be impacted. Reduced revenues would impact the operations, maintenance and management necessary to protect and enhance species and habitats for which those lands were acquired. Other Department lands not designated as Wildlife Areas or Ecological Reserves provide public access for fishing, hiking, hunting or wildlife viewing. Access may be impeded and public uses impaired in addition to wildlife species impacts.

The DPEIR/EIS states that future funding for the project may be provided through the US Department of Transportation. The Secretary of Transportation may approve a project requiring the use of publicly owned land of a wildlife and waterfowl refuge only if there is no prudent and feasible alternative to using that land; and the project includes all possible planning to minimize harm to the wildlife and waterfowl refuges from the use. "Use" includes substantial impacts to wildlife resources due to close proximity of a transportation project (Department of Transportation Act 49 U.S.C. Section 303).

A list of Department lands impacted by the HST alignment corridors is enclosed for analysis (Attachment 1).

Agriculture

Some agricultural lands serve as replacement habitat for wildlife species. Conservation Programs under the Farm Bill such as the Conservation Reserve Program, Wetland Reserve Program, and the Wildlife Habitat Incentive Program encourage conservation of wildlife and habitats. These programs include restoration, development of wildlife habitat, temporary or permanent easements, and invasive species and pest control programs which may be impacted by the project. Please analyze the impacts to these programs and the related impacts to fish, wildlife, plants, and wetlands.

Cumulative impacts

Section 3.17 of the DPEIR/EIS contains the cumulative impact analysis for this program document. The analysis discussed in the DPEIR/EIS was a separate discussion of each environmental impact category. The Biological Resources and Wetlands portion of the Cumulative Impacts Evaluation did not address the proposed project alternatives contribution to cumulative impacts in the affected regions, or recommend feasible mitigation measures or ways to avoid contributing to cumulative effects. For example, the cumulative impacts section could have discussed the cumulative effects of the corridor alignments on wildlife movement across the entire Central Valley region due to the portion of the HST project that would include fencing of at-grade alignments for safety purposes. Cumulatively, the various alignment regions would almost eliminate wildlife movement in many areas of the state.

Where impacts are unavoidable, mitigation measures should be addressed comprehensively such that impacts from other transportation projects that are

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planned or occurring simultaneously can be implemented most effectively (minimizing cumulative losses).

REGIONAL ISSUES

Bay Area to Merced Region

The northern and southern tunnel alignments for the Diablo Range Direct and the Pacheco Pass alignments are new transportation corridors that would not follow existing transportation infrastructure. The Northern Tunnel, according to the DPEIR/EIS, would have the least amount of impact on special status species. The Diablo Range "Tunnel under Park" route would run through the Diablo Range and tunnel through Henry W. Coe State Park. According to the DPEIR/EIS, the Pacheco Pass alignment may have significantly more impacts to wetlands than the other proposed east/west alignments and would bisect the San Luis National Wildlife Refuge, the Los Banos State Wildlife Area, Cottonwood Creek State Wildlife Area, and numerous private duck clubs. The extensive native grasslands and wetlands of the Grasslands Ecological Area of central Merced County are a unique resource of regional and national importance for migrating waterfowl and numerous special status species. We believe the potential impacts to wildlife resources from the Pacheco Pass alignment would be unacceptably high and impossible to fully mitigate. Additional route alternatives should be explored for this segment.

The Altamont Pass alignment has been eliminated from further consideration according to the DPEIR/EIS. The Altamont Pass was the only alignment option that had used existing transportation infrastructure and therefore would likely result in fewer wildlife impacts. The preliminary analysis acknowledged that the Pacheco Pass (and presumably the Henry Coe option) route would potentially cost more than Altamont Pass, primarily because of extensive tunneling in Pacheco Pass and Henry Coe State Park. While there may well be reasons for dropping the Altamont Pass option from consideration, the Department believes that the Altamont option should be thoroughly reviewed and not eliminated from alignment options as it is likely to have significantly fewer adverse impacts to fish and wildlife resources than the other alignment alternatives. The Department recommends recirculating the DPEIR/EIS to include an analysis of the Altamont Pass alignment option.

Wildlife Movement

The HST alignment alternatives bisecting the western portion of the San Joaquin Valley will fragment other wildlife populations in addition to the San Joaquin kit fox mentioned in the DPEIR/EIS. Other special status species whose movement and populations may be impacted with the western San Joaquin Valley section of the alignment include the kangaroo rat, and blunt-nosed leopard lizard (a fully protected species), and giant garter snake. All of the HST alignment alternatives would bisect north/south wildlife movement along the Diablo Range and would impact wildlife species and habitats for wide-ranging medium and large carnivores such as bobcat and mountain lions, and large mammals such as elk and pronghorn antelope. Stream crossings and impacts to adjacent upland habitat in the Diablo Range would affect movement of special status amphibians, salmon and steelhead.

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Although some of the proposed routes such as San Francisco and Gilroy and Oakland and Gilroy are along existing rail corridors, it is incorrect to assume minor impacts on movement/migration corridors in this area. A potentially significant impact on wildlife movement is likely due to proposed perimeter fencing of the at-grade HST alignments. Existing rail corridors are not presently fenced, thus wildlife can still possibly move through the area. Further analysis of the potential impacts with regards to perimeter fencing is necessary in the DPEIR/EIS and subsequent analysis.

Conservation Plans

All three corridor alignment alternatives would impact the proposed habitat conservation plan/natural community conservation plan area and proposed habitat reserves in Santa Clara County and the Santa Nella area of Merced County. This proposed conservation plan and associated proposed habitat reserves was not addressed in the DPEIR/EIS.

Conservation Lands

Conservation lands potentially impacted, but not discussed in the DPEIR/EIS include Los Banos Wildlife Area, Cottonwood Creek Wildlife Area, Volta Wildlife Area, Mud Slough Conservation Easement, the Romero Ranch and Simon Newman Ranch Nature Conservancy Conservation Easements, San Bruno Mountain Ecological Reserve, and Le Grande conservation area (see Attachment 1).

Sacramento to Bakersfield

Wildlife movement

Many wildlife populations and habitats would be fragmented and isolated by the various alignments between Sacramento and Bakersfield. Perimeter fencing around the at-grade alignment areas would mean that the majority of the Central Valley would be fenced and would therefore interfere with or eliminate wildlife movement corridors. The only wildlife species discussed in the DPEIR/EIS was the San Joaquin kit fox. Other wildlife species which could be impacted by further habitat fragmentation and loss of movement corridors as a result of the HST alternatives in this region include, but are not limited to, riparian brush rabbit, various meso-carnivores, Tipton kangaroo rat, Swainson's hawk, and blunt-nosed leopard lizard.

Conservation Lands

Conservation lands potentially impacted by the HST in this region include, but may not be limited to Allensworth Ecological Reserve, the Cosumnes River Ecological Reserve, San Joaquin River Ecological Reserve, and mitigation lands such as the Laguna Creek Conservation Easement.

Conservation Plans

Numerous conservation planning efforts would be affected by the HST project. One approved HCP and associated habitat reserves affected by the project is the San Joaquin County HCP. Other conservation plans in various stages of planning and implementation include the Kern Valley Floor and South Sacramento

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HCPs. The impacts to these conservation planning efforts should be discussed in the DPEIR/EIS and subsequent alignment-specific analyses.

**Bakersfield to Los Angeles**

Wildlife Movement

This corridor alignment would impact many movement corridors for meso- and large carnivores, large mammals, fish, amphibians, and birds. Special status species that could be impacted by this rail segment include: Tehachapi slender salamander, blunt-nosed leopard lizard, and desert tortoise. The DPEIR/EIS concludes the SR-58/Soledad Canyon HST alignment would likely have a greater impact on wildlife movement than the I-5 grapevine. The DPEIR/EIS does not include enough information to substantiate this conclusion.

Conservation Plans

The DPEIR/EIS briefly discussed the approved Kern County – Metro Bakersfield HCP and the proposed Kern Valley Floor HCP. The DPEIR/EIS should discuss how the project may impact these conservation plans and their efforts to conserve habitats.

**Los Angeles to San Diego via the Inland Empire**

Conservation Plans and Wildlife Movement

Approved conservation plans not addressed in the DPEIR/EIS include the Western Riverside MSHCP, San Diego Multiple Species Conservation Program (MSCP), City of San Diego MSCP Subarea Plan, County of San Diego MSCP Subarea Plan, and San Diego Gas & Electric (SDG&E) Company Subregional Plan. Conservation plans in progress in this region include the North County MSCP Subarea Plan and the City of Escondido MHCP Subarea Plan. Information on these plans is updated regularly at <http://www.dfg.ca.gov/nccp/status.htm>. The DPEIR/EIS should discuss how the project may impact these approved and proposed conservation plans and their efforts to conserve habitats. The proposed HST alignment in urban locations such as the I-15 corridor would fragment the remaining small habitat areas, often constituting the only habitat left for some wildlife species, and acting as "stepping stones" for resident and migratory wildlife movement. Specifically, the I-15 HST alignment would impact the limited habitat that remains and allows for movement of Coastal California gnatcatchers. Impacts to these plans, reserves and remaining habitat for special status species is a potentially significant impact that should be addressed in the DPEIR/EIS and subsequent analyses.

**Los Angeles to San Diego via Orange County**

Conservation Plans

An approved conservation plan not discussed in the DPEIR/EIS is the Orange County Central-Coastal NCCP Subregional Plan. Local land use plans for the protection of the coastal zone should be analyzed for this area also. Other conservation plans approved in this region include the San Diego Multiple Species Conservation Program (MSCP), County of San Diego MSCP Subarea Plan, and the City of San Diego MSCP Subarea Plan. Other conservation plans in development include the Orange County Northern Subregion and Orange County Southern Subregion, City of Oceanside MHCP Subarea Plan, City of Encinitas MHCP

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Subarea Plan, and City of Carlsbad MHCP Subarea Plan. Information on these plans is updated regularly at <http://www.dfg.ca.gov/nccp/status.htm>. The DPEIR/EIS should discuss how the project may impact these conservation plans and their efforts to conserve habitats.

Wetlands

More detailed studies than what is proposed should also be used when analyzing impacts to watersheds, estuaries and lagoons. Information for the DPEIR/EIS and subsequent analyses of impacts in this region may be obtained from the Calleguas Creek Watershed Management group, Friends of the Santa Clara River, Ormond Beach Task Force; landowners with large holdings of lagoon/estuarine properties (e.g. CA Dept of Parks and Recreation, DFG, San Diego Gas and Electric, Southern California Edison); Dr. Chang and others at San Diego State University; the Port of Los Angeles, conservation groups such as the Audubon Society; and local lagoon foundations and citizen groups.

**3.15.5 Mitigation Strategies**

**Strategies vs. Mitigation Measures**

The Department recognizes a Program DPEIR/EIS should identify and generally discuss the environmental effects the project will have. In addition to general discussion, a Program DPEIR/EIS may discuss policy alternatives, cumulative impacts, and feasible mitigation measures. The California High-Speed Train Program DPEIR/EIS offers some "potential strategies to mitigate impacts on special-status species and sensitive habitat areas" for future project level analysis in Section 3.15.5 that are not feasible mitigation measures. There is no distinction made between proposed mitigation strategies and mitigation measures. All of the "potential mitigation strategies" discussed in the DPEIR/EIS could more appropriately be categorized into "policies to implement appropriate mitigation" and "potential feasible mitigation measures". The "policies to implement appropriate mitigation" may include those "strategies" discussed in the first paragraph of Section 3.15.5 of the DPEIR/EIS such as 1) field verification, 2) filling data gaps, 3) subsequent project specific analysis, 4) consultation with the appropriate resource agencies to refine avoidance and mitigation measures, and 5) developing a mitigation and monitoring program to determine impacts and mitigation effectiveness. The Program DPEIR/EIS "may recommend further measures to consider in more detail at the project level to avoid, minimize, and mitigate potential adverse impacts" (Summary, page S-1). The measures may include at a minimum those discussed in the DPEIR/EIS such as: 1) develop/participate in conservation banks, 2) avoid impacts by: design change, relocating segments, constructing above ground, constructing structures for wildlife movement, and adjusting the alignment plan; and 3) "special mitigation needs" including acquisition, preservation, restoration, banks, HCPs, and NCCPs.

**3.15.6 Subsequent Analysis Surveys and Mapping**

The Subsequent Analysis Section 3.15.6 proposes that field surveys will be conducted to determine the extent and type of general and sensitive biological resources including focused surveys for special-status species. Site-specific

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surveys and on-site visits will be necessary to further analyze the impacts of the various corridor alignments, inform alignment selection, and develop site-specific mitigation measures. The Department recommends that areas of suitable habitat be considered occupied if species-specific surveys are not planned or accepted protocols and methods are not followed to examine site-specific impacts, or if there is limited information available on species presence.

The Department appreciates the opportunity to comment on the California High-Speed Train Draft Program DPEIR/EIS. The Department will continue to work closely with you and others involved with this project. If you have any questions regarding our review or if we can provide you with additional assistance on plant and wildlife aspects of your project, please contact Mr. Scott Flint, Program Manager, Habitat Conservation Planning Branch, by telephone at (916) 653-9719.

Sincerely,

  
Sandra C. Morey, Chief  
Habitat Conservation Planning Branch

Attachment  
cc: Department of Fish and Game

Mr. Scott Flint  
Ms. Gail Presley  
Ms. Tina Bartlett  
Ms. Sarah Calzada  
Sacramento, California

Mr. Michael Haynie  
Ms. Dee Sudduth  
Eastern Sierra-Inland Deserts Region  
Chino Hills, California

Mr. Carl Wilcox  
Central Coast Region  
Yountville, California

Mr. Don Chadwick  
South Coast Region  
San Diego, California

Mr. Larry Eng  
Sacramento Valley-Central Sierra Region  
Rancho Cordova, California

Mr. Jeff Single  
San Joaquin Valley-Southern Sierra Region  
Fresno, California

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**Attachment 1. HST Impacts to Department of Fish and Game Lands**

Department of Fish and Game Region	Property Name
<b>Sacramento to Bakersfield Region</b>	
2	CENTRAL VALLEY SCREEN SHOP
2	COSUMNES RIVER ECOLOGICAL RESERVE
2	LAGUNA CREEK CONSERVATION EASEMENT
4	ALLENSWORTH ECOLOGICAL RESERVE
4	LE GRAND
4	RESERVE GUN CLUB CONSERVATION EASEMENT
<b>Bay Area to Merced Region</b>	
3	BAIR ISLAND ECOLOGICAL RESERVE
3	BRISBANE FISHING PIER
3	FRANKLIN D. ROOSEVELT PIER
3	PIER SEVEN
3	REDWOOD SHORES ECOLOGICAL RESERVE
3	SAN ANTONIO FISHING PIER
3	SAN BRUNO MOUNTAIN ECOLOGICAL RESERVE
3	SAN FRANCISCO BAY
3	SAN LUIS RESERVOIR WILDLIFE AREA
4	COTTONWOOD CREEK WILDLIFE AREA
4	LOS BANOS WILDLIFE AREA
4	MUD SLOUGH CONSERVATION EASEMENT
4	O'NEILL FOREBAY WILDLIFE AREA
4	ORESTIMBA FISHING ACCESS
4	SAN LUIS RESERVOIR WILDLIFE AREA
4	VOLTA WILDLIFE AREA
4	WEST HILMAR WILDLIFE AREA
<b>Los Angeles to San Diego via Orange County</b>	
5	AGUA HEDIONDA LAGOON ECOLOGICAL RESERVE
5	BATIQUITOS LAGOON ECOLOGICAL RESERVE
5	BUENA VISTA LAGOON ECOLOGICAL RESERVE
5	CASTAIC CONSERVATION EASEMENT
5	DWR MITIGATION-L.A. PROPERTY
5	EMBARCADERO PARK FISHING PIER
5	OCEANSIDE FISHING PIER
5	SAN CLEMENTE FISHING PIER
5	SAN DIEGUITO LAGOON ECOLOGICAL RESERVE
5	SAN ELIJO LAGOON ECOLOGICAL RESERVE
<b>Los Angeles to San Diego via the Inland Empire</b>	
6	SANTA MARGARITA RIVER
6	SYCAMORE CANYON ECOLOGICAL RESERVE

## Response to Comments of Sandra C. Morey, Chief of Habitat Conservation Planning Branch, California Department of Fish and Game, August 2004 (Letter AS012)

### AS012-1

Responses have been provided to the Department's comments and additional information has been included in the Final Program EIR/EIS, where appropriate. Recirculation is not required.

### AS012-2

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to include specific design methods and features that will be applied during the project level studies and implementation of the HST system to avoid, minimize, and mitigate potential impacts. Specific design criteria regarding power supply and perimeter fencing are documented in Section 3.2 of Engineering Criteria, January 2004. See excerpts from the Engineering Criteria Report (incorporated by reference) regarding power supply facilities below:

*"An electrical propulsion system is necessary to provide the performance characteristics (e.g. speed and acceleration) required to be competitive with other modes of travel in California. The power supply would consist of a 2x25KV overhead catenary system for all electrified portions of the statewide system. Supply stations would be required at approximately 30 mile intervals. Based on the estimated power needs of this system, these stations would need to be approximately 20,000 square feet (200' X 100'). Switching stations would be required at approximately 15 mile intervals. These stations would need to be approximately 7,500 square feet (150' X 50'). Paralleling (booster) stations would be required at approximately 7½ mile interval. These stations would need to be approximately 5,000 square feet (100' X 50'). Each station includes a control house that would need approximately 800 square feet (40' X 20'). These facilities would not be sited as part of this Program EIR/EIS. However, a generic analysis of these facilities would be included. The facilities defined fall well within the potential impact*

*areas defined for the environmental analysis methods for the program level study. All facility sizing and spacing to be verified by simulation based on planned headways, speed and specific equipment specifications at the project specific level of analysis."*

Please also see Section 2.6.2b "Electrification" of the Final Program EIR/EIS.

### AS012-3

The Modal and HST Alternatives were each developed to independently accommodate the anticipated future intercity travel demand. While the implementation of one system alternative does not necessarily preclude the implementation of the other, it is highly unlikely that both alternatives would be needed (over twice the projected need) or pursued during the same time period because of the high levels of environmental impact and capital cost to complete both of these alternatives. It is likely, however, that highway and airport facilities/systems would continue to be improved much as projected in the No Project Alternative, even with the implementation of the HST Alternative. Please also see response to Comment AS012-6.

### AS012-4

Acknowledged.

### AS012-5

Acknowledged. Site specific analysis will be completed in subsequent project level environmental review.

### AS012-6

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to include mitigation strategies that would be applied in general for the HST system. Each section of Chapter 3 also outlines specific design methods and features that will be

applied during project level studies and the implementation of the HST system to avoid, minimize, and mitigate potential impacts. Specific potential impacts related to the topics suggested in the comment will be addressed in the subsequent project level analysis.

**AS012-7**

Please see standard response 3.15.9 regarding wildlife corridors and habitat fragmentation. Information from the report entitled "Missing Linkages" has been referred to in the Final PEIR/S – please see response to Comment O034 – 19. As noted, the Missing Linkages report provides information that is suitable for general planning purposes only. The program level environmental review that has been conducted is exactly that – a general planning level environmental review. The information generated to date will provide guidance for subsequent project-level, Tier 2 analyses and development of more detailed mitigation strategies. Because the Authority intends to provide mitigation to maintain wildlife corridors, it would be premature to make a determination that any wildlife corridors will be lost. However the PEIR/S does acknowledge that the HST project has the potential to result in habitat fragmentation and population isolation.

**AS012-8**

Please see standard response 3.15.9 regarding mitigation to wildlife corridor movements and habitat fragmentation. Additional discussion regarding maintenance of wildlife corridors has been added to the mitigation strategies section. The Co-lead agencies appreciate the guidance provided by the Department of Fish and Game and its recommendations regarding methods for determining appropriate locations for wildlife movement structures. This work will be conducted during project-level, Tier 2 environmental review.

**AS012-9**

Please see standard response 3.15.9 and response to Comment AS012 – 08. It is agreed that, when project-level Tier 2 environmental review is done, the environmental document should

identify wildlife movement corridors, habitat linkages, and amount and type of wildlife habitat fragmented. Reductions of habitat value due to fragmentation would be evaluated, and mitigation would be incorporated to minimize fragmentation.

**AS012-10**

Please see standard response 3.15.9 and response to Comment AS012 – 08. Estimated costs for mitigation of HST program impacts have been included in the HST capital cost estimates.

**AS012-11**

Please see standard response 3.15.10. Should the HST proposal move forward, future mitigation efforts should complement and be coordinated with habitat conservation or protection plans for areas potentially affected by the proposed HST system.

**AS012-12**

The Co-lead agencies agree with the comment that, in addition to the possible direct fill of wetlands, there is a potential for impacts associated with alteration of hydrologic function. Although detailed evaluation of construction and maintenance impacts is not possible without further site-specific definition of the project alignment and construction methods, the Draft PEIR/S used an estimate of an 0.25-mi [0.40-km] area that "was used to encompass natural undisturbed resources that could be subject to indirect impacts from noise, erosion, storm water runoff, or other effects of construction or operation of the alternatives." Additional analysis will be performed at a project level, and the following text has been added to the section on Subsequent Analysis in Section 3.15.7 of the Final PEIR/S: "Evaluation of both direct and indirect impacts on wetland, riparian areas and other waters. Effects of project construction and operations on hydrologic connections will be evaluated. Potential for sedimentation and pollution will be addressed. Impacts on wildlife of habitat loss, degradation and fragmentation will be assessed".

**AS012-13**

See standard response 3.4.1 and response to Comment AS004-14.

**AS012-14**

CO2 emissions were included in the air quality analysis for the Program EIR/EIS at the statewide level (see Section 3.3.3, Table 3.3-13). The analysis showed less production of CO2 gases for the HST Alternative as compared to the Modal and No Project Alternatives. The Program EIR/EIS clearly states that the HST Alternative result in less energy consumption as compared to the Modal and No Project Alternatives (Section S.6, Table S.6-1, Page S-11 and Section 3.5.4, Table 3.5-4). The lower levels of CO2 emissions and energy consumption are considered beneficial in the Program EIR/EIS. More specific potential direct, indirect, and cumulative energy supply infrastructure and consumption impacts will be considered in the subsequent project level analysis, as more specificity is provided for the design, operation, and power supply of the proposed HST system.

**AS012-15**

Overall, it can be expected that the HST Alternative would introduce additional EMF exposures or EMI at levels for which there are no established adverse impacts on humans or wildlife. EMF emissions from HST vehicle passby's are very low, and impacts are therefore not expected to be significant. EMF/EMI characteristics will be analyzed in the subsequent project level environmental review, as summarized in the Draft Program EIR/EIS in Section 3.6.4 and 3.6.5.

**AS012-16**

The potential for indirect impacts on biological resources related to incremental population and employment growth, and associated changes in urbanization as a result of the Modal and HST Alternatives are addressed in Section 5.4.14 of the Final Program EIR/EIS.

**AS012-17**

The Co-lead agencies understand the importance of the Wildlife Areas, Ecological Reserves, Conservation Easements, and other conservation lands. To the extent possible early in the process, HST alignments were located to avoid such sensitive areas. At times, however, such areas are traversed by or are near candidate HST alignments. It is not possible to determine whether the HST alignments would have substantial effects on attendance at these areas at the program level of analysis. The Co-lead agencies understand the requirements of Section 4(f) of the Department of Transportation of 1966, as amended, which is discussed in Section 3.16 of the PEIR/S. Please note that the Authority has dropped from further consideration the HST alignments passing through and under Henry Coe State Park and the Orestimaba State Wilderness. As the additional analyses of the Northern Mountain Corridor (Bay Area to Central Valley) and the more detailed project-level, Tier 2 studies and alignment refinements are undertaken, the Co-lead agencies will continue to review ways to avoid critical environmental areas and develop plans to minimize harm should these areas have alignments passing near or through them. The Co-lead agencies note that alignments can and will be shifted within or near the analysis envelope discussed in the PEIR/S to further minimize or avoid impacts (please see standard response 3.15.7), and mitigation measures to minimize harm will be employed. Please also see response to Comment AS012-11.

**AS012-18**

The United States Department of Agriculture Farm Service Agency administers the Conservation Reserve Program, and the Natural Resources Conservation Service administers the Wildlife Habitat Incentives Program and Wetlands Reserve Program. All three programs provide technical and financial assistance to landowners to preserve wildlife habitat, including wetlands. The project would not be expected to have any direct impacts to the programs themselves, and it is not possible during this program environmental process to identify specific properties that are currently in a conservation program or to evaluate the potential effects of the proposed HST

system on those properties. Project-level, Tier 2 analyses would include a more detailed evaluation of impacts on farmland, including identification of properties that are under Williamson Act contracts, conservation easements, or are included in one of the above programs.

**AS012-19**

Effects on wildlife movement corridors were considered in the Draft PEIR/S, and additional analysis will be conducted at a project level. As noted on page 3.15.31 of the Draft PEIR/S, the Program document has identified major wildlife movement/migration corridors within the study area, but further study needs to be done on movement/migration corridors: "Field studies could identify additional locally significant corridors and provide data to assist in the design of bridges and wildlife crossings at crucial travel route points." Measures to mitigate effects of the HST Project on animal movements and corridors have been added to the Final PEIR/S and are provided in Section 3.15.6. A discussion of the systemwide potential impacts to identified wildlife movement corridors for the Modal and HST Alternatives (including illustrative figures) has been added to the Final PEIR/EIS and is included in Section 3.15.

**AS012-20**

See Standard Response 6.3.1.

**AS012-21**

Please see standard response 3.15.3 and standard response 3.15.4. The Draft PEIR/S acknowledges that special-status species could be affected by the HST project. Information on special status species and sensitive habitats is available in the Technical Evaluations for Biological Resources, which were conducted for each region. These studies are available for review on the California High Speed Rail Authority website

([http://www.cahighspeedrail.ca.gov/eir/regional\\_studies/default.asp](http://www.cahighspeedrail.ca.gov/eir/regional_studies/default.asp))

For example, the Bay Area to Merced Biological Resources Evaluation contains a table listing all of the special status species present along the project alignments and the acreage of habitat present along each alternative. Please refer to standard response 3.15.2 regarding the level of detail included in the PEIR/S. Please refer to standard response 3.15.10 regarding evaluation of effects on HCPs.

**AS012-22**

Please see standard response 3.15.11.

**AS012-23**

Please refer to standard response 3.15.10 regarding evaluation of effects on HCPs and response to Comment AS012-11. Detailed studies of impacts on watersheds, estuaries and lagoons will be conducted as a part of the project-level, Tier 2 environmental documentation.

**AS012-24**

Please refer to standard response 3.15.10 regarding evaluation of effects on HCPs and response to Comment AS012-11. Detailed studies of impacts on watersheds, estuaries and lagoons will be conducted as a part of the project-level, Tier 2 environmental documentation. Please refer to Response to Comment AS012-12 regarding additional studies to be conducted on water bodies. The PEIR/S also specifically requires additional study in the form of "hydraulic analysis of lagoon crossings to identify potentially feasible improvements that may help improve tidal hydraulics and remove barriers to floodwaters" (see Draft PEIR/S page 3.15-31).

**AS012-25**

The Co-lead agencies generally agree with the recommendations in this comment, and Section 3.15.5 of the Final PEIR/S has been revised. The term "strategies" has been retained, but the strategies have been separated from possible mitigation measures for consideration in the more-detailed, project-specific, Tier 2 evaluations.

**AS012-26**

Acknowledged.

**Comment Letter AS013**



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit

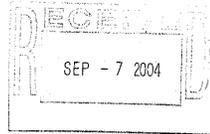


Jan Boel  
Acting Director

AS013

September 1, 2004

Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95203



Subject: Draft Program EIR/EIS for the Proposed California High-Speed Train System  
SCH#: 2001042045

Dear Dan Leavitt:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 31, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Terry Roberts*  
Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2001042045  
**Project Title** Draft Program EIR/EIS for the Proposed California High-Speed Train System  
**Lead Agency** California High Speed Rail Authority

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**Type** EIR Draft EIR  
**Description** A new statewide high-speed train system approximately 700 miles long that would serve the major metropolitan areas of California including San Diego, Los Angeles, the Central Valley cities (Fresno, Bakersfield, Merced), Sacramento, and San Francisco Bay.

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**Lead Agency Contact**  
**Name** Dan Leavitt  
**Agency** California High Speed Rail Authority  
**Phone** 916-322-1419 **Fax**  
**email**  
**Address** 925 L Street, Suite 1425 **State** CA **Zip** 95203  
**City** Sacramento

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**Project Location**  
**County**  
**City** San Diego, Los Angeles, City of, Sacramento  
**Region**  
**Cross Streets**  
**Parcel No.**  
**Township** **Range** **Section** **Base**

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**Proximity to:**  
**Highways** Several  
**Airports** Several  
**Railways** Several  
**Waterways** Several  
**Schools** Several  
**Land Use** Various

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**Project Issues** Agricultural Land; Archaeologic-Historic; Geologic/Seismic; Minerals; Public Services; Social; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Drainage/Absorption

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**Reviewing Agencies** Caltrans, Division of Aeronautics; Air Resources Board, Transportation Projects; Caltrans, District 3; Caltrans, District 6; Caltrans, District 7; Caltrans, District 10; Caltrans, District 11; Caltrans, District 12; California Highway Patrol; California Coastal Commission; Department of Conservation; Department of Water Resources; Department of Fish and Game, Region 2; Department of Fish and Game, Region 4; Department of Fish and Game, Region 5; Department of Fish and Game, Headquarters; Office of Historic Preservation; Department of Parks and Recreation; Resources Agency; State Water Resources Control Board, Division of Water Rights; Tahoe Regional Planning Agency; Caltrans, Division of Transportation Planning; California Energy Commission; Native American Heritage Commission; Public Utilities Commission; Regional Water Quality Control Board, Region 4; Regional Water Quality Control Bd., Region 5 (Fresno); Regional Water Quality Control Bd., Region 5 (Redding); Regional Water Quality Control Bd., Region 5 (Sacramento); Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; State Lands Commission; State Water Resources Control Board, Division of Water Quality; Other Agency(ies)

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**Date Received** 02/05/2004 **Start of Review** 02/13/2004 **End of Review** 08/31/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.



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

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**Response to Comments of Terry Roberts, Director, State of California Governor's Office of Planning and Research,  
September 7, 2004 (Letter AS013)**

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**AS013**

Acknowledged.

**Comment Letter AS014**

**AS014**

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF WATER RESOURCES**  
DIVISION OF ENVIRONMENTAL SERVICES  
3251 S STREET  
SACRAMENTO, CA 95816-7017



August 30, 2004

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

Dear Mr. Morshed:

The Department of Water Resources (DWR) has reviewed the Draft Program Environmental Impact Statement (EIR/EIS) for the proposed California High Speed Train System and has an interest in providing comments. DWR's comments are general rather than specific.

Our comments are the following:

1. DWR reviewed the California High Speed Train Authority programmatic EIR/EIS three proposed project alignments and found that all three have places of overlap with DWR structures or land right of ways.
2. DWR would need to be a responsible agency for California High Speed Train Authority project specific EIR/EIS that encroach on DWR land of right of way or interfere with DWR structures. DWR would need to issue encroachment permits before the California High Speed Train Project undertook any work on DWR right of ways or interfered with any DWR structures.

AS014-1

If you have any questions or need further information, please contact me at (916) 445-6127.

Sincerely,

Dale K. Hoffman-Floerke, Chief  
Environmental Compliance and  
Evaluation Branch  
Division of Environmental Services



CALIFORNIA HIGH SPEED RAIL AUTHORITY



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

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**Response to Comments of Dale K. Hoffman-Floerke, Chief of Environmental Compliance and Evaluation Branch,  
California Department of Water Resources, No Date Received (Letter AS014)**

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**AS014-1**

Acknowledged.