

Submission BO001 (No Name, African-American Farmers of California, September 21, 2011)

September 19, 2011

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Sincerely:

African-American Farmers of California

BO001-1

Response to Submission BO001 (No Name, African-American Farmers of California, September 21, 2011)

BO001-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO002 (Debbie Hunsaker, Alert-O-Lite Inc, October 13, 2011)

Fresno - Bakersfield - RECORD #735 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested : Yes
Stakeholder Type : Business
Submission Date : 10/13/2011
Submission Method : Website
First Name : Debbie
Last Name : Hunsaker
Professional Title : President
Business/Organization : Alert-O-Lite Inc
Address :
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93721
Telephone : 559-453-2474
Email : debbieh@alertolite.com
Email Subscription : Fresno - Bakersfield, Merced - Fresno
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : I am a business owner who is directly impacted by the High Speed Rail Project as it comes through Fresno. My property is affected on both sides (two different streets...G St. & Railroad Ave). My concern is we have been at our current location since 1973. We strongly believe this location is our competitive advantage. There is vacant land located across the street (Foundry Business Park). The problem is a new facility would have to be build in order for us to move. I do believe there may be one facility available for lease (it may be too large and not sure if they would be receptive to modifying to our specific need or if they would even allow our type of business). This is one troubling issue. The other is my concern that the authority would move us into a temporary facility while we build a suitable facility. Moving us out of the immediate area may have a major economic impact on our revenues. This is based on past attempts by others in our industry trying to encroach into our market share.
 My questions are:
 Would my costs to move into a temporary facility until a permanent facility can be found be covered?
 Would my second move into a permanent facility be covered?
 If I am unable to stay in the immediate vicinity, will I be reimbursed for the loss of revenues?
EIR/EIS Comment : Yes

BO002-1

Response to Submission BO002 (Debbie Hunsaker, Alert-O-Lite Inc, October 13, 2011)

BO002-1

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03.

Submission BO003 (Debbie Hunsaker, Alert-O-Lite Inc, October 13, 2011)

Fresno - Bakersfield - RECORD #757 DETAIL	
Status :	Action Pending
Record Date :	10/13/2011
Response Requested :	No
Stakeholder Type :	Business
Submission Date :	10/13/2011
Submission Method :	Website
First Name :	Debbie
Last Name :	Hunsaker
Professional Title :	President
Business/Organization :	Alert-O-Lite Inc
Address :	
Apt./Suite No. :	
City :	Fresno
State :	CA
Zip Code :	93721
Telephone :	559-453-2474
Email :	debbieh@alertolite.com
Email Subscription :	Fresno - Bakersfield, Merced - Fresno, Business/Vendor Opportunities
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	As a small business owner who will have my business relocated due to the High Speed Rail coming through the west side of Fresno, I strongly encourage the Authority to open up the business opportunities to small business, especially local small business, to the fullest extent possible.
EIR/EIS Comment :	Yes

BO003-1

Response to Submission BO003 (Debbie Hunsaker, Alert-O-Lite Inc, October 13, 2011)

BO003-1

Refer to Standard Response FB-Response-GENERAL-18.

For information on local job training programs and contracting opportunities, please visit the California High-Speed Rail Authority's website.

Submission BO004 (Dan Capener, Allied Waste Services, October 6, 2011)

Fresno - Bakersfield (May 2011 – July 2012) - RECORD #464 DETAIL

Status : Action Pending
Record Date : 10/6/2011
Response Requested : No
Affiliation Type : Businesses and Organizations
Interest As : Businesses And Organizations
Submission Date : 10/6/2011
Submission Method : Website
First Name : Dan
Last Name : Capener
Professional Title : General Manager
Business/Organization : Allied Waste Services
Address : 5501 N. Goldenstate Blvd.
Apt./Suite No. :
City : Fresno
State : CA
Zip Code : 93722
Telephone : 925-250-2388
Email : dcapener@republicservices.com
Cell Phone :
EIR/EIS Comment : Yes

BO004-1
 BO004-2
 BO004-3
 BO004-4

Stakeholder Comments/Issues : October 6, 2011

Scott Lanphier, P.E.
 Parsons Brinckerhoff
 2329 Gateway Oaks Drive, Suite 200
 Sacramento, CA 95833-4231

Scott,

Thank you for coming by today and providing information pertinent to the high speed rail project and our property.

It is my understanding that our front parking lot may be at risk due to a realignment of North Golden State Blvd. As we discussed, I have some concerns I would like taken into consideration as the process moves forward;

Noise & Vibration

I am anticipating that we will experience substantially more noise and vibration as a result of the road being moved closer to our building and the addition of the high speed rails. Our customer service team is situated at the front of the building. We would need the front of the building to be improved in order to mitigate the noise and vibration. This would include soundproof wall material, dual pane windows, etc.

Parking Concerns

We will need a few spaces by our front door for customer parking and disabled parking. If there is insufficient parking space available the interior of our building may need to be reconfigured and our front door relocated.

We are in the process of a large business expansion so we cannot afford to lose any portion of our property. If our front parking area is lost we would need it to be replaced. One possibility would be to purchase property just south of us. This potential solution would require a road bridge over the canal, the area to be paved and fenced.

Relocation

If for whatever reason we must relocate I am anticipating a minimum two year project. We would need to find a suitable property and acquire a number of permits before we could start the actual construction. Ample time would need to be provided should this be the direction we have to go.

Whatever the outcome of our property we would expect a couple of things from the California High Speed Rail Authority;

Sufficient lead time to either make the necessary improvements to our property, or relocate

Fair compensation for the cost associated with property improvements or relocation

Please forward my comments to the responsible department or individual who oversees this portion of the project.

Sincerely,

Dan Capener
 General Manager
 Allied Waste Services
 5501 N. Goldenstate Blvd.
 Fresno, CA 93722

Response to Submission B0004 (Dan Capener, Allied Waste Services, October 6, 2011)

B0004-1

Refer to Standard Response FB-Response-N&V-03 and FB-Response-N&V-05.

B0004-2

The property referenced in your letter (5501 N. Goldenstate Blvd., Fresno, CA 93722) lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The Authority has commenced the right-of-way appraisal process for the southern extent of the Merced to Fresno Section, south of Avenue 17 in Madera, and has determined that a portion of the referenced property will be acquired. The Authority has contacted you to arrange for a fair market value appraisal of your parcel.

B0004-3

The property referenced in your letter (5501 N. Goldenstate Blvd., Fresno, CA 93722) lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The Authority has commenced the right-of-way appraisal process for the southern extent of the Merced to Fresno Section, south of Avenue 17 in Madera, and has determined that a portion of the referenced property will be acquired. The Authority has contacted you to arrange for a fair market value appraisal of your parcel.

B0004-4

The property referenced in your letter (5501 N. Goldenstate Blvd., Fresno, California 93722) lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The Authority has commenced the right-of-way appraisal process for the southern extent of the Merced to Fresno Section, south of Avenue 17 in Madera, and has determined that a portion of the referenced property will be acquired. The Authority has contacted you to arrange for a fair market value appraisal of your parcel.

Submission BO005 (Serena Unger, American Farmland Trust, August 23, 2011)

Fresno - Bakersfield - RECORD #137 DETAIL

Status : No Action Required
Record Date : 8/23/2011
Response Requested : No
Stakeholder Type : Other
Submission Date : 8/23/2011
Submission Method : Website
First Name : Serena
Last Name : Unger
Professional Title : California Policy Consultant
Business/Organization : American Farmland Trust
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95617
Telephone :
Email : sunger@farmland.org
Email Subscription : All Sections
Cell Phone :
Add to Mailing List : Yes

BO005-1

Stakeholder Comments/Issues : American Farmland Trust (AFT) requests that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period.

Our interest is as a private, nonprofit organization committed to the conservation of agricultural land and to promoting environmentally beneficial farming practices. We have had an office in California since 1983 and count several thousand members in the state. The San Joaquin Valley has long been AFT's primary concern in the state because of its outstanding agricultural resources, its rapid population growth, and low-density development patterns. Much of the area within which the high-speed train project is proposed, within the Fresno to Bakersfield section, is agricultural land. The significant impact on farmland is a concern that needs to be adequately addressed. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system. AFT therefore urges that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

EIR/EIS Comment : Yes
Affiliation Type : Businesses and Organizations
Official Comment Period : Yes

Response to Submission BO005 (Serena Unger, American Farmland Trust, August 23, 2011)

BO005-1

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-14.

Submission BO006 (Edward Thompson, Jr., American Farmland Trust, August 23, 2011)



August 23, 2011

Mr. Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

American Farmland Trust (AFT) requests that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period.

Our interest is as a private, nonprofit organization committed to the conservation of agricultural land and to promoting environmentally beneficial farming practices. We have had an office in California since 1983 and count several thousand members in the state. The San Joaquin Valley has long been AFT's primary concern in the state because of its outstanding agricultural resources, its rapid population growth, and low-density development patterns. Much of the area within which the high-speed train project is proposed, within the Fresno to Bakersfield section, is agricultural land. The significant impact on farmland is a concern that needs to be adequately addressed. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system. AFT therefore urges that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

Respectfully,

A handwritten signature in black ink, appearing to read "ET", written over a horizontal line.

Edward Thompson, Jr.
California Director

BO006-1

Response to Submission B0006 (Edward Thompson, Jr., American Farmland Trust, August 23, 2011)

B0006-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO007 (Serena Unger, American Farmland Trust, August 23, 2011)

Fresno - Bakersfield (May 2011 – July 2012) - RECORD #1513 DETAIL

Status : Action Pending
Record Date : 8/23/2011
Response Requested : No
Stakeholder Type : Other
Submission Date : 8/23/2011
Submission Method : Website
First Name : Serena
Last Name : Unger
Professional Title : California Policy Consultant
Business/Organization : American Farmland Trust
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : 95617
Telephone :
Email : sunger@farmland.org
Email Subscription : All Sections
Cell Phone :

BO007-1

Add to Mailing List : No
Stakeholder Comments/Issues : American Farmland Trust (AFT) requests that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period.

Our interest is as a private, nonprofit organization committed to the conservation of agricultural land and to promoting environmentally beneficial farming practices. We have had an office in California since 1983 and count several thousand members in the state. The San Joaquin Valley has long been AFT's primary concern in the state because of its outstanding agricultural resources, its rapid population growth, and low-density development patterns. Much of the area within which the high-speed train project is proposed, within the Fresno to Bakersfield section, is agricultural land. The significant impact on farmland is a concern that needs to be adequately addressed. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system. AFT therefore urges that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

EIR/EIS Comment : Yes
Affiliation Type : Businesses and Organizations
Official Comment Period : Yes

Response to Submission BO007 (Serena Unger, American Farmland Trust, August 23, 2011)

BO007-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO008 (Thomas Frawley, Amtrak, October 13, 2011)

Fresno - Bakersfield - RECORD #781 DETAIL

Status : No Action Required
Record Date : 10/16/2011
Response Requested : No
Stakeholder Type : Transportation Agency
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Thomas
Last Name : Frawley
Professional Title :
Business/Organization : Amtrak
Address :
Apt./Suite No. :
City :
State :
Zip Code : NA
Telephone :
Email : Thomas.Frawley@amtrak.com
Email Subscription :
Cell Phone :
Add to Mailing List : No
Stakeholder Comments/Issues : In addition to substantive comments transmitted previously by Ms. Wendy Wenner of Amtrak, please note the following typographical issue with regard to the complete (as opposed to Summary) EIR/EIS documents for the Fresno-Bakersfield HST Project.

* Page 3.18-3, Regional Growth Section, Second-to-last bullet: "maximize" should be replaced with "minimize".

Thank you.

Tom Frawley

Thomas E. Frawley, Esq., P.E. - Principal
Thomas E. Frawley Consulting, LLC
610-724-5028 (Mobile)

EIR/EIS Comment : Yes
Affiliation Type : Businesses and Organizations
Official Comment Period : Yes

BO008-1

Response to Submission BO008 (Thomas Frawley, Amtrak, October 13, 2011)

BO008-1

This bullet list was updated for the Revised DEIR/Supplemental DEIS.

Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011)

Prepared by: AMTRAK (National Railroad Passenger Corporation)

PUBLIC REVIEW COMMENTS

DOCUMENT: CHSRA Draft EIS/EIR - Fresno-Bakersfield Project
PREPARED BY: Amtrak (National Railroad Passenger Corporation); Comments Version 4.0
SUBMITTED: October 13, 2011

	No.	PAGE	SECTION	OTHER LOCATION INFORMATION	COMMENT
BO009-1	1	N/A	General	N/A	The plan for incremental implementation of Phase 1 is alluded to but never explicitly described. Many aspects of the systemwide program are related to this issue; e.g., test track operation, HMF location and operation, revenue operation phasing and coordination with other modes, etc. Recommend elaboration upon anticipated incremental approach to start-up of operations.
BO009-2	2	S-5	S.4.2	N/A	The purpose of the Fresno-Bakersfield section is stated as "... connects the northern and southern portions of the system". Suggest adding brief statement regarding concept of "independent utility" to be achieved in part by leveraging existing San Joaquin service.
BO009-3	3	S-5	S.4.3	N/A	The statement of objectives includes a 3rd bullet, which refers to connecting with "local transit, airports and highways" but doesn't mention conventional passenger rail. The 8th bullet refers to implementation in phases, presumably referring to stages within the phase 1 route between San Francisco and Los Angeles and Anaheim. Both bullets should be expanded slightly for purposes of clarification.

Prepared by: AMTRAK (National Railroad Passenger Corporation)

BO009-4	4	S-7	S.5.2	N/A	Text describes mix of 6 express and 4 "skip stop" locals per hour in the peak, with overtakes by faster trains of slower trains. The segment length, number of intermediate stations, and maximum operating speed suggest this would be challenging to accomplish. Could more information beyond what is included in the technical appendices be provided to demonstrate feasibility of this operating pattern? Also, might coordinated conventional passenger rail making stops at intermediate stations be leveraged to permit fewer HST local stops during peak periods?
BO009-5	5	1-5	1.2.3	First Paragraph	Text states intent of HST system to be "coordinated with California's existing transportation network, particularly intercity rail and bus lines, commuter rail lines, urban rail lines, highways, and airports". Suggest that discussion should provide more detail regarding such coordination, especially with existing intercity rail, which will presumably be an important part of the implementation of HST service, as well as a long-term part of the state's integrated overall transportation network.
BO009-6	6	1-22	1.3.2	Second Paragraph, First Sentence	The text states that the <i>San Joaquin Corridor Strategic Plan</i> (Caltrans 2008) "recognizes that the current passenger trains, termed the San Joaquin's, have the opportunity to interface with the HST system to serve as a collector/distributor". However, potential interchange station locations are not clear, and some appear to be infeasible, such as in Fresno where the HST station is parallel to the UPRR alignment, while the existing San Joaquin's station is on the BNSF alignment. Additional clarification would be helpful.
BO009-7	7	1-22	1.3.2	Second Paragraph, First Sentence	The text states that "...opportunities will arise for the San Joaquin's to 'bridge' the HST service while it is under construction in different regions..." This is a complex topic and additional explanation would be helpful.
BO009-8	8	1-24	1.3.6	Third Paragraph	The specificity of the planned intermodal connection between the HST and the San Joaquin's at Bakersfield, drawn from the Kern COG Regional Transportation Plan, is addressed well.

Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

Prepared by: AMTRAK (National Railroad Passenger Corporation)

BO009-9	9	2-5	2.2.2.	Bottom Paragraph	Text cites typical train width as ranging between 9 and 11 feet. Suggest that maximum dimension of existing vehicles of 11 feet should be assumed, given that this is a new system with no specific dimensional constraints.
BO009-10	10	2-6	2.2.2.	Second Paragraph	Automatic Train Control discussion cites fiber backbone combined with communications based system. Suggest elaboration upon planned treatment of vital functions.
BO009-11	11	2-8	2.2.4.A	Figure 2-6	Assuming 11' wide trains, the typical section shown allows 5'6" clearance between passing trains. With closing speeds between passing trains well in excess of 400 MPH, especially in unconstrained territory, a few feet of additional clearance might be advisable. Existing freight standards are significantly larger, albeit for different reasons.
BO009-12	12	2-15	2.2.8.B	Third Bullet	Some of the tasks identified sound as if they would not normally be performed while a trainset is "in service". Please clarify use of terminology.
BO009-13	13	2-16	2.2.8.C	N/A	Suggest that it may be beneficial to describe plan or process of achieving full build out of control center, as well as coordination with other control centers including freight rail and transit.
BO009-14	14	2-48	2.2.8.D	Last paragraph in section	Important point made regarding need to update the <i>San Joaquin Corridor Strategic Plan</i> to address the changing role of the San Joaquin service to complement the HST system.
BO009-15	15	2-65	2.4.4.A	Figure 2-35	The site plan does not include the existing San Joaquin service station, located several blocks to the northeast.
BO009-16	16	2-72 73	2.2.2.4.C	Figures 2-40 and 2-41	North alternative for Bakersfield station shows better integration with San Joaquin service station.
BO009-17	17	2-78	2.4.6	N/A	Proposed HMF candidate locations should also be evaluated based on non-revenue vehicle miles and O&M costs. (This issue not identified in Appendix 2-C, Operations and Service Planning Summary.)
BO009-18	18	2-91 93	2.6.2	N/A	All identified maintenance activities appear generally reasonable given the current level of design.
BO009-19	19	2-91 93	2.6.2	First Bullet, Second Paragraph	Please clarify if intent is to describe resurfacing (line and level) or rail grinding.
BO009-20	20	2-91 93	2.6.2	Second Bullet	Please confirm if the intent is to inspect the entire OCS nightly.

Prepared by: AMTRAK (National Railroad Passenger Corporation)

BO009-21	21	3.2-48	3.2.5.C	Second Paragraph from Bottom	Text could be interpreted to suggest that while San Joaquin service will be important during construction, that it would be phased out after HST operations are initiated. This is different from the philosophy articulated elsewhere in the document. Perhaps there is a need to develop a coordination plan for the San Joaquin's relative to the HST implementation?
BO009-22	22	3.3-17	3.3.3.G	Last Section on Page	NO ₂ from diesel locomotives, heavy-duty equipment and trucks is identified as a "pollutant of concern". Have gen-set locomotives been assumed as the locomotive type for purposes of emissions calculations? If not, they might be a very reasonable, and better performing, assumption.
BO009-23	23	3.3-19	3.3.3.G	Third and Fourth Bullets from Bottom	Suggest that one switch locomotive at the HMF would be adequate. Would also appreciate additional information on intended use of MOW locomotives during initial years of HST operation, and assumptions related to their idling time at the HMF.
BO009-24	24	3.3-52	3.3.5.D	Second Paragraph from Bottom	Suggest adding statement regarding employment of solar panels and other green design elements at stations being maximized to reduce station emissions impact.
BO009-25	25	3.3-52	3.3.5.D	Bottom Paragraph	Assuming that train exteriors will be manufactured of aluminum, consider an unpainted, polished exterior - similar to some aircraft - to substantially reduce painting activity. (It may still be preferable to paint the ends of the trainsets to permit cosmetic repairs when needed.)
BO009-26	26	5-2	5.2.1	Second Paragraph from Bottom	System wide capital cost estimate assumes 100 trainsets; Ridership and O&M costs appear to assume 212 trainsets. Please explain assumptions regarding expansion of fleet size over time.

Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

Prepared by: AMTRAK (National Railroad Passenger Corporation)

PUBLIC REVIEW COMMENTS

DOCUMENT: CHSRA Draft EIS/EIR Summary - Fresno-Bakersfield Project
PREPARED BY: Amtrak (National Railroad Passenger Corporation); Comments Version 4.0
SUBMITTED: October 13, 2011

No.	PAGE	SECTION	OTHER LOCATION INFORMATION	COMMENT
BO009-27	1	S-5 S.4.1	N/A	Purpose statement indicates, "A further objective is to provide an interface with ... mass transit ... as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources." Integration of proposed HST facilities and operations with existing Caltrans-sponsored, Amtrak intercity rail passenger service and local transit service should receive greater emphasis throughout the document, to better promote the synergistic potential of the overall transportation network.
BO009-28	2	S-8 S.5.3	First Paragraph; Last Sentence	The last sentence is confusing in light of the preceding information in the paragraph. Is the concept being described that residential growth is anticipated to result from both potential commuters to major metropolitan areas and from the expansion of Fresno and Merced CBDs into substantially larger centers of commerce in-and-of-themselves? Also, that this growth will develop symbiotically with the growth in retail, restaurants, entertainment, etc.?
BO009-29	3	S-9,10 S.5.4	N/A	Agree with intent to locate HMF on trunk segment for operational reasons. Suggest stating that minimization of deadhead train miles, and providing for rapid recovery and replacement of trainsets in the event of failure are also important considerations.
BO009-30	4	S-11 S.7	Third Paragraph	Suggest providing additional quantitative support for statement that, under the No Project Alternative, reduced emissions due to replacement of older more-polluting cars with newer, cleaner ones would approximately offset increased emissions due to greater VMT, and that noise would remain unchanged because of ordinances.

Prepared by: AMTRAK (National Railroad Passenger Corporation)

BO009-31	5	S-11 S.7	Fourth Paragraph	Suggest amplification of statement that "A consequence of the No Project Alternative would be that the project vicinity would not include the higher density Transit Oriented Development planned around proposed urban HST stations, and the continuation of low density development might be more likely." It is arguable how much, but some TOD would likely result from continued growth of Caltrans-sponsored Amtrak California services, as well as local transit services.
BO009-32	6	S-14 S.8.1	Second Paragraph from Bottom, Last Sentence	The statement "The Authority has also adopted a policy goal to provide all HST system power from renewable energy sources" would benefit from clarification and amplification. Suggest that the phrasing "maximize the use of renewable energy sources and minimize the use of fossil fuel generated energy" may be more suitable, and would be inclusive of nuclear. Also suggest adding statement regarding the HST's flexibility in obtaining energy from various sources, potentially reducing dependence on foreign oil and thereby contributing to economic stability in the region.
BO009-33	7	S-14 S.8.1	Third Paragraph, Last Sentence	It would be helpful to elaborate on the demographic assumptions over time, to clarify the basis for ridership estimates where the study area population includes a large proportion of low income residents and the historical experience of most high speed rail systems is that they are a "premium fare" service.
BO009-34	8	S-15 S.8.2	First Bullet Point	Suggest adding text to identify the importance of intermodal connectivity between HST and existing Caltrans-sponsored San Joaquin service. Also suggest adding statement regarding proposed integration of station facilities at locations to be served by both the HST and Amtrak San Joaquin, as means of achieving intermodal network synergy.
BO009-35	9	S18,19 S.8.3	N/A	Suggest adding brief discussion of interface at stations between planned HST service and the existing Amtrak California services or local transit operations.
BO009-36	10	S-27 Table S-3	N/A	Transportation impacts section should address the importance of integration of HST stations with existing San Joaquin intercity rail passenger service and local transit services.

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011)

BO009-1

Section 1.6 of the Revised DEIR/Supplemental DEIS provides additional information on the incremental approach to start-up of HST operations based on the Revised 2012 Business Plan (Authority 2012a).

BO009-2

A discussion of the Revised 2012 Business Plan (Authority 2012a) has been provided in Section 1.6 of the EIR/EIS. This discussion indicates how the Amtrak San Joaquin can use the first segment of the Initial Operating System.

BO009-3

The connections to conventional passenger rail are still being explored. The Revised DEIR/Supplemental DEIS was updated to include more information about recent plans for phasing construction based on the Revised 2012 Business Plan (Authority 2012a). That information is discussed in Section 1.6 of the Revised DEIR/Supplemental DEIS.

BO009-4

In analyzing the full-build service levels, a string line diagram was prepared that demonstrates the train modeling simulation results for this scenario (this can be provided to Amtrak if desired). It indicates that this level of express and skip-stop local trains is feasible. Regarding the operation of conventional trains making intermediate stops on the HST alignment, this was not a scenario that was analyzed. Once the Initial Operating Segment (Merced to the Los Angeles Basin) becomes operational, it is anticipated that the Amtrak San Joaquin Rail service would be adjusted to function as a feeder service to the HST System. This is described in Section 3.2 of the EIR/EIS and in Section 6.5.1.5 in the *Fresno to Bakersfield Section: Transportation Technical Report* (Authority and FRA 2012j).

BO009-5

A key purpose 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 increases in intercity travel demand in California occur...” (see Section 1.2.1 of the EIR/EIS). The design of the HST System, including the Fresno to

BO009-5

Bakersfield Section, must balance a number of objectives, such as maximizing the use of existing transportation alignments to the extent feasible, minimizing impacts on existing land uses where possible, and maximizing intermodal transportation opportunities through station location, as well as meeting the technical specifications necessary to operate an HST at up to 220 miles per hour (see Section 1.2.3).

Coordination itself does not relate to environmental impacts and is therefore not discussed in detail in the Final EIR/EIS. A more expansive discussion of coordination efforts is provided in Chapter 2 of the Revised 2012 Business Plan (Authority 2012a).

BO009-6

The existing Fresno Amtrak station is at Santa Fe Avenue and Tulare Street, roughly 8 blocks east of the proposed HST Mariposa Street station. This will not allow for the co-location of the existing Amtrak station and proposed HST station in a single multi-modal facility. The specific means for providing connecting transit between the stations has not been determined. However, likely methods include regularly scheduled shuttles between stations, and/or regularly scheduled stops at each station by FAX system buses (which already provide such service between Amtrak and Greyhound bus terminals).

The existing Bakersfield Amtrak station is on the northern side of the BNSF tracks, opposite of both the north and south proposed HST station locations. The Amtrak and HST stations would be connected by access ways that cross the BNSF. Additional connections would be provided by multi-modal service, such as the Golden Empire Transit bus system.

BO009-7

The IOS will include the Merced to Fresno and Fresno to Bakersfield sections of the HST System. As set out in the Revised 2012 Business Plan (Authority 2012a), HST passenger operations will begin with the construction of the IOS connections to the Los Angeles Basin. Under the proposed blended approach described in the Business Plan, Amtrak would potentially have three roles in providing integrated service with the HST System.

Amtrak could use the completed HST track from Merced to Bakersfield on an interim basis, thereby reducing its current travel time between those stations substantially. That

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

BO009-7

service would be discontinued with the initiation of passenger service on the HST.

Amtrak provides service to the San Joaquin Valley from both the Bay Area and Los Angeles Basin. Once the Merced to Los Angeles Basin segment of the IOS is in operation, Amtrak's San Joaquin can provide passenger rail service to the northern terminus of the HST System while the IOS connection to the Bay Area is under construction.

Once the entire IOS is operating, Amtrak could also provide feeder service from Sacramento to the Merced HST station until such time as Phase 2 of the HST System is built.

BO009-8

The Authority will continue discussions with Amtrak, and also include Golden Empire Transit, with regard to multi-modal connections between the existing Bakersfield Amtrak station and the proposed HST station on the opposite side of the BNSF tracks. The proximity of the two stations would lend itself to cooperative, multi-modal connections that would efficiently serve passengers at both stations.

BO009-9

As shown in the right-of-way cross sections in Volume III of the EIR/EIS, sufficient space has been provided in the preliminary engineering design for vehicles 11 feet wide.

BO009-10

Refer to Standard Response FB-Response-GENERAL-21.

The purpose of an EIR/EIS is to provide an analysis of the effects of project alternatives on the environment. Elaboration upon the use of a fiber optic backbone in the radio-based communications network is not necessary as the EIR/EIS is required to provide sufficient detail for the public and decision makers to evaluate the environmental effects of implementing the Fresno to Bakersfield Section of the HST System, and does so.

BO009-11

The proposed track center distance for the HST System is 16.5 feet. Track centers were established based on representative train dimensions and track center distances in use on international high-speed train systems designed to operate at speeds of 200 miles per hour (mph) or higher. High-speed train systems in Italy, China, and South Korea have track centers at 5 meters (16.4 feet) for speeds of 350 kilometers per hour (217 mph).

BO009-12

"Service monitoring" was not meant to indicate that testing and maintenance activities would take place while trains are in service, but rather that these activities would monitor safe operation of the trains.

BO009-13

Refer to Standard Response FB-Response-GENERAL-15.

We agree that it is possible to house the Control Center in the heavy maintenance facility (HMF) at full build-out, but that determination has not been made, and a final location for the HMF has not been made.

Coordination with other control centers will be handled in a similar way as current practice, in which Class 1 railroads and passenger railroads are in close communication with each other for dispatching and other rail operations.

BO009-14

Refer to Standard Response FB-Response-GENERAL-12.

BO009-15

Station figures included in Chapter 2 of the EIR/EIS provide information on location, setting, campus boundaries, and facility characteristics. These figures depict the conceptual site plans for the station facilities and indicate landmarks and points of interest in the vicinity. Figure 2-35 does not include the existing San Joaquin service station as it is located at the corner of Tulare Street and Santa Fe Avenue, outside of the area depicted in the figure.

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

BO009-16

Thank you for your input on the Bakersfield Station-North Alternative.

BO009-17

Refer to Standard Response FB-Response-GENERAL-15.

BO009-18

Thank you for your comment.

BO009-19

As stated in Section 2.6.2 of the EIR/EIS, the referenced text describes rail resurfacing.

BO009-20

As stated in referenced text in Section 2.6.2 of the EIR/EIS, the overhead contact system along the right-of-way would be inspected nightly, with repairs being made when needed.

BO009-21

Refer to Standard Response FB-Response-GENERAL-12.

The impact analysis mentioned has been revised within the Chapter 3.2, Transportation, of the Revised DEIR/Supplemental DEIS. Please refer to Impact TR #10 – Impacts on Regional Transportation System.

BO009-22

Nitrogen dioxide emissions from switch locomotives were estimated based on the assumption that these vehicles would comply with EPA Tier 4 emission standards (adopted by the California Air Resources Board) applicable for newly manufactured (after 2015) locomotives (73 Federal Register 88, 25098-25352, May 6, 2008), which use stringent control technologies and ultra-low sulfur diesel fuel. Locomotive emission rates were estimated based on locomotive type, notch setting, activity time, and duration.

BO009-23

Refer to Standard Response FB-Response-GENERAL-15.

The number of locomotives at the HMF was provided by project engineers. The Authority has not identified the preferred HMF site at this time. This decision will be made as part of the San Jose to Merced Section EIR/EIS because selection of the HMF is highly dependent on the selection of the wye.

Once the HMF site is selected, additional comparative study, design, and review may be necessary, which might result in fewer locomotives at the HMF sites. However, at this time the assumption is for two locomotives for a conservative analysis.

Locomotives were assumed to idle for 2 hours over a 24-hour period. Idling emissions were estimated using U.S. EPA Tier 4 emission standards (which are also adopted by the California Air Resources Board) applicable for newly manufactured (after 2015) locomotives (40 CFR Title 40, Part 89).

BO009-24

The HST station designs will comply with California Title 24, Building Energy Efficiency Standards. To meet the requirements of Title 24, the stations might incorporate solar panels or other green design elements, and these energy efficiency elements will be decided during the local building permitting process. To be conservative, the reductions from station building operation emissions through compliance with Title 24 were not accounted for in the emission calculations.

BO009-25

In response to this suggestion, text was added to Mitigation Measure AQ-6: Reduce the Potential Impact of Air Toxics, as follows, " When advertising for a train set vendor, a preference for the use of highly polished external manufactured aluminum for train sets will be stated in the request for proposals."

BO009-26

Fleet expansion will be timed to coincide with increases in train operation as future phases of the planned HST System are constructed, and the rolling stock expansion will

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

BO009-26

reflect the ridership forecasts for the respective phases.

BO009-27

No specific plans exist for integration of the HST, Amtrak, and transit services at this time. However, in approving Proposition 1A, voters gave the state tools to do two things:

- Provide the HST connection between California's economic centers.
- Enhance the regional/commuter rail systems that will tie into that HST connection.

The Revised 2012 Business Plan (Authority 2012a) ties together these two goals and can help advance both simultaneously.

Of the \$950 million in Proposition 1A set aside to enhance regional rail systems, \$190 million is allocated to the state's three intercity rail lines (the Capitol Corridor, the San Joaquin, and the Pacific Surfliner lines) and \$760 million is allocated to local and regional/commuter rail systems. Proposition 1A gave approval authority over project selection to the California Transportation Commission (CTC).

The \$760 million for regional/commuter rail systems was allocated to 10 agencies based on existing state formula distributions. Because these 10 systems will connect directly with the high-speed system, it is imperative that the state and regional/local agencies work cooperatively to ensure those linkages are efficient and effective. The 10 agencies are as follows:

- Altamont Commuter Express (ACE)
- Los Angeles County Metropolitan Transportation Authority (LACMTA)
- North Coast Transit District, San Diego County (NCTD)
- Peninsula Corridor Joint Powers Board (Caltrain)
- Sacramento Regional Transit District (RT)
- San Diego Trolley, Inc.
- San Francisco Bay Area Rapid Transit District (BART)
- San Francisco Municipal Railway Transit System (MUNI)
- Santa Clara Valley Transportation Authority (VTA)
- Southern California Regional Rail Authority (Metrolink)

In February 2010, the CTC adopted guidelines for the program. Those guidelines state that, "the Commission will give priority to those projects that provide direct connectivity

BO009-27

to the high-speed train system." A program of projects was identified and adopted by the CTC in May 2010. However, to date, of the \$760 million, only \$45.5 million has been appropriated, specifically to advance important safety programs. Two governors have vetoed the appropriation of additional funding, each citing the lack of a coordinated plan for improvements as called for in Proposition 1A and the CTC guidelines.

As part of the implementation strategy of early investment, the CTC has begun to work collaboratively with regional transportation agencies to reach agreement on a package of investments that will provide near-term local benefits and address previous concerns that resulted in vetoes. Success will allow regional agencies to put their shares of these funds to use for important projects—creating jobs, transportation improvements, and economic activity as the system progresses, as well as increasing the overall rail-system capacity to support high-speed rail.

A goal of this collaboration is to identify and move forward with a program of "early investments" in the regional/commuter rail systems. These investments will provide two levels of benefit: first, they will benefit the riders of those systems prior to being connected to the high-speed system. Second, as the high-speed system is developed and connects with these systems, they will provide the basis for enhanced blended operations. Some of the property or rail corridors involved in this network are owned by private parties or share operations with freight and passenger services, meaning that public and private parties need to further develop cooperative approachesong public and private parties.

This Revised 2012 Business Plan builds on the foundation of Proposition 1A to lay out a framework for establishing the partnerships and coordination to create the statewide system that is needed. It recognizes that metropolitan areas have existing rights-of-way and rail service, as well as the transportation agencies that fund and provide those services. While those services and entities exist within the metropolitan areas, there is no comparable entity that connects them. The state is the appropriate entity to fill that void and provide the connection between northern and southern California. Under an overarching cooperative arrangement, the agencies within the metropolitan areas can take the lead in planning, initiating, providing, and improving the intra-regional services with improvements that have independent utility and will connect to the statewide high-speed service, and the state can take the lead in developing and implementing the inter-regional connection.

To ensure that such progress can be achieved, the Authority is working with state, regional, and local agencies and private parties to establish formal processes to achieve

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

BO009-27

the following:

- Ensure that the initial high-speed rail capital investment in the Initial Operating Section (IOS) is immediately used by regional/commuter rail services to provide benefits to the public.
- Identify and advance mutually beneficial investments that can proceed quickly using authorized Proposition 1A funding.
- Identify additional sources of funding that can be agreed upon and put to use for early investments in improvements in the regional/local systems in anticipation of high-speed rail.
- Develop operational procedures to ensure seamless integration of inter-regional and intra-regional transportation services, including coordinated schedules, ticketing, marketing, and other activities.
- Identify potential opportunities for improving financial performance of the various services through improved coordination, potential leveraging of resources, joint purchases, and other steps.
- Develop proposals for institutional arrangements that will facilitate cooperative actions among public and private rail operators, including freight.
- Develop a cooperative and complementary agenda for jointly pursuing federal support.
- Ensure that plans for improvements adequately assess and address the needs of both passenger and freight operations and take into account their respective needs, rights, and operating issues.

BO009-28

The concept is that the HST stations could promote business growth in downtown Fresno and Bakersfield, resulting in the presence of more people downtown. This could stimulate retail, restaurants, entertainment, and similar commercial enterprises.

BO009-29

The alternative Heavy Maintenance Facility sites have been located in the center of the HST System to optimize the utility of the facility with regard to minimizing deadhead train miles and allowing rapid recovery of trains.

BO009-30

The Summary is intended to be a brief overview of the contents of the EIR/EIS, and the Authority does not feel that the requested level of detail is appropriate for the Summary. Details of the air quality analysis are provided in Section 3.3, Air Quality and Global Climate Change, of the EIR/EIS and the Air Quality Technical Report (Authority and FRA 2012e).

Emissions associated with motor vehicles under the No Project Alternative and the project alternatives were estimated using the EMFAC2007 computer model. The California Air Resources Board developed the model, and the U.S. Environmental Protection Agency (EPA) has approved it for determining the conformity of federal actions with state or federal implementation plans (see Section 3.3.2.1 of the EIR/EIS for an explanation of the Conformity Rule). EMFAC2007 calculates vehicle emissions of hydrocarbons, carbon monoxide, nitrogen dioxide, carbon dioxide, sulfur dioxide, and lead. The model takes into account the vehicle fleet in the state in a given year. The vehicle fleet evaluation includes an estimate of vehicle types, vehicle classes, vehicle years, and emission control technology on the vehicles. This information is based on an analysis of California Department of Motor Vehicles registration data and includes current regulations for vehicle emission controls to 2040. The Air Quality Technical Report provides inputs and outputs to the EMFAC2007 model runs for the project.

There is no quantitative support for the assumption that existing local noise ordinances would make noise unchanged in the future. Noise ordinances are established by local communities to ensure that the ambient noise environment remains acceptable for the land uses that the ordinances address.

BO009-31

Amtrak service has resulted in some transit-oriented development (TOD) in the communities of the Central Valley, as is evident in Hanford in the vicinity of the Amtrak station. Anecdotal observations in the towns and cities of the San Joaquin Valley do not indicate that local transit service has promoted TOD as of yet. Because of the projected passenger volumes for the HST System, it is likely that it will do more to stimulate TOD than Amtrak or local transit has, although there is no quantitative evidence for this contention because there are currently no high-speed train systems in the United States.

Response to Submission BO009 (Wendy Wenner, Amtrak, October 13, 2011) - Continued

BO009-32

The Authority's policy is to use renewable energy sources. Additional amplification of this policy would not add to the understanding of project effects on the environment, which is the purpose of the EIR/EIS.

BO009-33

Refer to Standard Response FB-Response-GENERAL-24, FB-Response-GENERAL-23.

The EIR/EIS provides a reasonable growth scenario based on the research and projections of Cambridge Systematics, Inc., a reputable firm that specializes in such work. The Cambridge Systematics ridership model was based on population projections taken from multiple sources including the Census, California Department of Finance and the Institute of Urban and Regional Development. These data sources capture the demographic and economic characteristics of the populations within the HST project area.

BO009-34

The Revised DEIR/Supplemental DEIS contains additional information on intermodal connectivity between the HST System and San Joaquin service. The Authority is coordinating with Caltrain regarding the integration of the HST System and Amtrak over the entire HST System. Those plans have not been fully formulated at this time.

BO009-35

The Revised DEIR/Supplemental DEIS contains additional information on intermodal connectivity between the HST System and San Joaquin service. The Authority is coordinating with Caltrain regarding the integration of the HST System and Amtrak over the entire HST System. Those plans have not been fully formulated at this time.

BO009-36

The Revised DEIR/Supplemental DEIS contains additional information on intermodal connectivity between the HST System and San Joaquin service. The Authority is coordinating with Caltrain regarding the integration of the HST System and Amtrak over the whole HST System. Those plans have not been fully formulated at this time.

Submission BO010 (Shelli Andranigian, Andranigian Farming, September 14, 2011)

09-14-11P04:3

09-14-11P04:37 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO010-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

Shelli Andranigian
[Name]

Andranigian Farming
[Organization]

September 10, 2011
Date

Response to Submission BO010 (Shelli Andranigian, Andranigian Farming, September 14, 2011)

BO010-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO011 (Daniel Taylor, Audubon California, August 23, 2011)

Fresno - Bakersfield - RECORD #139 DETAIL	
Status :	No Action Required
Record Date :	8/23/2011
Response Requested :	
Stakeholder Type :	Environmental
Submission Date :	8/23/2011
Submission Method :	Website
First Name :	Daniel
Last Name :	Taylor
Professional Title :	Director of Public Policy
Business/Organization :	Audubon California
Address :	
Apt./Suite No. :	
City :	Sacramento
State :	CA
Zip Code :	95825
Telephone :	(916) 649-7600
Email :	dtaylor@audubon.org
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes

BO011-1

**Stakeholder
 Comments/Issues :**

On behalf of our more than 150,000 members and supporters statewide I respectfully request that the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project.

As you know a Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the on August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five day comment period. We urge that the Authority to extend the comment period to ninety days, or until November 10, 2011.

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are intended to make sure that governmental decisions that might affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system.

We are particularly concerned that there could be very significant impacts on wetlands and wetland-related bird populations along with similar impacts on prime agricultural land. Given that there are a number of possible alternatives and mitigations that should be considered the ability of the Authority to do an adequate review is directly tied to the quality of the public comment received. Forty-five days is simply not sufficient to allow the kind of public involvement and comment that both CEQA and NEPA require on a project of this extent and complexity.

Again we respectfully urge you to extend the review period to provide the public ninety days to comment on the potential environmental impacts of the proposed project.

Thank you for your consideration of our views.

EIR/EIS Comment :

Yes

Affiliation Type :

Businesses and Organizations

Official Comment Period :

Yes

Response to Submission BO011 (Daniel Taylor, Audubon California, August 23, 2011)

BO011-1

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-14.

Submission BO012 (Dennis Luckey, Baker Commodities Inc., October 12, 2011)

Fresno - Bakersfield - RECORD #649 DETAIL	
Status :	Action Pending
Record Date :	10/12/2011
Response Requested :	
Stakeholder Type :	Business
Submission Date :	10/12/2011
Submission Method :	Website
First Name :	Dennis
Last Name :	Luckey
Professional Title :	Exec V.P.
Business/Organization :	Baker Commodities Inc.
Address :	
Apt./Suite No. :	
City :	Vernon
State :	CA
Zip Code :	90058
Telephone :	323 268 2801
Email :	dluckey@bakercommodities.com
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes

**Stakeholder
 Comments/Issues :**

Baker Commodities Inc.

Comments on the California High-Speed Rail Authority Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Fresno-to-Bakersfield section of the California High-Speed Train Project.

Baker Commodities Inc. ("Baker") is an independent rendering company headquartered in Vernon, California, which operates numerous facilities in the western and eastern United States. Rendering is a process by which animal by-products (raw material) are recycled into liquid animal fat (tallow) and dry proteinaceous material (meat and bone meal). Baker also recycles used cooking oils into animal feeds and feed stocks utilized in the production of biofuels.

Baker serves the meat locker, restaurant, grocery store and food processing industries that operate in the Fresno, Kings, Tulare and Kern County areas by providing collection services for used cooking oil, meat and fat scraps and the pumping of grease interceptors. Perhaps most important, is the service Baker performs for one of the largest and most important industries in the area: "Dairy". Baker provides dead stock removal services over an 8 county region in the Central Valley. The area is home to approximately 3 million dairy animals all of which eventually die and have to be disposed in an environmentally safe manner. The animals are collected and brought to Baker's facility in Hanford, California, to be skinned and prepared for processing at Baker's rendering plant located in Kerman, California.

Rendering provides the most convenient, economically and environmentally appropriate method of disposal of these animals. Rendering of this material by Baker inactivates most pathogens, keeps them from entering landfills and eventually leaching in to the water tables or being disposed of by burial, burning or being dropped off on the side of a county road.

Any interruption of our dead stock removal services would likely contribute to these waste materials being disposed of in a manner inconsistent with environmental regulations and thereby threatening environmental safety or, it could result in an increase in the volume of material disposed of in landfills.

Baker's Hanford operation is absolutely critical to the safe and efficient disposal of these animals. Even a single day of interruption puts the dairy industry in a situation where they have few if any appropriate alternative methods of disposal. During an extraordinary heat wave that occurred in 2006, an estimated additional 25,000 dairy animals died suddenly. The resulting additional number of dead animals greatly taxed the ability of Baker, and other renderers that operate in the Central Valley, to collect and process all of the mortalities. The situation rose to devastating proportions and ultimately resulted in the Governor of California having to declare an emergency situation which allowed for the temporary disposal of many of the animals in local landfills, an unwanted alternative to the environmentally safe method of rendering.

Baker provides an invaluable service to the dairy industry and has been recognized by the California High Speed Train Project (HST) and Kings County as being essential to the agricultural and dairy industries in the Central Valley.

The current Hanford area "East Alignment" requires that the bulk of Baker's processing facility be relocated. The "East Alignment" creates a multitude of challenges for Baker's Hanford facility located at 7480

Submission BO012 (Dennis Luckey, Baker Commodities Inc., October 12, 2011) - Continued

Hanford-Armona Rd. Our comments herein include both procedural and physical hurdles that need to be addressed and overcome should the "East Alignment" become the chosen route.

BO012-3

1. Baker operates under a Conditional Use Permit (CUP) that would require modification due to the relocation of our processing facilities. The CUP is granted by Kings County through a permitting process that, during normal County operating conditions, would take 3 to 4 months to obtain after Baker has provided all the necessary information. Given that the County would be heavily burdened by the numerous CUP revision requests from similarly effected entities impacted by the HST, Baker requests that local and regional Permitting Authorities be allocated the necessary funds from the HST to timely and efficiently expedite all permitting requests.

BO012-4

An alternative to the timely and costly processing of individual EIR and CUP requests would be for the HST's EIR to be modified and submitted as a Program EIR that includes all public and private entities and enterprises that are impacted by the Project.

Further, the HST, as the lead state environmental agency, could declare all entities and enterprises impacted by the Project as qualifying for either Negative Declaration or Mitigated Negative Declaration status. This option could be considered part of the "fair value" provided to the entities and enterprises impacted by the HST.

2. Hanford-Armona road is currently slated for an overpass that has the possibility of severely limiting Baker's access to its property. In fact, the HST divides the property in such a way that limits access. Currently Hanford Armona Road provides access at the most westerly portion of Baker's property for agricultural purposes. Baker believes that an overpass would severely restrict or deny its ability to access the western portion of its property which would be separated from the rest of its property by the proposed HPT, the overpass approach and the neighboring property boundaries. The property would effectively become land locked.

BO012-5

Baker hereby requests that an alternate design for the Hanford-Armona Road overpass be considered. The alternate would be an underpass of sufficient width and grade to accommodate the current traffic patterns that include both agricultural equipment and auto traffic that regularly uses the road. Due to safety considerations, Baker also requests that proper signaling in the form of caution lights be installed at the underpass to mitigate potentially dangerous traffic situations. In addition, Baker will require on-site access beneath the elevated segment of the HST that bisects its property. This access should take the form of a tunnel that allows for utility access for irrigation and power lines, as well as for agricultural equipment.

3. Baker's operational requirements dictate that it's treated wastewater be used as part of the farming operations irrigation system. Baker recently constructed a multimillion dollar waste water lagoon system that treats process wastewater at the Hanford facility. The Lagoons provide the dual purpose of supplying needed irrigation water as well as acting as a filtering system for the dead stock plant's process water.

The Regional Water Board dictates wastewater/land application ratios at Baker's facility. Any land that is removed from Baker's agricultural base impacts not only revenues generated through farming, but also limits the amount of wastewater that can be generated by the facility. As such, Baker will be requesting land replacement or funding for treatment of wastewater due to the loss of land to the HST.

Due to the nature of Baker's business, any relocation, even if it's limited to a few hundred yards on its own property, could lead to opposition and complaints from its neighbors. Efforts to mitigate the opposition and complaints may require the purchase of adjacent properties. There is obviously a link between the land requirements for Baker's operation and the potential to purchase adjacent properties to mitigate opposition and complaints to the facilities relocation. Baker requests that the HPT authority look at the mitigation alternatives of purchasing adjacent properties.

4. As an agricultural entity dealing with animal mortalities, Baker is concerned with the visual impact its operations may have on passengers and employees of the HST project. Baker believes that the impact may be exacerbated if Kings/Tulare Regional Station is constructed at the current proposed location, due to the fact that the trains could possibly be moving at a much lower rate of speed as they enter / exit the station. Baker requests that the HST Authority provide mitigation scenarios that will reduce or eliminate the visual impact on the passengers and employees utilizing the trains.

Summary:

Baker Commodities has been determined to be a vital component of the agricultural/dairy community in the Central Valley. As such, there can be no interruption of service during any relocation or reconfiguring of our dead stock facility in Hanford. Baker requires a minimum of two years of planning and construction time before the existing facility can be replaced with new process buildings and infrastructure. This timeline could be extended based on the length of time required for the processing of permits by Kings County, The Central Valley Regional Water Quality Control Board, and the San Joaquin Valley Unified Air Pollution Control District.

EIR/EIS Comment :

Yes

BO012-1

BO012-2

Response to Submission BO012 (Dennis Luckey, Baker Commodities Inc., October 12, 2011)

BO012-1

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-AG-02.

BO012-2

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06.

The EIR/EIS recognizes that affected businesses would require new permits from state (i.e., Regional Water Quality Control Board [RWQCB] water quality permit) and local (i.e., conditional use permit [CUP]) agencies before a new site could be approved. Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Appendix C of the Community Impact Assessment Technical Report). In order to address this concern, the EIR/EIS includes a commitment (see Section 3.14.6, Project Design Features) to assist agricultural facility owners in obtaining new or amended permits for the continued operation or relocation of the facility. Land owners will be fairly compensated for loss or disruptions to their operations, including the costs associated with the loss of wastewater lands and the costs of permitting new lands. For information on relocation assistance, see Volume II Technical Appendix 3.12-A, which has detailed information on the property acquisition and compensation process.

The severance of a farm or processing facility from any of its currently utilized wastewater lands will be addressed in the right of way process. A right of way agent will work with the individual land owner to mitigate impacts from both construction and operation of the HST. Prior to destruction of affected infrastructure, the owner will have time to restore infrastructure to minimize disruption. The Authority is proposing to work with land owners who would experience impacts to their wastewater land by helping them relocate and obtain permits for wastewater lands nearby. The Authority will fairly compensate land owners for loss or disruptions to their operations during the right-of-way acquisition process, including the costs associated with the loss of wastewater lands and the regulatory costs of permitting new lands.

BO012-3

Refer to Standard Response FB-Response-SO-01.

Land owners will be compensated with just compensation as determined in the appraisal process, including the value of any displaced residences and loss of farmland including any estimated "cost to cure" damages, e.g., cost of re-establishing irrigation systems, replacing wells, etc. The difference between these "before" and "after" values is termed as severance damages and will reflect any loss in value to the remaining land. The property owner may choose to use the damages to purchase adjacent land.

BO012-4

See Volume I Chapter 3.12 section 7 Mitigation Measure SO-4.

If the BNSF alternative is selected through the Hanford Area, the Baker Commodities facility would be relocated on the property and the concerns about the visual impacts on HST passengers would be taken into consideration in the siting of the facility. If one of the Hanford West bypass alternatives is selected, the facility would be over 5 miles away from the HST, and no visual impacts on passengers and employees would occur.

BO012-5

Refer to Standard Response FB-Response-SO-03, FB-Response-AG-06.

The Authority has committed to maintaining a "permit bureau" to help businesses overcome the regulatory disruptions caused by the project.

Submission BO013 (Christopher Campbell, Baker Manock & Jensen (behalf of Fresno City and County Historical Society (FHS)), October 13, 2011)

**Baker Manock
& Jensen PC**
ATTORNEYS AT LAW

October 13, 2011

California High Speed Rail Authority &
Federal Railroad Administration
Fresno to Bakersfield Draft EIR/EIS
Comment
770 L Street, Suite 800
Sacramento, CA 95814
fresno_bakersfield@hsr.ca.gov

Re: Comments of Fresno City and County Historical
Society on the Fresno to Bakersfield Draft EIR/EIS

To Whom It May Concern:

I serve as Secretary and General Counsel of the Fresno City and County Historical Society (FHS). I am submitting these comments behalf of FHS in response to the California High-Speed Train ("HST") Project Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") made available for public comment on August 15, 2011. This letter includes comments on historical resources in both the Merced to Fresno and the Fresno to Bakersfield segments of the EIR. We have therefore submitted a duplicate original of this letter for consideration by the teams review segment.

The EIR/EIS includes an inventory of historic resources that the drafters have concluded are eligible for listing on California and/or national registries. FHS asserts that there are additional resources that have local importance that require consideration as well. These comments will discuss various local resources that merit consideration and mitigation measures.

The analysis in the project level EIR/EIS of impacts on specific historical resources is necessarily general because the extent of many impacts and the mitigation of impacts on specific resources can only be handled in the final design phase. Since the EIR/EIS is based on the general location of various alternatives, the precise impacts and mitigation for each historical resource cannot be addressed at this phase. FHS requests that the High Speed Rail Authority ensure that the consultants working on the more detailed design of the route through Fresno work closely with FHS and the City of Fresno Historic Preservation Commission to minimize impacts on historic resources. The most important point FHS can make is that it is essential for those with local knowledge to be involved in the final decisions about how the local historical resources are addressed. We request that this involvement be in the next design phase rather than waiting for the next public circulation of proposed documents for comment.

1021158v1 / 14208.0003

Christopher L. Campbell
Attorney at Law
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October 13, 2011
Page 2

These comments will address historic resources within the built environment of the City of Fresno from North to South along the Union Pacific Railroad corridor and the transition to the BNSF route south of the Fresno Downtown station.

Forestiery Underground Gardens

As the EIR/EIS notes, the Underground Gardens are both listed on the NRHP and designated as a California State Landmark. The EIR/EIS notes that the northeast corner of the Gardens is within the footprint of roadway improvements associated with the alignment. It will be essential for final design to ensure that those improvements do not compromise the structural or historical integrity of the Gardens. A preconstruction archeological and structural investigation must be conducted prior to covering any of the site with additional roadway.

Motel Drive

The businesses along Motel Drive represent the post World War II California automobile culture. While many of those businesses have ceased operation in their original format, a number of iconic buildings, and especially signs, are still in place. We understand that road realignments to accommodate the HSR may result in demolition of some of this area. We believe that the signs and the facades are an important element of Fresno history that should be saved. We recommend that the mitigation program include a method to preserve these signs and facades even if some need to be relocated.

Roeding Park/Belmont Circle/Belmont Subway and Railroad Bridge/Weber Ave Overcrossing

The EIR/EIS did address impacts on Roeding Park and the Weber Avenue Overcrossing because they were already listed or found eligible for listing in the NRHP. The access on the southeastern corner of Roeding Park is, however, of equal historic significance. The Belmont subway and railroad bridge and the adjacent Belmont Circle were created in 1932 to provide more convenient public access to Roeding Park. These are important local historical resources that deserve more detailed consideration in the EIR/EIS and in final design of the project. While the undercrossing will certainly have to be expanded to accommodate the additional HSR tracks, the design should be sensitive to the historical features. It should retain as much of the historical structure as possible and extend the historical design elements to the expanded undercrossing. Similarly, the Belmont Circle should be reconfigured to the minimum extent and restored to its original design even if its size must be diminished to a small degree. The nearby McCardle Home, located at 417 W. Belmont Avenue, maybe eligible for Fresno's local Register of Historical Places and any redesign of The Belmont Circle should be sensitive to the home's location and setting.

Because Roeding Park is a significant area for quiet recreation including the Zoo, Playland and Storyland, and passive recreation including picnicking and other family and

1021158v1 / 14208.0003

BO013-1

Submission BO013 (Christopher Campbell, Baker Manock & Jensen (behalf of Fresno City and County Historical Society (FHS)), October 13, 2011) - Continued

October 13, 2011
Page 3

children's activities, it is essential to minimize sound impacts. The final design needs to ensure that there is adequate sound buffering to allow the quiet and relaxing use of the park to continue undisturbed.

Downtown HSR Station

The downtown HSR station and the right of way north and south of the station present many historical issues. The most important is the historic Southern Pacific Depot. We understand that the HSR station is planned to be to the west of the SP Depot so that the historical structure will not be compromised. Once again, final design is going to be very important to ensure that and that the historical context of the SP Depot is not compromised.

Chinatown has an extensive underground tunnel system that tells a significant story in local history. Excavation and even vibration from construction or from operation of HSR could damage the tunnel system. Archeological surveys of the construction area need to be performed prior to construction to ensure that none of the tunnels are directly impacted. In addition, the final design needs to ensure that the impacts of vibration are mitigated so that they do not adversely impact the tunnels over time.

The Pacific Coast Seeded Raisin/Del Monte Plant No. 68 is scheduled for demolition. FHS believes that the plant is an important element in the agricultural and architectural history of Fresno. Therefore, FHS asserts that appropriate mitigation needs to be developed prior to any demolition of Plant No. 68.

The proposed Tulare Street overcrossing will have impacts on several historic buildings, including the SP Depot, due to the size and mass of the structure. An undercrossing should be evaluated to determine whether it will be suitable to mitigate the impacts of the overcrossing to less than significant. As discussed above, an archeological survey will be necessary to determine whether there are important underground resources prior to constructing either the overcrossing or the undercrossing for Tulare Street.

In addition, in the warehouse district south of the Downtown Station, it should be noted that there may be built resources that do not technically qualify as historical resources, but contribute significantly to the historic context of the area. Care should be taken to minimize direct impacts to such contributors.

In conclusion, we appreciate the detailed information concerning historical resources that is included in the EIR/EIS. We believe that the appropriate handling of those resources identified in the EIR/EIS and those additional local resources we have discussed in these comments, must be addressed in specific detail in the next phase of designing the project. Because local knowledge is so important in addressing historical resources, we strongly encourage the HSR Authority to include FHS and the City of Fresno Historic Preservation Commission in early discussions about the appropriate way to address each of the historic

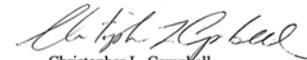
1021158v1 / 14208.0003

October 13, 2011
Page 4

resources that are potentially affected by the HSR and to assist in designing appropriate mitigation measures.

Thank you for your consideration.

Very truly yours,


Christopher L. Campbell
BAKER MANOCK & JENSEN, PC

CLC:tlw

cc: City of Fresno, Historical Preservation Commission

1021158v1 / 14208.0003

Response to Submission BO013 (Christopher Campbell, Baker Manock & Jensen (behalf of Fresno City and County Historical Society (FHS)), October 13, 2011)

BO013-1

Refer to Standard Response FB-Response-CUL-04.

BO013-2

Avoidance measures were developed to address potential vibration effects and to avoid, minimize, and mitigate adverse effects on historic properties.

Although the potential presence of a network of tunnels in the Chinatown region is of concern, the anecdotal evidence that supports their existence has not, at the time of the circulation of the Draft EIR/EIS, been supported with direct observation of their whereabouts, either through a published archaeological survey or other report presenting physical evidence of their location and integrity. This lack of evidence notwithstanding, since the circulation of the Revised DEIR/Supplemental DIES, additional research was conducted regarding the possible presence of the Chinatown tunnel system as part of the Merced-Fresno Archaeological Treatment Plan (ATP) (Authority and FRA 2012a) (a document required as part of the procedures set forth in the Section 106 Programmatic Agreement [Authority and FRA 2011e] that outlines treatments and mitigations for archaeological resources to be implemented as the project is constructed). This research further suggests the presence of, at a minimum, historic archaeological deposits in Downtown Fresno that may be associated with ethnic Chinese activities in the area. As a result, the ATP designated the Fresno Chinatown as an archaeologically sensitive area, which will trigger more controlled, scientific investigations in this area before construction of the HST project.

If, after the investigation and evaluations are complete, a network of tunnels or other historic deposits are considered eligible for listing in the National Register of Historic Places or California Register of Historical Resources, the Authority and the FRA would coordinate with the State Historic Preservation Officer to determine how to avoid or minimize harm to this resource. Further, as provided in Mitigation Measure CUL-MM#1 in Chapter 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS, the implementation of the procedures outlined in the Section 106 Programmatic Agreement would serve as an enforceable agreement to treat and mitigate potential effects or impacts on cultural resources identified as the project proceeds.

BO013-3

The FB DEIR/EIS identified the Pacific Coast Seeded Raisin Co. as a historical resource under CEQA because of local recognition of its potential significance at the local level. The DEIR/EIR identified a direct impact to the building because it would be demolished. The DEIR/EIR identified multiple options for mitigation of impacts to historical resources. The specific treatment and mitigation for this property will be identified in the MOA and mitigation monitoring process in compliance with CEQA as it pertains to historical resources.

BO013-4

Refer to Standard Response FB-Response-CUL-02.

The Draft EIR/EIS for the Fresno to Bakersfield Section identified an indirect adverse effect on the Southern Pacific (SP) Depot property in Fresno that would be caused by construction of an overcrossing at Tulare Street. However, the Draft EIR/EIS also analyzed an undercrossing option at Tulare Street. The Draft EIR/EIS concluded that the undercrossing option would have no adverse effect on either Section 106 historic properties or California Environmental Quality Act (CEQA) historical resources.

With respect to continuing investigation to determine the presence or absence of unknown underground resources within the Area of Potential Effects (APE), standard pedestrian archaeological surface surveys would have no utility in an urbanized setting. Subsurface archaeological explorations in an urbanized setting are severely limited by existing infrastructure and surface activity. However, additional research may reveal information pertinent to this concern. The Memorandum of Agreement developed in collaboration with consulting parties and the State Historic Preservation Officer (SHPO) addresses the potential for the project to affect subsurface resources whose integrity and location are currently unknown with respect to the vertical limits of disturbance for the HST System. The phased identification process stipulated in the Section 106 Programmatic Agreement (Authority and FRA 2011e) provides for additional information to be obtained and an additional survey to take place before construction. At that time, efforts to better define the existence and significance of previously unknown resources and whether they are in the APE can take place.

Response to Submission BO013 (Christopher Campbell, Baker Manock & Jensen (behalf of Fresno City and County Historical Society (FHS)), October 13, 2011) - Continued

BO013-4

Subsequent to the circulation of the Revised DEIR/Supplemental DEIS, additional research was conducted regarding the possible presence of the Chinatown tunnel system as part of the Merced-Fresno Archaeological Treatment Plan (ATP) (Authority and FRA 2012a) (a document required as part of the procedures set forth in the Section 106 Programmatic Agreement [Authority and FRA 2011e] that outlines treatments and mitigations for archaeological resources to be implemented as the project is constructed). This research further suggests the presence of, at a minimum, historic archaeological deposits in Downtown Fresno, which may be associated with ethnic Chinese activities in the area. As a result, the ATP designated the Fresno Chinatown as an archaeologically sensitive area, which will trigger more controlled, scientific investigations in this area before construction of the HST project. If, after the investigation and evaluations are complete, a network of tunnels or other historic deposits are considered eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, they would potentially be subject to Section 4(f). In that case, the Authority and FRA would coordinate with the SHPO to determine how to avoid or minimize harm to these resources. Further, as provided in CUL-MM#1 in Chapter 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS, the implementation of the procedures outlined in the Section 106 Programmatic Agreement serves as an enforceable agreement to treat and mitigate potential effects or impacts on cultural resources identified as the project proceeds.

BO013-5

Comment noted. The Draft EIR/EIS for the Fresno to Bakersfield Section took into account previous local built environment surveys to ensure that the HST survey included all potential individual resources as well as districts and potential districts, such as the Warehouse District. Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA as they pertain to historical resources.

Submission BO014 (Michael Kennedy, Bethel Christian School, September 11, 2011)

Jim Eggert

From: Michael Kennedy <mikeakennedy@gmail.com>
Sent: Sunday, September 11, 2011 1:00 AM
To: Jim Eggert
Subject: High-Speed Rail EIR

Mr. Eggert:

BO014-1 We have recently been notified by a grassroots movement that our Christian school (Bethel Christian School, Bakersfield) was not considered in our the High-Speed Rail Environmental Impact Statement/Report (EIS/EIR). However, it is clear that our school community will be significantly impacted even if our facility is not taken, via eminent domain, as the sound of the passing train, at 200mph, will disrupt the learning environment. According to United States Environmental Law, there is documentation required for such actions "significantly affecting the quality of the human environment".

We are not asking the High-Speed Rail Authority to cease and desist. Instead, we simply request that the school (Bethel Christian School) be included in the Environmental Impact Statement/Report, as the existing EIS/EIR has managed to bypass the inclusion of our school during the planning phases. It makes no sense that a project of this size has not had to undergo a thorough assessment of potential impacts on schools. Even if the proposed high-speed rail does not come through our property the EIS/EIR should have included a sound barrier for the school and homes within the vicinity of the track/rail.

Michael Kennedy, Principal
Bethel Christian School
(661) 472-9649
(661) 325-2661
mikeakennedy@gmail.com

Response to Submission BO014 (Michael Kennedy, Bethel Christian School, September 11, 2011)

BO014-1

Refer to Standard Response FB-Response-SO-01.

The Final EIR/EIS has been updated to describe the potential impacts on the First Free Will Baptist Church and associated Bethel Christian School. The church and school are described in Volume I, Section 3.12, Impact SO #7 (Disruption to Community Cohesion or Division of Existing Communities from Project Operation), and addressed in Mitigation Measure SO-4: Implement measures to reduce impacts associated with the relocation of important facilities. Also, see Section 5.2.5, Community Facilities, of the Community Impact Assessment Technical Report, for the impacts to the church and school, as well as Section 5.2.6, Potential Mitigations for Property Displacements and Relocations, where the mitigation measures related to the potential relocation of the facilities are detailed. The school would be displaced under the Bakersfield South Alternative but would not be displaced under the BNSF Alternative or Bakersfield Hybrid Alternative.

See Volume I, Section 3.4, Noise and Vibration, Impact N&V #3 (Moderate and Severe Noise Impacts from Project Operation to Sensitive Receptors), for noise impacts on Bethel Christian School and Mitigation Measure N&V-3: Implement proposed California High-Speed Train Project noise mitigation guidelines. The potential sound barrier mitigation for this area for operation noise from the project is listed in Tables 3.4-29, 3.4-31, and 3.4-32, and shown on Figure 3.4-19, Bakersfield area: Potential sound barrier sites. The specific type of mitigation will be selected during final design and before operations begin.

Submission BO015 (Dr Loraine Goodwin, Black Physicians of the Central Valley, September 16, 2011)

Fresno - Bakersfield - RECORD #501 DETAIL

Status : Action Pending
Record Date : 9/16/2011
Response Requested : Yes
Stakeholder Type : Business
Submission Date : 9/16/2011
Submission Method : Website
First Name : Dr Loraine
Last Name : Goodwin
Professional Title : Physician/ Arbitrator
Business/Organization : Black Physicians of the Central Valley
Address :
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93637
Telephone : 5594811009
Email : saveourvalley@hotmail.com
Email Subscription : Merced - Fresno
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues :

BO015-1
 BO015-2
 BO015-3
 BO015-4

I demand safe paths to schools for children walking and biking. I have listened to a number of presentations about high speed rail and I have not heard anyone address safe paths to schools for the involved communities. Many of the central valley schools have streets too narrow and/or no sidewalks for the students walking or biking. I want to encourage students to exercise safely everyday. So, we need safe paths to school and we need to ensure the railways do not create new or increased dangers for our students.
 I want to see an analysis of the school paths for the communities, especially Merced, Fresno and Bakersfield where large stations will be built, traffic will be hugely increased, and an increased number of strangers will encounter the students daily.
 I want to ensure the community stakeholders have discussed safe paths to school and I want to ensure the Transportation Authority provides funds over the coming years to improve our streets, create sidewalks, install modern traffic signals and create safe bike paths in a planned manner.
 I feel our elected officials have let us down by not discussing these issues, but I would like a response from the High Speed Rail Authority as to what can be done to improve our pitiful and dangerous streets. Madera has one of the highest death rates for pedestrian vs. automobile accidents. I demand the Transportation Authority use monies available to make our streets safe while building this modern High Speed Rail system.

EIR/EIS Comment :

Yes

Response to Submission BO015 (Dr Loraine Goodwin, Black Physicians of the Central Valley, September 16, 2011)

BO015-1

Comprehensive improvements to transportation infrastructure, including safe paths to school, within communities in the HST study area would be planned and constructed by other agencies under projects other than the HST project and would be funded through separate funding sources. The Authority is the state entity responsible for planning, constructing, and operating the HST system. Local municipalities, counties, and Caltrans are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST system would affect those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternate pedestrian access.

Pedestrian connectivity around stations and the HST alignment would be maintained during construction and operation of the HST system, as described in Section 3.2, Transportation, of the EIR/EIS. Section 3.2.7, Mitigation Measures, describes the specific measures that would be taken to improve existing facilities that would be affected by the HST alignment, including such measures as adding traffic signals and stop signs. As a result, existing paths to school would not be affected by the HST project.

BO015-2

Comprehensive improvements to transportation infrastructure, including safe paths to school, within communities in the HST project area would be planned and constructed by other agencies under projects other than the HST project and would be funded through separate funding sources. The Authority is the state entity responsible for planning, constructing, and operating the HST system. Local municipalities, counties, and Caltrans are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST system would affect those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternate pedestrian access.

Pedestrian connectivity around stations and the HST alignment would be maintained

BO015-2

during construction and operation of the HST system, as described in Section 3.2, Transportation, of the EIR/EIS. Section 3.2.7, Mitigation Measures, describes the specific measures that would be taken to improve the existing facilities that would be affected by the HST alignment, including such measures as adding traffic signals and stop signs. As a result, existing paths to school would not be affected by the HST project.

BO015-3

Comprehensive improvements to transportation infrastructure, including safe paths to school, within communities in the HST study area, would be planned and constructed by other agencies under projects other than the HST project and would be funded through separate funding sources. The Authority is the state entity responsible for planning, constructing, and operating the HST system. Local municipalities, counties, and Caltrans are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST system would affect those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternate pedestrian access.

Pedestrian connectivity around stations and the HST alignment would be maintained during construction and operation of the HST system, as described in Section 3.2, Transportation, of the EIR/EIS. Section 3.2.7, Mitigation Measures, describes the specific measures that would be taken to improve existing facilities that would be affected by the HST alignment, including such measures as adding traffic signals and stop signs. As a result, existing paths to school would not be affected by the HST project.

BO015-4

Comprehensive improvements to transportation infrastructure, including safe paths to school, within communities in the HST study area would be planned and constructed by other agencies under projects other than the HST project, and would be funded through separate funding sources. The California High-Speed Rail Authority is the state entity responsible for planning, constructing, and operating the HST system. Local

Response to Submission BO015 (Dr Loraine Goodwin, Black Physicians of the Central Valley,
September 16, 2011) - Continued

BO015-4

municipalities, counties, and the California Department of Transportation (Caltrans) are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST system would affect those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternate pedestrian access.

Submission BO016 (Lindsey Brasil, Brasil Hay Company, September 20, 2011)

09-20-11A11:00

09-20-11A11:00 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO016-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

Lindsey Brasil

[Name]

Lindsey Brasil

[Organization]

Brasil Hay Co.

Date

9/15/11

Response to Submission BO016 (Lindsey Brasil, Brasil Hay Company, September 20, 2011)

BO016-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO017 (Terry Gage, California Agricultural Aircraft Association, October 12, 2011)



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Aircraft
Association**

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CAA@psvber.com
www.caaa.net

BO017-1

October 12, 2011

California High-Speed Rail Authority
Central Valley Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

To whom it may concern,

The California Agricultural Aircraft Association (CAAA) appreciates the opportunity to comment on the California High-Speed Rail Authority Draft EIR/EIS. The CAAA has over 300 members which represent the vast majority of California's professional aerial applicators.

In reviewing the EIR/EIS, we note that several areas where the document does not provide adequate or an accurate description of the project leaving us with more questions than confidence in the no-impact findings. In the Aerial Spraying section 3.14, it acknowledges that this project can impact spraying operations but then concludes that this will not cause a change in spraying patterns. How can this be accurate? Placing HST rail lines in the middle of agricultural lands will impact how aerial applicators make passes through nearby fields. We take exception to the description that the towers proposed are similar to existing utility poles. Currently, utility poles are approximately 45 ft in height. On the Allensworth Bypass Subsection Alignment 1, we note a description of a 100 ft Radio tower. How many of these towers are proposed? Are they all 100 ft? Will these towers have guy lines? Will these structures be marked? We are concerned about these structures as we recently lost a pilot due to striking an unmarked tower. In the Central Valley, many of our members make crop production applications at night to protect bees and farm workers. Placing unmarked and unlit structures in these areas is a significant safety hazard and may create the inability to provide vital services to some locations due to aerial hazards.

While the towers are not considered an obstruction, to address safety concerns on behalf of our members, the High Speed Rail Authority should file with the FAA Form 7460, Notice of Construction or Alteration, and gain FAA approval. The CAAA further requires that obstruction lighting be provided with each tower.



**California
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BO017-2

We also have concerns regarding the impact of Wind Induced Effects discussed on page 3.14 as well. We have no knowledge of any scientific studies that has evaluated the wind effects of 200 mph trains in agricultural settings. Your own analysis relies on extrapolating data from various studies with trains traveling at significantly less than 200 mph in urban settings. Should this analysis be flawed, there is significant potential for pesticide drift and translocation. We believe that additional data and analysis is needed to protect surrounding crops and the environment before you can assume no impact to agricultural operations.

As stated, we take exception to the "no impact" findings that this report states throughout the document. Aerial application is an essential tool for California Agriculture and these proposed structures create a serious aerial hazard to our members that provide vital crop protection services. Without lighting, these structures will undoubtedly take the life of a pilot that can not see these structures at night. Should these trains wakes cause contamination of nearby sensitive crops or environmentally sensitive areas, there is the potential for crop loss or additional reductions agricultural production. Considering the above, we encourage additional analysis and revision of the EIR/EIS.

Thank you for the opportunity to comment,

Terry Gage
President, CAAA

Response to Submission BO017 (Terry Gage, California Agricultural Aircraft Association, October 12, 2011)

BO017-1

Refer to Standard Response FB-Response-AG-05, FB-Response-N&V-01.

See Volume I, Section 3.14, Impact AG#10 and Impact AG#11 for information on the impacts on aerial pesticide spraying, dust, and pollination. See Volume I, Section 3.14, Impact AG#9 for information on noise effects on grazing animals. See Volume I, Section 3.14 for the research proposed on wind and noise effects of the HST operations on agricultural activities.

BO017-2

Refer to Standard Response FB-Response-AG-05 and FB-Response-N&V-01.

See Volume I, Section 3.14, Impact AG#10 and Impact AG#11 for information on the impacts on aerial pesticide spraying, dust, and pollination. See Volume I, Section 3.14, Impact AG#9 for information on noise effects on grazing animals. See Volume I, Section 3.14, for the research proposed on wind and noise effects of the HST operations on agricultural activities.

Submission BO018 (No Name, California Cotton Growers Association (CCGA), September 21, 2011)



California Cotton Growers Association

1785 N. Fine Avenue
Fresno, CA 93727
Telephone: 559 / 252-0684
Fax: 559 / 252-0551

09-21-11P04:32 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

[Name]

[Organization]

9/14/11

Date



BO018-1

Response to Submission BO018 (No Name, California Cotton Growers Association (CCGA), September 21, 2011)

BO018-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO019 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, October 13, 2011)



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October 13, 2011

California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Re: Public Comments on the Draft EIR/EISs for the Merced to Fresno and Fresno to Bakersfield Sections of the California High-Speed Train Project

To Whom It May Concern:

The California Farm Bureau Federation (“CFBF”) appreciates the opportunity to provide the following comments on the Draft Environmental Impact Report/Environmental Impact Statement (“Draft EIR/EIS”) released for the Merced to Fresno segment of the proposed California High-Speed Train System (“CHSTS”), as well as for the Fresno to Bakersfield segment of the same. Because voluminous Draft EIR/EISs for both segments were released simultaneously by the California High-Speed Rail Authority (“Authority” or “HSRA”) for a very minimal review period, and because of CFBF’s comments and concerns with respect to each of the segments are in many instances overlapping, this comment letter is submitted simultaneously to each Draft EIR/EIS.

CFBF is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. CFBF is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 76,500 agricultural and associate members in 56 counties, including

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thousands of members within the six counties directly affected by any Merced to Bakersfield alignment of CHSTS. CFBF strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

CFBF has unsuccessfully requested, by letter of September 26, 2011, additional time for public review of the Authority’s plans between Merced and Bakersfield. As a multi-billion dollar swath of public infrastructure across the California landscape which will likely be visible from low earth orbit for generations to come, CHSTS is worthy of a much more deliberate and considered period of public review than the minimum time periods set forth by law under the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”). Making decisions about the design and construction of CHSTS on a minimal timeframe in the face of what the Draft EIR/EISs disclose are allegedly “unavoidable” environmental impacts to a wide array of resources is, at best, a nod in the direction of the public as the Authority pursues funding exigencies which have no relation to CEQA or NEPA, or to the physical resources they are intended to protect. Farmers and ranchers within the San Joaquin Valley deserve better.

CFBF provides the following detailed comments for the Authority’s consideration:

I. Project Purpose, Need, and Objectives

A. The EIR/EIS Contains a Legally Inadequate Project Purpose, Need, and Description

CEQA requires an EIR to have an accurate and stable project description.¹ “Among other things, a project description must include a clear statement of ‘the objectives sought by the proposed project,’ which will help the lead agency ‘develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.’”² The description must also include “[a] general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.”³ As part of the project description, an EIR is to also contain:

A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the

¹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. “[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”]

² *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654-655 quoting Cal. Code Regs., tit. 14, § 15124(b).

³ Cal. Code Regs., tit. 14, § 15124(c).

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decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.⁴

The identification of the project objectives is crucial to the proper consideration and analysis of the project, especially, development of a reasonable range of alternatives to be evaluated in the EIR. As stated in the seminal "project description" interpretation of *County of Inyo v. City of Los Angeles*, *supra*, 71 Cal.App.3d at pp. 192-193:

A curtailed or distorted project description may stultify the objective of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposals benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

The adequacy of an EIR's project description is closely linked to the adequacy of the impact analyses.⁵ More specifically, the project description provides the analytical foundation for the entire EIR. It is therefore essential that the EIR has an accurate, well-conceived, stable, and finite project description. Thus, if the description is inadequate because it fails to discuss an aspect of the project, the environmental analysis will most likely reflect the same mistake.⁶ As demonstrated below, a distorted project description truncates both the assessment of impacts and consideration of meaningful alternatives.

Under NEPA, similar to the requirements laid out by CEQA, the EIS must include a discussion specifying the underlying purpose and need of the project.⁷ The purpose and need delineate the range of alternatives to be discussed and evaluated in order to allow for the proper review of an appropriate range of alternatives.⁸ The purpose and need must be properly defined; "if the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act."⁹

⁴ Cal. Code Regs., tit. 14, § 15124(b) (emphasis added); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163, overturned on other grounds.

⁵ *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.3d 713, 722-723.

⁶ *Ibid.*

⁷ 40 C.F.R. § 1502.13.

⁸ 42 U.S.C. § 4321 et seq.; 40 C.F.R. § 1502.13; *Stop The Pipeline v. White* (2002) 233 F.Supp.2d 957, 970-71; *Simmons v. U.S. Army Corps of Engineers* (7th Cir. 1997) 120 F.3d 664, 666. [In preparing an environmental impact statement under NEPA, a federal agency must first define the project's purpose before it can delimit what "reasonable alternatives" are.]

⁹ *Simmons*, *supra*, 120 F.3d at p. 666.

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As evidenced in both Acts, the foundation of a proper EIR/EIS rests in the definition of the project's purpose, need, and objectives. As explained herein, the Merced-Fresno and Bakersfield EIR/EISs conflict with the basic tenets of its purpose, need, and objectives by negatively impacting agricultural lands, designing project routes which deviate from existing transportation corridors, designing a project that is growth inducing, and deviating from the express intent of voters who approved Proposition 1A.

B. State and Federal Laws and Policies Promoting Preservation of Agricultural Resources and Discouraging Urban Sprawl

1. Agricultural Resources Must Be Considered During Environmental Review

Agricultural resources are an important feature of the existing environment of the State, and are protected under federal policies, such as the Farmland Protection Policy Act and NEPA, state policies, and CEQA. Agriculture is the number one industry in California, which is the leading agricultural state in the nation.¹⁰ Agriculture is one of the foundations of this state's prosperity, providing employment for one in 10 Californians and a variety and quantity of food products that both feed the nation and provide a significant source of exports.¹¹ In 1889, the State's 14,000 farmers irrigated approximately one million acres of farmland between Stockton and Bakersfield. By 1981, the number of acres in agricultural production had risen to 9.7 million.¹² More recently, the amount of agricultural land in the state has declined. From 1982 to 1992, more than a million acres of farmland were lost to other uses. Between 1994 and 1996, another 65,827 acres of irrigated farmland were lost, and this trend is expected to continue.

In order to preserve agriculture and ensure a healthy farming industry, the Legislature has declared that "a sound natural resource base of soils, water, and air" must be sustained, conserved, and maintained.¹³ Prior to converting agricultural lands to other uses, decision makers must consider the impacts to the agricultural industry, the state as a whole, and "the residents of this state, each of whom is directly and indirectly affected by California agriculture."¹⁴

Both NEPA and CEQA require analysis of significant environmental impacts and irreversible changes resulting from proposed projects. These include unavoidable impacts; direct, indirect, and cumulative effects; irreversible and ir retrievable commitment of resources;

¹⁰ Food & Agr. Code, § 802 subd. (a).

¹¹ CALFED Final Programmatic EIS/EIR, July 2000, pg. 7.1-1.

¹² Littleworth & Garner, *California Water II* (Solano Press Books 2007) p. 8.

¹³ Food & Agr. Code, § 802 subd. (g).

¹⁴ Food & Agr. Code, § 803.

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relationships between short-term uses and long-term productivity; and growth-inducing impacts to the environment. In both CEQA and NEPA, the physical environment includes agricultural lands and resources. Given the national and statewide importance of agriculture and the legal requirements of environmental review, Farm Bureau urges the Agencies to properly assess all direct, indirect, and cumulative effects on the agricultural environment resulting from the proposed project in the EIR/EIS.

2. Agricultural Resources Must be Considered in a Legally Defensible NEPA Review

a) Farmland Protection Policy Act

As a result of substantial decreases in the amount of open farmland, Congress enacted the Farmland Protection Policy Act ("FPPA") in 1981 as part of the Agriculture and Food Act (final rules and regulations were published in the Federal Register on June 17, 1994).¹⁵ In its statement of purpose, the FPPA aims to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.¹⁶ Such projects shall also be administered in a manner compatible with local government and private programs and policies to protect farmland.¹⁷

To help assist federal agencies in minimizing the loss of farmland, guidelines were developed.¹⁸ Prior to progressing with the project, the Agencies should review these guidelines and incorporate the criteria into their NEPA analysis.¹⁹

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in § 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. *The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland.*²⁰
[...]

¹⁵ 7 U.S.C. §§ 4201 et seq.

¹⁶ 7 U.S.C. § 4201.

¹⁷ 7 C.F.R. § 658.4.

¹⁸ See 7 C.F.R. §§ 658.1 et seq.

¹⁹ Agencies are to integrate the NEPA reviews with other agency planning and review processes, and coordinate with other federal agencies and with similar state processes when appropriate. (40 C.F.R. § 1500.2 subd. (c); 40 C.F.R. § 1506.2.)

²⁰ 7 C.F.R. § 658.4, emphasis added.

It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process.²¹

b) National Environmental Policy Act (NEPA)

In addition to the FPPA, NEPA itself requires review of the agricultural environment. Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and the environment, including the agricultural environment, can exist in productive harmony.²² Section 102²³ requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach.²⁴ Specifically, all federal agencies are to prepare detailed statements assessing and evaluating the environmental impact of and alternatives to major federal actions significantly affecting the environment.²⁵

Given the magnitude and scope of the proposed high-speed train project, significant environmental impacts, including direct, indirect, and cumulative effects, will occur. In determining "significance" under NEPA, the discussion in the EIR/EIS should focus on the "context" and the "intensity" of the impacts.²⁶ Under NEPA, context "means that the significance of an action must be analyzed in several contexts such as society as whole (human,

²¹ 7 C.F.R. § 658.4 subd. (e).

²² 42 U.S.C. §§ 4321 et seq.

²³ Among other things, Section 102(2) of NEPA requires agencies to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal Actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irrevocable commitments of resources which would be involved in the proposed action should it be implemented; ...

(E) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. (42 U.S.C. § 4332(2)(C), § 4332(2)(E).)

²⁴ 42 U.S.C. § 4332(2).

²⁵ *Id.*

²⁶ 40 C.F.R. § 1508.27.

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national), the affected regions, the affected interests, and the locality.”²⁷ Intensity is measured, in part, by considering: (1) unique characteristics of a geographic area such as proximity to historic or cultural resources, parkland, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas; (2) the degree which the effects on the quality of the human environment are likely to be highly controversial; (3) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about a future consideration; (4) whether the action is related to other actions with individually insignificant but cumulatively significant impacts; (5) whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.²⁸

CFBF would like to caution the Agencies against overlooking their obligation to consider impacts to agricultural resources, as many federal agencies have made this mistake in the past. On August 30, 1976 the Council on Environmental Quality (“CEQ”) issued a memorandum to federal agencies informing them of the need to consider farmland loss as a potentially significant environmental impact. On August 20, 1980, the CEQ issued the following additional guidance to the heads of agencies regarding losses of agricultural lands because:

Approximately one million acres of prime and unique agricultural lands are being converted irreversibly to non-agricultural uses each year. Actions by federal agencies such as construction activities, development grants and loans, and **federal land management decisions** frequently contribute to the loss of prime and unique agricultural lands directly and indirectly. Often these losses are unintentional and are not necessarily related to accomplishing the agency’s mission.²⁹

For this reason, the CEQ advised:

If an agency determines that a proposal significantly affect[s] the quality of the human environment, it must initiate the scoping process [cite omitted] to identify those issues, **including effects on prime or unique agricultural lands, that will be analyzed and considered, along with the alternatives available to avoid or mitigate adverse effects**... The effects to be studied include ‘growth inducing effects and other effects related to inducing changes in the patterns of land use...cumulative effects...mitigation measures...to lessen the impact on...agricultural lands.’³⁰

²⁷ *Id.*

²⁸ *Id.*

²⁹ 45 Fed. Reg. 59189, *emphasis added* (see copy of document attached marked Attachment A).

³⁰ *Id.*, *emphasis added* (attached).

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Clearly then, in light of this guidance, the Agencies must consider agricultural resources as part of the physical environment when undertaking its NEPA analysis of alternatives, direct and indirect impacts, cumulative impacts, and mitigation alternatives within the EIR/EIS.

c) Agricultural Resources Must Be Considered In A Legally Defensible CEQA Review

One of the major principles of the State’s environmental and agricultural policy is to sustain the long-term productivity of the State’s agriculture by conserving and protecting the soil, water, and air that are agriculture’s basic resources.³¹ As currently proposed, the HSR project alternatives will convert agricultural lands to other uses. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing habitat conservation plans or natural community conservation plans.

The Agencies must consider the fact that CEQA also recognizes agricultural land and water resources as a part of the physical environment. Any and all adverse environmental effects on agricultural resources resulting from the project, as well as cumulative impacts that will occur over time, must be fully assessed and disclosed under CEQA, as well as avoided or mitigated as required by CEQA.

In CEQA, “[s]ignificant effect on the environment” means, “a substantial, or potentially substantial, adverse change in the environment.”³² The CEQA Guidelines make it clear the “environment” in question encompasses, “any physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.”³³ For further guidance as to the exact meaning of “significance,” the CEQA Guidelines provide a list of 29 general effects that will cause a project to “normally have a significant effect on the environment.”³⁴

Of particular relevance is CEQA Guidelines Appendix G, section II, Agricultural Resources, which states the following:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agriculture Land Valuation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optimal model to use in assessing impacts on agriculture and farmland. Would the project:

³¹ Food & Agr. § 821 subd. (c).

³² Pub. Resources Code, § 21068.

³³ Pub. Resources Code, § 21060.5.

³⁴ Cal. Code Regs., tit. 14, § 15000 et seq. (“CEQA Guidelines, Appendix G).

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- (a) Convert prime farmland, unique farmland, or farmland of state-wide importance . . . to non-agricultural use?
- (b) Conflict with existing zoning for agricultural use or a Williamson Act contract?
- (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

Although the Draft EIR/EISs contain sections analyzing impacts to the agricultural environment, this analysis is largely limited to impacts involving direct conversion of agricultural lands. However, as discussed in greater detail below, direct conversion of a certain acreage of farmland within the project footprint is not the only significant impact the project will have on agriculture.

C. Language of Proposition 1A as Approved by Voters

California voters approved Proposition 1A, denominated the "Safe, Reliable High-Speed Passenger Train Bond Act," in November of 2008 ("Proposition 1A"). Proposition 1A authorizes the selling of \$9.95 billion in general obligation bonds, to plan and partially fund construction of a high-speed train system, eventually connecting California's major metropolitan areas from San Diego to Sacramento and the San Francisco Bay Area. As approved by the California electorate in 2008, and as presently codified in California Streets and Highways Code, Proposition 1A includes express provisions that the California High-Speed Train Project ("HSTP") be designed to achieve a number of very specific objectives, including the express requirements that:

1. "In order to *reduce impacts on communities and the environment*, the alignment for the high-speed train system shall follow existing transportation or utility corridors...."
2. "Stations should be *located in areas with good access to local mass transit and other modes of transportation*."
3. "The high-speed train system shall be *planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment*."
4. "[The HSRP should] *preserve wildlife corridors and mitigate impacts to wildlife movement where feasible as determined by the authority in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement*."³⁵

³⁵ See Safe, Reliable High-Speed Passenger Train Bond Act at § 2704.09 ("Proposition 1A," as approved by voters, Gen. Elec. (Nov. 8, 2008) (Sts. & Hy. Code, § 2704, et seq.).

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D. Joint HSRA-FRA Statement of Purpose, Need and Objectives

As jointly defined by the California High-Speed Rail Authority ("HSRA") and the Federal Railroad Administration ("FRA"), the purpose of the HSTP is, first, "to provide a reliable high-speed electric-powered train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times" and, second, "to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources."³⁶

The need for the HSTP, as jointly defined by the HSRA and the FRA, is essentially, "[t]he need for improvements to intercity travel in California, including intercity travel between the south San Joaquin Valley, the Bay Area, Sacramento, and Southern California." This need, in turn, relates to various issues including "[f]uture growth in demand for intercity travel, including the growth in demand within the south San Joaquin Valley," and "[p]oor and deteriorating air quality and pressure on natural resources and agricultural lands as a result of expanded highways and airports and urban development pressures, including those within the south San Joaquin Valley."³⁷

Express objectives and policies of the HSTP jointly defined by the HSRA and the FRA include the objectives to "[m]aximize the use of existing transportation and rights-of-way to the extent feasible," and to "provide intercity travel in a manner sensitive to and protective of the region's natural and agricultural resources...."³⁸

E. Proposition 1A and the HSRA's and the FRA's Adopted Statement of Purpose, Need, and Objectives Require Selection of Alternatives that Maximize Utilization of Existing Transportation and Utility Corridors, as well as Alternatives that Minimize Impacts on Agricultural and Natural Resources

As noted, the express language of Proposition 1A as approved by California voters requires the preferred selection of HSTP alternatives that (1) make maximal use of existing transportation, utility and right-of-way corridors; (2) minimize impacts to natural resources (including, by extension, wildlife habitats and migration corridors, agricultural lands and open space); and (3) alleviate and prevent additional urban sprawl and worsened congested conditions on our existing roadways and in our airports. The HSRA's adopted statement of purpose, need, and objectives largely mirror these objectives—and, in some respects, make them more explicit.

³⁶ See Draft California High-Speed Train Project EIR/EIS, Merced to Fresno Section ("Merced-Fresno Draft EIR/EIS") at 1-3 through 1-4 [emphasis added]; Draft California High-Speed Train Project EIR/EIS, Fresno to Bakersfield Section ("Fresno-Bakersfield Draft EIR/EIS") at 1-4 [emphasis added].

³⁷ See Merced Draft EIR/EIS at 1-5; Fresno Bakersfield Draft EIR/EIS at 1-7 [emphasis added].

³⁸ See *ibid.*

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Additionally, as noted above, various state and federal laws and policies recognize the importance of preserving productive farmland and of protecting sensitive and threatened species and their habitats from encroachment by incompatible uses.

These clear directives of voter intent, state and federal law, and the HSRA's and the FRA's own statement of its project purpose and need amount to significant and unmistakable constraining limitations on the Agencies' selection of a preferred alternative for both the Merced-Fresno and Fresno-Bakersfield alignments of the HSTP. Prior to mitigation, an agency's project design and selection of alternatives provide perhaps the best and most effective means to avoid and minimize adverse impacts to sensitive resources, while at the same meeting the purpose, need, and specific objectives of the project.³⁹ The HSRA's directives on urban sprawl and congestion, agricultural lands and natural resources, and alignment within existing transportation, utility, and right-of-way corridors are so unequivocal that, even considered on balance with other competing objectives or directives for the project, any alternative that *did not* represent the *maximum* fulfillment of these objectives would be *per se* incompatible with these basic directives for the project.

For these reasons, as discussed in greater detail below, the HSRA and the FRA *must* adopt, as fundamental considerations bearing on final selection of their preferred alternatives for the Merced-Fresno and Fresno-Bakersfield alignments of the HSTP, the express requirements that those alignments (1) make maximal use of existing transportation, utility, and right-of-way corridors; (2) avoid impacts to agricultural land, natural resources, and sensitive habitats to greatest extent possible; and (3) provide and ensure the most effective means of promoting the project's stated objectives to reduce and alleviate urban sprawl and congested conditions on existing roadways and in existing airports.

F. The HSRA's and the FRA's Selection of the Preferred Alternatives Must Not Be Based Solely on the Direct Cost of the Alternative in Isolation from the Alternative's Indirect Economic and Relative Environmental Impacts

Proposition 1A provides that, "in order to reduce impacts on communities and the environment, the alignment for the high-speed train system *shall* follow existing transportation or utility corridors..."⁴⁰ In addition, the HSRA's express mandate that the HSTP must follow existing transportation, utility, and right-of-way corridors is implicit in the separate mandates that the HSTP's alignment "reduce impacts on communities and the environment," "be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment," "[preserve] wildlife corridors and mitigating impacts to wildlife movement," and

³⁹ See Cal. Code Regs., tit. 14, §§ 15123(b)(1); 15126.6(a).

⁴⁰ See Safe, Reliable High-Speed Passenger Train Bond Act, *supra*, at § 2704.09.

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limit the extent to which the system may present an additional barrier to wildlife's natural movement."⁴¹

The HSRA's and the FRA's adopted objective with respect to existing corridors and rights of way departs somewhat from Proposition 1A's imperative "shall" in that it includes the qualifier that HSTP's alignments "[m]aximize the use of existing transportation and rights-of-way to the extent feasible."⁴² There is also some tension between the language of Proposition 1A concerning existing corridors and rights of way, on the one hand, and Proposition 1A's directive, on the other, that "[i]n selecting corridors or usable segments thereof for construction [of the HSTP], the [HSRA] shall give priority to those corridors or usable segments thereof that are expected to require the least amount of bond funds as a percentage of total cost of construction."⁴³ Under CEQA, however, "feasibility" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."⁴⁴ Similarly, NEPA qualifies alternatives as those that are both "practical and feasible" from the environmental, technical, and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.⁴⁵ Thus, under both Acts, practical, feasible, and plausible alternatives include those that may be more costly or not entirely consistent with all of the project's objectives.⁴⁶

To the extent the HSRA's and the FRA's selection of an alignment along an existing corridor or right of way itself amounts to *mitigation* or *avoidance* of one or more significant adverse impacts of another alternative, this cost is not properly considered to be a direct cost of the selected alternative. Given the legal obligation under CEQA and NEPA to select and design project alternatives and to adopt affirmative measures to avoid, minimize, and mitigate the adverse environmental impacts of a project, the incremental cost of fully meeting this legal obligation is a cost not properly considered as a differentiating feature among alternatives on a cost-comparative basis. In other words, the mitigation cost of a project in compliance with the law is, to a large extent, an embedded cost of a proposed project. From an environmental impact standpoint, such costs may not properly be placed on the environmental and public side of the ledger, but rather are more properly allocated to the project itself, as the actual and legal cause of a particular environmental harm. Where the environmental and economic costs of a more damaging and environmentally more intrusive or disruptive alternative is shifted to the environment, to an affected resource, or to some third-party, these costs must be properly quantified and included in the relative environmental and economic cost of that more damaging alternative. Even if these tenets of environmental equity under CEQA and NEPA are here discounted or ignored in and of themselves, they must be accorded special and independent

⁴¹ *Ibid.*

⁴² See Merced Draft EIR/EIS at 1-5; Fresno Bakersfield Draft EIR/EIS at 1-7 [emphasis added].

⁴³ See Safe, Reliable High-Speed Passenger Train Bond Act, *supra*, at § 2704.08, subd. (f).

⁴⁴ Cal. Code Regs., tit. 14, § 15364.

⁴⁵ See the Council on Environmental Quality (CEQ) Guidance Regarding NEPA Regulations, 40 C.F.R. 1500.

⁴⁶ Cal. Code Regs., tit. 14, § 15126.6(c).

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weight in the context of the HSTP, where the HSRA and the FRA are operating under an express mandate to base their selection of alternatives and project design on the avoidance of a specific class of impacts.

For these reasons, any HSR alignment that avoids and minimizes impacts to California's irreplaceable agricultural and natural resources by strictly adhering to core, existing transportation, utility, and right-of-way corridors along the Merced-Fresno and Fresno-Bakersfield route *cannot and must not* be compared solely on a direct dollar cost-basis to an alignment that reduces the project's *direct* costs by externalizing the project's *indirect* economic and environmental costs to private interests, to the environment, and to California's natural and agricultural resource base generally. Rather, the HSRA and the FRA must weigh such direct cost considerations against the HSRA's and the FRA's express mandate to avoid impacts to a specific class of resources, as well as their independent legal obligation to avoid, reduce, and mitigate the adverse impacts of their project on these same resources.

II. Proposed Alternatives Within the Draft EIR/EIS

A. An EIR Must Include a Reasonable Range of Alternatives and All Alternatives Are Governed By the Rule of Reason

CEQA mandates a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts.⁴⁷ For that reason, "[t]he core of an EIR is the mitigation and alternatives sections."⁴⁸ "The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided."⁴⁹

The EIR must "describe a range of reasonable alternatives to the project, or to the *location of the project*, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives."⁵⁰ The alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project.⁵¹

⁴⁷ Pub. Resources Code, § 21002; Cal Code Regs., tit. 14, §§ 15002(a)(3), 15126.6(a); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.

⁴⁸ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

⁴⁹ Pub. Resources Code, § 21002.1(a); see also Pub. Resources Code, § 21061.

⁵⁰ Cal Code Regs., tit. 14, § 15126.6(a).

⁵¹ Cal Code Regs., tit. 14, § 15126.6(b); *Goleta Valley*, *supra*, 52 Cal.3d at p. 556 [EIR must consider alternatives that "offer substantial environmental advantages"].

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The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned."⁵² Although no rule governs the number of alternatives that must be considered, the range is governed by the "rule of reason."⁵³ The range of alternatives must be selected and discussed in a manner that allows for meaningful public participation and informed decision-making.⁵⁴ The fact that CEQA does not require a specific number of alternatives does not excuse an agency's failure to present any feasible, less environmentally damaging options to a proposed project.⁵⁵

In addition to a reasonable range of alternatives, those alternatives evaluated within the EIR must be "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors," as well as feasibly accomplishing *most* of the basic objectives of the project and avoiding or substantially lessening *one or more* of the significant effects.⁵⁶ After analyzing alternatives within an EIR, the determination of whether an alternative is feasible is made in two stages.⁵⁷ The first step involves identifying a range of alternatives that will satisfy basic project objectives while reducing significant impacts.⁵⁸ Alternatives that are not "potentially feasible" are excluded at this stage, as there is no point in studying alternatives that cannot be implemented.⁵⁹ In the second stage, the final decision on the project, the agency evaluates whether the alternatives are actually feasible.⁶⁰ At this point, the agency may reject as infeasible alternatives that were identified in the EIR as potentially feasible.⁶¹

Similar to CEQA, NEPA regulations have explicit requirements regarding the adequacy of the alternatives analysis within an EIS. Specifically, NEPA requires that an EIS "rigorously explore and objectively evaluate *all reasonable alternatives*."⁶² To be adequate, an

⁵² *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222 [EIR that only considered two alternatives for less development was not a range of reasonable alternatives].

⁵³ Cal Code Regs., tit. 14, § 15126.6(a)(1); *Marin Municipal Water District v. KG Land Corp.* (1991)

235 Cal.App.3d 1652, 1664 ["CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR"].

⁵⁴ *Marin Municipal Water District*, *supra*, 235 Cal.App.3d at p. 1664.

⁵⁵ See *Sierra Club v. Contra Costa County*, *supra*, 10 Cal.App.4th at pp. 1217-18, 1222 [EIR that only considered two alternatives for less development was not a range of reasonable alternatives].

⁵⁶ Cal Code Regs., tit. 14, §§ 15126.6(c), 15364; see *Goleta Valley*, *supra*, 52 Cal.3d at p. 566.

⁵⁷ See *Mir Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489-490; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981 ("Native Plant Society"); Cal Code Regs., tit. 14, § 15126.6(c).

⁵⁸ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981; *Mir Mar Mobile Community*, *supra*, 119 Cal.App.4th at p. 489; Cal Code Regs., tit. 14, § 15126.6(a).

⁵⁹ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981; *Mir Mar Mobile Community*, *supra*, 119 Cal.App.4th at p. 489; [alternatives analyzed in the EIR need not be actually feasible, but rather need only be "potentially feasible."].

⁶⁰ *Ibid*; see also Cal Code Regs., tit. 14, § 15091(a)(3).

⁶¹ *Native Plant Society*, *supra*, 177 Cal.App.4th at p. 981.

⁶² 40 C.F.R. § 1502.14 (emphasis added).

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environmental impact statement must consider every reasonable alternative.⁶³ An EIS is rendered *inadequate by the existence of a viable but unexamined alternative*.⁶⁴ Further, if the lead agency initially considers alternatives that could meet the purpose and need of the proposed action, but decides to not pursue them, the EIS must describe the reasons for the elimination of those alternatives.⁶⁵ As stressed under both NEPA and CEQA, it is especially important for the lead agency to fully document the reasons for eliminating the alternative from additional detailed study in order to fully inform the public.

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As discussed herein, the alternatives analysis within the Merced-Fresno and Bakersfield EIR/EISs not only contains alternatives that conflict with the basic purpose, need, and objectives of the voter approved Proposition 1A, but also omits certain alternatives that were improperly excluded from receiving full and proper environmental review. By failing to include a full range of alternatives and improperly rejecting alternatives prior to the environmental review stage, the public has been precluded from properly participating.⁶⁶

B. Proposed Alternatives For The Merced-Fresno Section

1. The UPRR/SR 99 Alignment North of Fresno Is Most Consistent With Voter Intent, HST Mandates, Policies and Objectives

The Merced-Fresno Draft EIR/EIS does not yet designate a preferred alternative for the north-south alignment, but indicates that a preferred alternative will be selected based on public comments and responses to comments in the Final EIR/EIS. CFBF respectfully, but emphatically submits that the UPRR / SR 99 alignment, for the Merced-Fresno section of the HSTP north of Fresno, is the alignment that is *most* consistent with voter intent, HST mandates, and the HSRA's and the FRA's adopted policies and objectives for the project, to locate the HSTP alignment within existing transportation, utility, and right-of-way corridors, and to avoid, minimize, and mitigate impacts to natural and agricultural resources. The UPRR / SR 99 alignment is *the* most desirable option to meet CEQA's and NEPA's mandates to avoid, minimize, and mitigate impacts to natural and agricultural resources, and also to further the objectives of the state and federal Endangered Species Acts, the Fish and Game Code, and the Clean Water Act. Furthermore, the UPRR / SR 99 alignment is *the* most effective option to address local concerns related to potential impacts to important farmland and economic activities and operations in nonadjacent agricultural areas along the BNSF, Hybrid, and UPRR / SR 99 alignments. The reasons for these conclusions are manifold and overwhelming, but include, without limitation, the following considerations:

⁶³ *Friends of Endangered Species v. Jantzen* (9th Cir. 1985) 760 F.2d 976, 988.

⁶⁴ *Methow Valley Citizens Council v. Regional Forester* (9th Cir. 1987) 833 F.2d 810, 815, rev'd on other grounds sub nom. *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.

⁶⁵ 40 C.F.R. 1502.14(a).

⁶⁶ *Laurel Heights I, supra*, 47 Cal.3d at p. 404, [The key issue regarding the adequacy of the alternatives analysis is whether the alternatives discussion encourages informed decision-making and public participation.].

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- The continuous north-south alignment along Highway 99 from Merced to Fresno, formerly denominated the A-2 alignment, and presently designated the UPRR / SR 99 alternative, is the alignment supported by the California Farm Bureau Federation. There is strong local support for the UPRR / SR 99. Furthermore, there are overriding environmental and policy considerations that distinguish the UPRR / SR 99 alignment as an environmentally superior choice. In considering the UPRR / SR 99 as a preferred alignment for the Merced-Fresno section of the HSTP, the HSRA and the FRA should, therefore, give considerable weight to the strong consensus on the Merced-Fresno UPRR / SR 99 alignment among agricultural interests representing a combined \$8.9 billion dollar agricultural economy in Fresno, Merced, and Madera Counties as of 2009, as the No. 1, 5, and 14 agricultural counties, respectively, in the nation's No. 1 agricultural state. Nor is it insignificant that the county boards of supervisors of the two most affected counties along the Merced-Fresno section of the HST (Merced and Madera) have likewise manifested their express support for the UPRR / SR 99 alignment.
- The UPRR / SR 99 alignment follows not only the existing Highway 99 and Union Pacific Railroad ("UPRR") rights of way, but also *the* core transportation, utility, and urban infrastructure corridor for the east side of the San Joaquin Valley, from Merced to Fresno. In contrast, while the Draft EIR/EIS's alternate Burlington-Northern Santa Fe ("BNSF"), Hybrid, and UPRR / SR 99 Chowchilla and Madera Bypass alignments utilize the existing BNSF right-of-way in varying degrees, the BNSF portions of the BNSF, Hybrid and Bypass alignments transverse vast areas of some of the best and most productive farmland in the world. By and large, these areas are currently undeveloped and intensively farmed. Moreover, the BNSF, Hybrid, and UPRR / SR Bypass alignments tend to deviate from the BNSF right of way to a much greater extent than a continuous UPRR / SR 99 alignment. Given these differing characteristics of the various alignments—and considering the HSRA's and FRA's mandates to locate the HST alignment *away* from natural and agricultural resources within existing transportation and utility corridors and right-of-ways—the unavoidable conclusion would appear to be that the HSRA's and the FRA's preferred alternative should be a continuous UPRR / SR 99 alignment from Fresno to Merced, and *not* the BNSF alignment, the Hybrid alignment, or either of the UPRR / SR 99 alignments around the Cities of Chowchilla and Madera.
- As corroborated by the analyses in the Merced-Fresno Draft EIR/EIS itself, a continuous UPRR / SR 99 alignment will have *less severe* direct and indirect impacts on important farmland, existing agricultural operations, protected and special-status wildlife, wildlife corridors, unique wildlife habitats including designated critical habitat, and wetlands and other "waters of the United States" within the meaning of section 404 of the Clean Water Act. In contrast, the impacts to *all* of these resources will be proportionately *greater* for a BNSF alignment, a Hybrid alignment, or a UPRR / SR 99 alignment (including either or both of the proposed bypasses around the Cities of Madera and Chowchilla). Consistent with the HSRA's mandate in Proposition 1A, as well as the HSRA's and the FRA's own

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policies and objectives to minimize impacts to agricultural and natural resources, the UPRR / SR 99 alignment is *per se* an environmentally superior alternative for the HSTP. In recognition of this fact, a continuous UPRR / SR 99 alignment should be selected by the HSRA and the FRA as *the* preferred alternative for the HSTP.

- Agricultural and natural resources, including important farmland, protected and special-status species, natural habitats, wetlands and other waters of the United States are irreplaceable, finite, and nonrenewable resources. Moreover, impacts on such resources are *environmental* impacts that receive special treatment and protection under CEQA, NEPA, and other environmental laws, including the state and federal Endangered Species Acts and the Clean Water Act. In contrast, socioeconomic and community impacts in urban and urbanizing areas are purely *social and economic*. Within this legal context, it is clear that, in assessing impacts and selecting a preferred alternative, the HSRA's and the FRA's Final EIR/EIS must accord proportionately *greater* weight to such *environmental* impacts under the BNSF, Hybrid and UPRR / SR 99 Bypass alignments, than to any countervailing *socioeconomic* or community-related impacts the HSRA and FRA may consider under a continuous UPRR / SR 99 alignment. Furthermore, although socioeconomic and community-related impacts are at least required to be discussed and analyzed under CEQA and NEPA (with some slight differences among the two laws), *neither* law mentions *political* feasibility, much less *political* convenience as factors that have any place in the CEQA/NEPA process.⁶⁷ Thus, the proper hierarchy and legal framework within which the HSRA and the FRA must approach selection of its preferred alternative is, first, *environmental* and, second, *social and economic*, whereas then, and *only* then, having considered the first two classes of impacts, may *political, pragmatic, or opportunistic* considerations have *any* bearing on the agencies' decision whatsoever.
- As discussed in greater detail elsewhere herein, the BNSF and Hybrid alignments north of Fresno—and any other HSR alignment that would blaze a trail through heretofore undisturbed rural and open space areas—will have dramatic impacts on natural and agricultural resources in these areas and will be extremely disruptive to countless existing agricultural operations. In contrast, the disruptiveness and the impacts of a continuous UPRR / SR 99 alignment on agricultural and natural resources, and on existing agricultural operations, will be much more limited, generally consistent with surrounding land uses, and confined in nature.

⁶⁷ The CEQA guidelines define "feasible"—as in a "feasible" alternative, a "feasible" project, or "feasible" mitigation—as something that is "capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Cal. Code Regs., tit. 14, § 15364.) NEPA speaks of the "human environment," "direct, indirect, and cumulative effects," and of "aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative," in addition to "natural," "physical," and "ecological" effects. (See, e.g., 40 C.F.R. §§ 1508.8 and 1508.14.) Neither law makes any mention whatsoever of "political" considerations or factors as facet of the CEQA and NEPA process.

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- Although a UPRR / SR 99 alignment is projected to be more costly than a BNSF or Hybrid alignment, the HSRA, local governments, and local communities can capitalize on expenditures associated with necessary improvements along UPRR / SR 99 alignment, by coordinating these improvements with other necessary improvements to local infrastructure—for example, in conjunction with future improvements and expenditures by CalTrans, the Department of Transportation, Amtrak, the Union Pacific Rail Road, and others, to improve and upgrade infrastructure, exchanges, roadways, and the like in the urban centers and communities along Highway 99. In addition to the planned HST stations in downtown Fresno and Merced, these improvements can be used as part of the HSRA's strategy to catalyze infill and redevelopment projects in depressed or blighted commercial and residential areas, to promote higher density development and to stimulate local investment in these communities. These benefits of a continuous UPRR / SR 99 alignment could be expressly incorporated as part of the HSRA's proposed mitigation strategy to encourage infill and higher densities and, thus, avoid and mitigate potential adverse direct, indirect, and cumulative growth inducing impacts of the HSTP, including potential urban and rural sprawl and indirect farmland conversion effects of the project. By leveraging HST works and expenditures with available local, state, and federal dollars for transportation infrastructure, a UPRR / SR 99 alignment could transform the existing urban centers along the Highway 99 corridor, making these communities more attractive places to live, work, and invest. This would have the salubrious effect of counteracting historic trends of high unemployment, poverty, and low density development and rural sprawl in the Valley, as people move farther and farther away from the established urban centers. In contrast, the many overpasses, underpasses, and other road improvements required along a BNSF and Hybrid alignment through predominantly rural areas will require significant expense and engineering prowess—but will achieve *none* of these potential synergies or social and environmental benefits. Thus, from the standpoint of these avoided direct, indirect, and cumulative growth inducing, agricultural, and land use impacts as well, it appears that, once again, a continuous UPRR / SR 99 is the environmentally superior, preferred alternative for the Merced-Fresno alignment.
- An UPRR / SR 99 alignment located entirely within the Highway 99 corridor has the added advantage that it will afford the HSRA and the FRA more options as to the final selection and location of a proposed Merced-Fresno Heavy Maintenance Facility ("HMF"). Selection of an HMF along the Highway 99 corridor, either within or in close proximity to one of the affected communities along that alignment, could compensate some of the adverse land use impacts of a UPRR / SR 99 alignment through these same communities. Specifically, an HMF along the UPRR / SR 99 corridor would generate employment, local tax revenues, and associated economic activity. Thus, an HMF along the UPRR / SR 99 alignment could provide yet another important component of a robust infill, redevelopment, and compact growth strategy by local governments, in coordination with the HSRA and the FRA, to address the project's potential direct, indirect, and cumulative growth-inducing impacts. In addition, a HMF site along the Highway 99

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corridor could serve as an effective means to mitigate some of the environmental justice impacts of the project on low-income and minority populations, whether from lost agricultural jobs or potential displacement. In contrast, an HMF along the BNSF alignment would be quite distant from any of the urban centers in the area, providing diminished economic benefits to any of these communities, while at the same time promoting potential leapfrog development in what is otherwise an entirely rural setting.

- To the extent it provides a much more direct path of travel, an UPRR / SR 99 alignment is also more conducive and amenable to meeting the HSTP's mandated objectives in terms of speed and safety. Whereas a continuous UPRR / SR 99 with appropriate elevations through the urban areas would provide a direct path of travel from one city to the next, the BNSF, Hybrid, and UPRR / SR 99 Bypass options are characterized by inefficient and inelegant twists and turns, in many places slashing across roads and fields in what is now virgin farmland. Aesthetic concerns aside, however, the more significant issue with these alignments relates to safety and mandated travel times. A HST located along a continuous UPRR / SR 99 alignment could travel more safely, at a faster and more constant rate of speed between one urban destination and another. This would improve the HST's efficiency, its reliability and, more than likely, its ridership.

One issue related to a UPRR / SR 99 alignment deals with the apparent concerns of the UPRR that a shared right-of-way could interfere with the UPRR's plans for future expansion of its rail lines and its commercial service in the Valley to predominantly agricultural customers. Given that a HSTP alignment along Highway 99 would follow and potentially share the UPRR's right-of-way, this is a significant concern. However, the Merced-Fresno EIR/EIS does *not* conclude, and we doubt that this concern is, in fact, one that is insurmountable. Recognizing the UPRR's concerns, therefore, we would encourage the HSRA to work with the UPRR to identify potential conflicts and workable political, financial, institutional, planning and engineering solutions to those conflicts. To be sure, as outlined herein, the many significant environmental advantages of a continuous UPRR / SR 99 alignment north of Fresno argue strongly in favor of a solution that seeks ways to address the UPRR's concerns, allowing for a shared alignment along the 99 corridor, that avoids any unacceptable impacts to the UPRR.

2. Consistent With HST Voter Intent, Mandates, Policies and Objectives, And Local Concerns, The Highway 152 Wye Alignment Should Be Considered and Designated As The Preferred Alternatives Over The Avenue 21 And Avenue 24 Alignments

CFBF submits that the Highway 152 east-west alignment for the Wye linkage between the proposed Merced-Fresno and Bay Area sections of the HST is the preferred alternative the HSRA and the FRA should select in their Final EIR/EIS, consistent with the voter intent, mandates, policies and objectives requiring that the HST alignment utilize existing transportation and utility corridors and rights of way and avoid and minimize impacts to natural and

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agricultural resources to the maximum extent possible. In contrast, the proposed Avenue 21 and 24 Wye alignments are inconsistent with HST voter intent, mandates, and objectives concerning farmland, natural resources, existing corridors and existing rights of way and, therefore, should be abandoned. For the same reasons, CFBF likewise opposes the proposed Chowchilla Bypass route and split around the City of Chowchilla, along the proposed alignment for the proposed Avenue 21 Wye. Instead, to achieve maximum consistency with the HST mandates concerning farmland, natural resources, and existing corridors and rights of way, a turnout for a new Highway 152 alignment should be configured as a simple "V," similar to the proposed alignment for the Avenue 24 Wye off the UPRR / SR 99 north-south alignment, but just north of Avenue 24, along Highway 152.

The Merced-Fresno Draft EIR/EIS indicates that the Avenue 21 and 24 Wyes depicted and preliminarily considered in that document will be fully considered in a next-tier EIR/EIS for the Bay Area to Central Valley segment of the HSTP. However, even preliminary or partial consideration of the Avenue 21 and 24 alignments in the Merced-Fresno Draft EIR/EIS is significant (and potentially prejudicial) in that either alignment implies a different set of impacts along two distinct routes. Furthermore, even a preliminary set of potential assumptions concerning the specific path and location of either Wye proposal has definite implications for the selection of a north-south alignment, including the HSRA's potential selection of the Chowchilla Bypass. For these same reasons, it is also significant that the Draft EIR/EIS *does not* include or consider (even preliminarily) a Highway 152 alternative to the proposed Avenue 21 and Avenue 24 alignments, including the proposed Chowchilla Bypass. Indeed, it appears that the failure to consider a Highway 152 alternative in the Merced-Fresno EIR/EIS may constitute illegal piecemealing of the project under CEQA.

The Highway 152 alignment has the overwhelming backing and support of the local agricultural communities, both north and south of the Merced-Madera county line, as well as the express endorsement of the Madera County Board of Supervisors. Whereas, the Avenue 21 and Avenue 24 alignments would impact a complex web of irrigation and water distribution systems, including the canals and ditches of at least one major irrigation district, a Highway 152 alignment would have no such impacts. Unlike the Avenue 21 and 24 alignments, a Highway 152 alignment would follow a major regional transportation corridor (State Highway 152). Unlike the Avenue 21 proposal, a Highway 152 alignment would not require a Chowchilla Bypass or east-west split, or result in impacts to a large additional number of affected farm operations, and a substantially larger acreage of productive farmland. Highway 152 has been slated by CalTrans for major improvements in the near future, such that a Highway 152 alignment for the Wye might be conveniently coordinated with CalTrans improvement plans for Highway 152. Furthermore, as with a continuous north-south UPRR / SR 99 alignment, a Highway 152 alignment would have advantages the Avenue 21 and 24 alignments lack, in that it would require fewer curved and diagonal cuts across impacted agricultural parcels, while avoiding the impacts of the Avenue 21 and 24 alignments to numerous farm properties that are

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not currently adjacent to any major road or planned expansion of the existing transportation infrastructure.

In addition to these concerns associated with Avenue 21 and 24 alignments, as with other proposed alignments that stray from existing corridors and rights-of-way into adjacent farmland, not only are agricultural resources and local agricultural operations more negatively impacted the farther an alignment encroaches into these predominantly rural, agricultural, and open space areas, but in these same areas the probability and actual occurrence of impacts to sensitive habitats, wildlife resources, and waters of the United States rises significantly. As these comments emphasize, this is a major environmental concern, not only for the BNSF, Hybrid, UPRR / SR 99 Bypass, and Avenue 21 and 24 alignments north of Fresno, but also for essentially *any* of the Fresno-Bakersfield alignments through agricultural areas and outside of existing corridors and rights-of-way.

Accordingly, as described, there are many compelling reasons the HRSA's and the FRA's east-west alignment for the Bay Area to Central Valley linkage should specifically eschew the Avenue 21 and 24 alignments, including the proposed Chowchilla Bypass, and why the HRSA and the FRA should instead select the more environmentally sensitive and policy and objective-consistent Highway 152 alignment.

C. Proposed Alternatives For The Fresno-Bakersfield Section

1. Farmland Conversion and Other Significant Issues Remain Outstanding With Respect To The Proposed East and West Hanford Bypass Options Along The Fresno-Bakersfield Western Alignment

In light of the late (October 6th, 2011) announcement that a revised and recirculated EIR/EIS will consider a West Hanford Bypass alignment in addition to the proposed East Hanford Bypass option in Kings County, CFBF at this time reserves any detailed comment on this portion of the Fresno-Bakersfield Western Alignment until the HSRA releases the HSTP's West Hanford alternative to the proposed East Hanford alignment. Generally, however, we would note that the impacts to agricultural lands and businesses along either alignment would appear to be significant and unacceptable.

2. Consistent With HST Voter Intent, Mandates, Policies And Objectives, And Local Concerns, An All-BNSF Alignment Through Kern and Tulare Counties Should Be Designated The Preferred Western Alignment South Of Fresno Over The Proposed Wasco-Shafter and Allensworth Bypass Alignments

Like the BNSF, the Hybrid, the proposed Chowchilla Bypass, and the Avenue 21 and 24 Wye Alignments *north* of Fresno, CFBF submits that the proposed Wasco-Shafter and

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Allensworth Bypass options, along the Western Alignment of the Fresno-Bakersfield section of the HSTP in the Counties of Kern and Tulare, are fundamentally inconsistent with the HST mandates to avoid impacts to natural and agricultural resources, and to locate HST alignments within existing transportation corridors and rights-of-way. In general terms at least, the reasons for this are similar to what is discussed above in relation to the various Fresno-Merced alignments that deviate from the UPRR / SR 99 corridor. Thus, these reasons include, with limitation, impacts to agricultural lands and operations in areas currently located outside existing transportation or utility corridors or rights-of-way; diagonal and curving cuts across fields and farm structures; impacts to rural roads and property access points; impacts to irrigation systems and water infrastructure, including canals, ditches, and deep wells; in addition to and numerous other disruptions to existing agricultural lands and activities.

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3. The Fresno-Bakersfield Draft EIR/EIS Fails To Consider A Reasonable Range Of Alternatives By Failing To Fully Analyze a UPRR / SR 99 Alignment

Perhaps the most serious omission of the Fresno-Bakersfield Draft EIR/EIS, in terms of its consideration of alternatives, is the failure to consider a UPRR / SR 99 alignment to the east, in addition to the eastern BNSF alternative and sub-alternatives presently considered. While the Draft EIR/EIS includes some general discussion of the HSRA's elimination of a number of potential alternatives along or around the Highway 99 Corridor, and while the Draft EIR/EIS references a 2007 Visalia-Tulare-Hanford Station Feasibility Study supposedly documenting and explaining that process, the 2007 Study in fact provides only the vaguest of explanations why a UPRR / SR 99 alternative *south* of Fresno was eliminated. Thus, some of the main concerns cited include potential community impacts, cost and right-of-way issues. Objectively, however, as discussed with respect to the Merced-Fresno section of the HSTP above, all of these concerns are present in some degree along the Fresno-Merced HSTP alignment to the north—yet the Fresno-Merced EIR/EIS considers a UPRR / SR 99 alternative. As with the Merced-Fresno UPRR / SR 99 alignment to the north, therefore, it would appear that there are various reasons a UPRR / SR 99 alternative should at least be considered in the Fresno-Bakersfield EIR/EIS, just as a UPRR / SR 99 alternative is considered in the Merced-Fresno Draft EIR/EIS.

From an agricultural resources standpoint, for example, the differences between the BNSF alignment and a UPRR / SR 99 alignment from Fresno to Bakersfield largely parallel the differences between the BNSF and UPRR / SR 99 alignments from Merced to Fresno. Thus, it is generally true that the more winding and circuitous BNSF (with or without its multiple proposed bypasses along the country two-lane Highway 43) would tend to impact mostly farmland, in mostly undeveloped and sparsely populated or unpopulated areas. In contrast, while it too crosses through major agricultural areas in Kern, Tulare, and Fresno Counties, the heavily travelled and generally straight, four-lane UPRR / SR 99 corridor *itself* is much more heavily built up than Highway 43 to the west, even south of Fresno. In terms of the HSTP's objective to reduce impacts to natural and agricultural areas, therefore, it would appear that the impact of a

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UPRR / SR 99 corridor alignment *south* of Fresno would be significant, and yet generally less severe than a BNSF alignment to west.

In addition, there are other differences between the UPRR / SR 99 and BSNF alignments south of Fresno: Along the BNSF alignment, for example, a potential HSTP Kings-Hanford Station along the proposed East Hanford Bypass would lie a considerable distance *outside* the City of Hanford (population 41,686), and perhaps 15 miles from the major regional population center of Visalia to the east (or, alternately, along a hypothetical West Hanford alignment, somewhere midway between Hanford (population 41,686) and Lemoore (population 19,712)). In contrast, the formerly proposed Visalia-Goshen-Tulare area HSTP station would abut the community of Goshen (population 2,394) just outside Visalia, in much closer proximity to the neighboring cities of Visalia (population 93,959) and Tulare (population 43,994). Thus, on this basis, it would appear that the Proposition 1A objectives to “plan and construct [the HSTP] in a manner that minimizes urban sprawl,” and to locate stations “in areas with good access to local mass transit and other modes of transportation” are potentially better met along a Fresno-Bakersfield UPRR / SR 99 alignment, than along the BNSF.

Finally, to highlight just one more difference, whereas the City of Hanford along the BNSF right-of-way has expressed grave concerns regarding the impact of an HSTP on that community, the City of Visalia was enthusiastically in favor of a Visalia HSTP stop before the HSRA inexplicably and improperly screened the UPRR / SR 99 alignment out. At the very least, therefore, it would appear that the UPRR / SR 99 is a reasonable alternative that the Fresno-Bakersfield EIR/EIS should at least consider. Indeed, from a strictly legal perspective, without at least one alternative to which the Western BNSF Alignment may be compared, it appears quite likely that the current Draft EIR/EIS lacks a reasonable range of alternatives.

III. Impacts Analysis under CEQA and NEPA

A. Impacts to Agricultural Resources

1. Direct Impacts to Agricultural Resources

Whatever the alignment the HSRA and the FRA selects, both the Merced-Fresno and the Fresno-Bakersfield Draft EIR/EIS’s treatment of direct impacts to agricultural resources is inadequate in several respects. This is so, in part, because of the overly compartmentalized manner in which impacts to *agricultural lands* are treated separately from *social and economic* impacts associated with these lands, and also the manner in which the Draft EIR/EISs treat *direct* impacts, separately from potential *indirect* and *cumulative* impacts. In some degree, this is an awkward characteristic and the inevitable dilemma of *any* EIR/EIS, due to the way CEQA and NEPA treat impacts to the *physical environment* separately from *social and economic* impacts and, also, the way CEQA and NEPA treat *direct* impacts as a category separate from *indirect* and *cumulative* impacts. However, to provide a full picture of the full range of impacts associated with a project, a skillfully prepared and thorough EIR/EIS *can* and *should* endeavor to bridge

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these gaps through proper integration of the Draft EIR/EIS’s analyses of physical and environmental impacts in relation to its discussion of related social and economic impacts. Similarly, an EIR/EIS that fulfills its purpose to inform the public must take a view of a project’s potential impacts that extends beyond the *direct* impacts of the project to the full universe of less obvious, but no less probable and foreseeable, potential *indirect* and *cumulative* impacts consequences of the project.

Having carefully reviewed the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs, we cannot avoid a conclusion that both documents fail to fulfill these basic purposes of an EIR/EIS. The net result of this failure is, we believe, an environmental analysis that significantly *understates* the potential impact of the proposed project. Where the impacts of a major infrastructure project of this kind are understated, the risk is of course that the potential severity of a project’s impacts may be overlooked and too easily dismissed—and, having been dismissed, that the erroneous conclusions thus reached will lead the public to a false understanding, not only of a project’s true environmental, social, and economic consequences, but also of the societal trade-offs in play.

Because the Merced-Fresno and Fresno-Bakersfield EIR/EISs fails to view the physical impacts of the project on agricultural land properly within the context of the full range of the project’s related social and economic impacts, the analysis fails to faithfully capture the *combined* impact of the two classes of impacts together. Similarly, while the Draft EIR/EISs provide an initial estimate of the physical locations and acreages of the agricultural lands which may be *directly* impacted (either temporarily during construction, or permanently as result of the project footprint), the Draft EIR/EISs’ assumptions as to the full range of potential impacts to these lands and their present and future uses, including the potential indirect and cumulative growth-inducing effects of the project, are cursory and unrealistic at best, and reckless at worst.

Significant impacts to agricultural resources cannot be limited to direct impacts caused by the footprint of the Project. Rather, such impacts also include indirect and cumulative impacts, in addition to direct costs imposed on the agricultural community.

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2. Impacts Unique to Dairies, Poultry and Livestock Operations

Given the extensive regulatory requirements involved, financial investment required, and the biological nature of food production animals, a dairy cannot close easily and simply re-establish in a new location. Complete facility relocation requires at least four major permits that can take up to two years or more each to obtain, at costs exceeding tens of thousands of dollars in consulting and permitting fees. Moreover, dairy cattle cannot be put in “storage” on some other facility during the interim between when the original facility closes and the new one opens. (Existing facilities have a maximum number of cows allowed on them, as defined in 2005). Selling or slaughtering an entire herd of thousands of animals obliterates a dairy’s gene pool

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built on generations of careful animal breeding, the true cost to the farmer being impossible to quantify.

A major additional challenge to a dairy farmer being forced to relocate will be the availability of suitable land for purchase. For example, an individual would not want to build a dairy in a 100-year storm area. A location closer to, versus farther from the milk processing plant is beneficial. Depth to water (groundwater) and the availability irrigation district water, as well, are important considerations at a new site. Furthermore, soil type is important for growing high yields of livestock feed.

Assuming that suitable and sufficient dairy land is even available for purchase, basic permits for a new facility include:

1. County Use Permit (CUP) (including various building permits for all structural items such as barns and manure storage ponds). It requires compliance with CEQA;
2. Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements (WDR) Permit, which requires the creation of a site-specific Nutrient Management Plan, Waste Management Plan, and Ground Water Monitoring Well Plan;
3. San Joaquin Valley Air Pollution Control District (SJVAPCD) Permit to Operate, which requires compliance with Rule 4570 (the volatile organic compound reduction rule) and Rule 4550 (the PM 10 reduction plan) as well as various other rules depending on the size for generators, gas tanks, chemicals on site, and the like; and,
4. California Department of Food and Agriculture Grade A Permit under the Pasteurized Milk Ordinance, which is mandatory to produce and sell milk in-state and in interstate commerce.

A WDR and Air Pollution Control District Permit to Operate will not be granted in the absence of an approved CUP and CEQA document, and neither of the issuing regulating agencies for these permits will currently take the lead in addressing CEQA for such a project (the time and cost of which varies by county, but which would be substantial in any location).

For illustration purposes, one California dairy that relocated to the Central Valley incurred construction costs of \$15 million (\$5,000/head milking) during the six years it took to permit and construct the facility to begin production in 2005. (For comparison, the average size California dairy in 2010 milked nearly 1,100 cows.) The EIR and new permitting effort cost an additional \$1,000,000. Because there is no "grandfather" clause in this regulatory environment, a relocated dairy is treated as a new facility, and thus subject to the associated more stringent and expensive regulatory requirements (new ponds need to be a double liner leachate collection system).

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Any dairy whose cropland the HSTP impacts will need to modify its Nutrient Management Plan. If the reduction in cropland reduces the farm's available land such that it cannot meet the 1.4 nitrogen balance required within the WDR, the dairy will be forced to drop cow numbers until it can show that balance can be reached.

Typically shortfalls in directly associated farmland are met through offsite transport of manure (either to owned, rented, or other agreement land). An additional challenge in the system can be the manure collection method: If the bulk of the manure is collected using flush lanes and storage ponds, the dairy is limited to the available acreage that the liquid manure can be distributed on. In some cases, manure collection must be changed to scrape rather than flush. Related costs can range from investment in additional tractors and/or implements used for scraping (and additional employee time) to installing a fully-automated scrape system.

Also, depending on the impacted land's location in proximity to the remainder of the dairy's cropland, pipeline distribution systems and tail water return systems may be impacted creating the need for retrofitting of the system. This, then, provides another illustration of how a dairy is a complete, interworking "system"—and impacts made to one area/branch of the system cause impacts to other parts of the system.

To install or modify a waste water pond requires an approved, engineered pond construction plan. A certified engineer has to put forth a proposal that the RWQCB staff has to approve. Several "sign-offs" are required by the project engineer along the way. Often ponds in the Central Valley require the importation of clay or other liner material. Monitoring wells are also required. Few pond installations have been done in recent years because of the onerous process and associated requirements.

To illustrate the cost and time involved in modifying an existing Central Valley dairy, one farmer recently paid \$60,000 for EIR/CEQA documents for the engineer's work only; this did not include any permit fees.

For another dairy to expand an existing pond, the engineer's assessment cost \$10,000 for the construction plans; the RWQCB then took 13 months to approve it. The farmer is currently working with the county for project approval that is expected to take at least another six months. Only after all this is complete can construction changes to the pond begin.

The base cost for a nutrient management plan or a waste management plan is \$12,000, and additional costs are incurred if the plan has to be amended upon RWQCB review.

3. Indirect Impacts to Agricultural Resources

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d) Regional Growth

Various portions of both the Merced-Fresno and Fresno-Bakersfield Draft EIR/EIS consider the potential growth-inducing impacts of the HSTP. Thus, in particular, the Regional Growth, Land Use, and Cumulative Impacts chapters of both documents include discussion of this topic. In addition, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs' analyses, CEQA-NEPA findings, mitigation measures and the like, with respect to the potential growth-including of the project, rely to a large extent on the conclusions and assumption of previous analyses of these topics in the HSRA's and FRA's statewide programmatic EIR/EIS, and in a July 2003 and July 2007 Economic Growth Effects studies by Cambridge Systematics, Inc. Thus, as presented in the HSRA's and the FRA's analyses to date, the general analysis concerning the HSTP's potential growth inducing impacts proceeds accordingly:

- Construction of the HSTP will result in only marginal growth in the Central Valley relative to the No Project Alternative;
- Local land use policies and plans favor high-density growth and infill and discourage sprawl and future growth in the Central Valley is likely to embody and exemplify the intent of these policies;
- With rapid, inexpensive access to the Bay Area, Southern California, and other population and economic centers in California, there will be no significant displacement of population from these areas to the Central Valley;
- Building the HSTP will support and catalyze more compact patterns of development, through a transportation-orient-development strategy for the Central Valley, of which HSTP is the centerpiece;
- Potential growth with the HSTP will not consume any more land than the maximum extent of what is already provided for in existing general plans and spheres of influence;
- Coordination and shared goals of the HSTP and city and county governments in terms of compact growth and infill will ensure more efficient and compact patterns of development through the Central Valley;
- By ensuring more compact patterns of growth and discouraging urban and rural sprawl, local land use decisions and the HSTP will not result in premature conversion of Central Valley farmland—and will in fact result in conservation of a low estimate of at least 30,000 acres less farmland than would be otherwise consumed under the No Project Alternative statewide.
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While these assumptions present one possible scenario, however, they present *just one scenario*. Furthermore, they present a scenario that leads to the conclusion, reached in the Draft EIR/EISs, that any potential growth-inducing impacts of the HSTP (whether direct, indirect, or cumulative) are, in fact, insignificant. Despite the HSRA's confidence in the certainty of its assumptions concerning growth, however, we cannot help but question the validity of this single-variable, single-outcome approach to the project's potential growth inducing impacts. In reality, we would submit that the future trajectory of growth in the Valley with a future HSTP is anything but certain. For example, it is not difficult to imagine quite a different scenario than that selected by the HSRA and the FRA in their EIR/EIS based, not unreasonably or implausibly, on a very different set of assumptions, along the following lines:

- A HSTP connecting the main population centers in the San Joaquin Valley to the Bay Area, South California, and other parts of the Central Valley will enable people currently residing in the state's expensive and over-crowded coastal areas to reach cheaper housing in now remote areas of the Valley, while still working within an hour to two hour's commute to these same coastal areas. Thus, the HSTP will turn now distant Central Valley communities into readily-accessible bedroom communities of the Bay Area and Southern California.
- Consistent with past historical patterns of growth in the Valley, local policies and visions of more efficient growth will fail to materialize and, instead, growth in Central Valley will continue to follow a pattern of less dense urban and rural sprawl, accelerated and exacerbated by the increased accessibility of the Valley via a new statewide 220-mile-an-hour high-speed train network connecting the state's major coastal population centers to the now remote San Joaquin Valley.
- The HSTP's "transportation-oriented-development" strategy, potential infill and increased economic investment and activity in the downtown areas around planned HSTP stations in Fresno and Merced and will *not* translate into more compact patterns of regional growth outside of the immediate neighborhood around these new HSTP stations. Furthermore, the relative wealth of cheap, flat land in the Valley, constrained only by the present uses of surrounding farmland, *will continue to feed a pattern of low-density urban, suburban, and rural sprawl*.
- Presently projected and potential new growth associated with construction of the HSTP will *not* result in a net 30,000-acre *reduction* in projected farmland loss, but rather in a net *increase* of this amount, if not significantly more.

An alternate scenario of this sort is, we think, not incredible unduly pessimistic. For example, the Regional Growth chapter of the Merced-Fresno Draft EIR/EIS notes that "the [July 2007 Cambridge Systems, Inc. economic growth study of the Bay Area to Central Valley HSTP] found that the overflow of people from urban coastal areas seeking affordable housing within

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commuting range of major metropolitan areas drives the high growth projections for these San Joaquin Valley counties.⁶⁸ If is accurate, then it would seem logical to conclude that bringing “affordable housing” in the San Joaquin Valley much more dramatically “within commuting range of [the major coastal metropolitan areas]” may dramatically increase the rate of inland migration to the San Joaquin Valley. Why, for example, would we assume that California’s experience, and that of the San Joaquin Valley will be significantly different than the experience of Japan, where the *Shinkansen* high-speed rail system “dispersed growth from existing (pre-train) centers to sub-centers where access points (stations and expressways) were located,” and where “these high access points attracted indigenous growth within local areas which complement and accentuate these new growth sub-centers.”⁶⁹ Or why not assume that it will not happen in Central Valley communities like Merced and Fresno, as it did in the City of Nantes “two hours outside Paris by high-speed train,” where French firms were found to be “much more likely to relocate to the peripheral city as a result of the easy access to Paris.”⁷⁰ Indeed, it is difficult to understand why neither the Merced-Fresno, nor Fresno-Bakersfield Draft EIR/EIS considers or addresses *any* of the following, very reasonable propositions included in a September 2008 paper commissioned by the HSRA on “The Economic Impact of the California High-Speed Rail in the Sacramento/Central Valley Area” that:

- “The Central Valley’s population will grow dramatically over the next 20 years....”⁷¹
- “[W]ith improved access some people may come to see Central Valley cities as ‘bedroom communities’ to major metropolitan labor markets or reduced transportation costs could induce employers to move to the Central Valley for its reduced costs of operation.”⁷²
- The “HSR may cause population across the state to increase because of business expansion into the state or expansion of businesses already operating within the state.”⁷³
- The “HSR may cause disparate population growth rates across regions as businesses or residents find it feasible [...] to reallocate to lower-cost more readily accessible areas of the state.”⁷⁴
- “[C]reating more efficient transportation access to the heart of the Central Valley region, which tends to be inaccessible to major metropolitan areas because of the cost of travel, would have a disproportionately positive employment impact from HSR.”⁷⁵

⁶⁸ Merced-Fresno Draft EIR/EIS at 3.18-7.

⁶⁹ See Kantor, “The Economic Impact of the California High-Speed Rail in the Sacramento/Central Valley Area,” September 2008 at 16.

⁷⁰ See *id.* at 21.

⁷¹ *Id.* at 13.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

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- “[T]he Central Valley and Southern San Joaquin Valley will experience explosive growth in the service sector, which will be significantly amplified as a result of HSR.”⁷⁶
- “[R]educed travel times and costs enable consumers to access more distant markets, enable producers to deliver products to their consumers at lower cost, enable workers to access more distant labor markets, or enable employers to tap into a wider labor pool themselves.”
- “[T]he reduction in transportation costs that HSR facilitates enables the economic hub to expand so that a wider geographic region becomes integrated.”⁷⁷
- “Bay Area [and Southern California] firms [may] relocate to the Central Valley to benefit from lower property/rental costs and a cheaper labor force.”⁷⁸
- “[L]ower transportation and transaction costs will encourage new businesses to locate in the Central Valley where favorable costs and public policies can encourage business development.”⁷⁹

In fact, while they do not, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs (and the Cambridge Systems, Inc. economic growth studies they rely on) might more seriously and explicitly have considered these and other perfectly credible alternative assumptions on growth in the Central Valley. Instead, all of the HSTP growth analyses to date reach the unvarying conclusion that the HSTP generally *will not* cause significant new growth, sprawl, or additional conversion of Central Valley farmland over and above the No Project alternative. Central to this conclusion, however, is the liberal (and wholly unsupported) assumption that local land use decisions in the Valley will inevitably and unquestionably trend toward infill and high-density development.

In a discussion of “Key Assumptions,” however, the same 2008 Cambridge Systematics, Inc. economic growth study that is relied upon in the regional growth chapters of both Draft EIR/EISs observes that “[s]everal assumptions are embedded in the employment and residential land requirements forecasting procedures and their components.”⁸⁰ In particular, the study describes one of its key assumptions as follows:

⁷⁵ *Id.* at 16.

⁷⁶ *Id.* at 18-19.

⁷⁷ *Id.* at 21.

⁷⁸ *Id.* at 22.

⁷⁹ *Id.* at 32.

⁸⁰ Cambridge Systematics, Inc., “Economic Growth Effects Analysis for the Bay Area to Central Valley Program-Level Environmental Impact Report and Tier 1 Environmental Impact Statement” at F-4 through F-5. (Note: This study is also relied upon the Merced-Fresno and Fresno-Bakersfield EIR/EISs.)

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Average infill rates and population densities will increase with additional development. It is an axiom of economics that scarce resources are used more intensely than plentiful ones. Following this logic, as available supplies of developable land are used up, developers seek ways to use remaining land more intensely, either by increasing densities or through redevelopment. Thus, both development densities and infill activity should increase with population growth.⁸¹

Hidden within this “key assumption,” however, is another “key assumption,” as acknowledged in the study itself:

Counteracting this tendency [that is, the tendency that “both development densities and infill activity should increase with population growth”] is the desire of many residents to preserve a rural or suburban lifestyle. Thus, there are many parts of California where infill activity and development densities are below what theory suggests they should be.⁸²

The study continues,

For the purposes of analyzing all alternatives, it is assumed that future infill activity and development densities will continue to increase. *To the extent that they do not, additional sites will be needed to accommodate projected population growth.*⁸³

Thus, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs’ conclusions that the HSTP will have no significant growth inducing impacts is based on a truncated analysis of *just one* (and, notably, the most optimistic) potential scenario. The conclusion that the project will have no significant growth inducing impacts then leads to the conclusion that there is no need to design and select alternatives, or to identify mitigation measures to avoid, minimize, and mitigate the potential growth inducing impacts of the project either. In an area of such significant uncertainty, however, a proper analysis should have considered not just the *most favorable* potential growth scenario for the project, but also the potential for a range of potential scenarios, including the *worst case* growth scenario for Central Valley growth, urban and rural sprawl, and resulting farmland conversion. Neither EIR/EIS addresses the potential for such alternative scenarios—and, thus, both of the EIR/EIS analyses’ of potential growth inducing impacts, including indirect and cumulative impacts to agricultural resources, are fundamentally flawed.

e) Water Supply Impacts

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Id.* at F-5.

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Both the Merced-Fresno and the Fresno-Bakersfield EIR/EIS ignore two potentially significant project impacts on regional water supplies. The first relates to the issues of potential growth inducement and population growth in the event the EIR/EIS single-sided projections of modest long-term population growth, infill, and increasingly compact development are instead replaced by long-term patterns of significant additional population growth and continued urban, suburban, and rural sprawl. Specifically, in the latter scenario, the EIR/EIS fails to consider the potential for growing urban areas to enter increasingly into direct competition for available water supplies with existing agricultural users. Given the extreme volatility of imported water supplies in recent years, due to both severe regulatory constraints on exports from the Sacramento-San Joaquin Delta and the natural drought cycle, it is quite possible that such competition, during droughts and regulatory cutbacks, could become quite severe. In such a scenario, to the extent municipal and industrial users are given general priority over agricultural users, it is quite possible that the water needs of growing Central Valley cities could displace or preclude deliveries to agricultural users. This could, in turn, result in potential massive losses of permanent crops, as well as temporary and permanent fallowing of Valley farmland generally and loss of jobs in agriculture.

The second issue relates to deep agricultural wells potentially situated along the path of a future HSTP. In addition to the very high cost and difficulty of permitting and constructing such deep agricultural wells, there is the added risk that impacted agricultural water users who might otherwise rely largely or entirely on groundwater in absence of adequate surface water deliveries during a drought or acute regulatory cutback would, in this scenario, have no access to water. If the lands so impacted were, in turn, planted in a permanent tree or vine crop, the farmer farming those lands might lose his entire investment.

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f) Public Utilities and Energy

The impacts from electricity demand discussed in the Chapter 3.6 of the Merced-Fresno Draft EIR/EIS at page 3.6-45, and of the same chapter in the Fresno-Bakersfield Draft EIR/EIS at 3.6-64, overlook a significant impact to agricultural resources that will likely result from the increase in electricity demand from the project. An estimated 480 MW of increased demand, even if spread throughout the system, will pose significant consequences to agricultural resources resulting from siting requirements for both generation and transmission. California law mandates that 33% of electricity demand be met with renewable generation resources by 2020. Much of the renewable generation proposed and planned in California to meet those needs is solar generation, which requires approximately 8 acres of land for development of a MW of generation. As noted in the September 2011 WECC 10 year Regional Transmission Plan current renewable energy trends are centered on accessing resources close to load.⁸⁴ Significant pressure and interest for development of new solar power generation facilities in California has been focused on land currently used for agriculture. In 2008, the HSRA commissioned a report

⁸⁴ Plan Summary, page 22.

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studying the feasibility of using 100 percent renewable sources of energy for the HST in 2008, including a 100 percent solar scenario.⁸⁵ Thereafter, on September 3, 2008, the HSRA adopted a formal policy, committing “to power the train with clean renewable energy, making it the first true zero-emission train in the world.”⁸⁶ Thus, at 8 acres per MW, if all 480 MW for the HSTP were met through new solar power generation, the increase in electricity generation needed to meet HSTP demand could convert as many 3,840 acres of productive agricultural land *more* than the Draft EIR/EISs currently assume. Furthermore, any necessary transmission upgrades and extensions to serve the demand and other needs of the HSTP would further impact agricultural resources over and above this amount.⁸⁷

B. Additional Impacts Related to Impacts on Agricultural Resources

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1. Biological Resources

Both the Fresno-Merced and the Fresno-Bakersfield Draft EIR/EISs show that the BNSF alignments north and south of Fresno will impact wildlife and wildlife habitats, including wildlife movement corridors for listed and special status, flightless reptiles, lizards, and mammals (e.g., San Joaquin kit fox, American badger, western spadefoot toad, kangaroo rat, coast horned lizard).⁸⁸ As shown in the Draft EIR/EISs, different alignments would impact different species and habitats differently. In general, however, there are certain comparative distinctions that hold generally true for *all* of the proposed alignments:

First, while as noted, *any* of the proposed alignments of the HSTP would impact species and their habitats in *some* degree, a major and fundamental distinction among alternatives relates to the difference between established, heavily-traveled alignments, including urban and urbanizing areas on one hand, and more limited and less intensively-used existing or entirely new corridors and rights-of-way in predominantly rural areas on the other. For example, from Merced to Fresno, a HSTP alternative following a continuous UPRR / SR 99 alignment would have some marginal impacts on some potential remaining habitats or wildlife species along the Highway 99 corridor; however, these impacts would not greatly add to the deleterious effects of urban encroachment and the existing transportation corridor itself, as a major barrier and an on-going source of potential harmful impacts to wildlife habitats and wildlife movement through or around this portion of the Valley.

⁸⁵ See Navigant Consulting, Inc. Report, presented to the HSRA on September 3, 2008 (“The Use of Renewable Energy Source To Provide Power To California’s High Speed Rail.”)

⁸⁶ See HSRA September 3, 2008 Meeting Minutes at 4 (view on October 11, 2011 at

<http://www.cahighspeedrail.ca.gov/assets/0/152/198/9509bccc-f8f9-4030-8aa5-e75b3657b099.pdf>).

⁸⁷ For examples of some of the types of demonstrable impacts from transmission siting see San Diego Gas and Electric Company’s Sunrise Powertlink Project Final EIR/EIS dated October 13, 2008 and Southern California Edison’s San Joaquin Cross Valley Loop Final EIR dated February 2010.

⁸⁸ See, e.g., Merced-Fresno Draft EIR/EIS at 3.7-20 (Figure 3.7-1), 3.7-28 (Figure 3.7-6), 3.7-34 (Figure 3.7-34); Fresno-Bakersfield Draft EIR/EIS at Figures 3.7-1d, 3.7-2, 3.7-4.

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In contrast, a BNSF alignment north of Fresno would cause significant *new* impacts to wildlife species and their habitat, including the creation of significant *new* barriers to wildlife movement. In particular, the northern portion of the Merced-Fresno BNSF alignment would adversely affect not only various sensitive habitats south and north of the Madera-Merced county line, but would also severely impact a series of “modeled wildlife corridors” and designated “essential connectivity areas.”

Similarly, any impacts to wildlife, wildlife habitats, or wildlife movements corridors of a continuous alignment along the existing BNSF right-of-way from Fresno to Bakersfield would occur along what is already an *existing* hazard and barrier to wildlife movement—whereas impacts along the proposed Wasco-Shafter and Allensworth Bypasses, for example, would further fragment existing habitats and movements corridors in entirely *new* ways, outside any existing transportation corridor or right of way.

Ironically, the Allensworth Bypass option was ostensibly designed precisely to *avoid* impacts to the Allensworth Ecological Preserve, along the BNSF right-of-way (and, also, to a historical landmark in that area). Obviously though, erecting an entirely *new* barrier to wildlife movement will more severely and adversely impact wildlife and wildlife movement and connectivity in this area than constructing a HSTP alignment along the existing BNSF right-of-way, albeit within the Preserve. In contrast, an Allensworth Bypass option would presumably require elevated sections, undercrossings, or other features to address impacts to wildlife movement—and, even then, the effect of an entirely *new* barrier to movement and dispersion would remain much more significant than a straight alignment immediately adjacent to the existing BNSF right-of-way.

Beyond this, the Fresno-Bakersfield Draft EIR/EIS generally describes various potential wildlife and habitat impacts along the proposed BNSF and BNSF bypass proposals, but does not consider a UPRR / SR 99 or any other alternatives. Thus, the Fresno-Bakersfield Draft EIR/EIS provides no basis for comparison in terms of the relative biological impacts of a UPRR / SR 99 alternative versus a BNSF or any of the BNSF bypasses proposals.

For the reasons stated, an alignment along UPRR / SR 99 corridor and right-of-way north of Fresno, and within either the BNSF or the UPRR / SR 99 corridor and right-of-way south of Fresno, would be *the* most consistent with the HSTP’s mandate to utilize existing rights-of-way and avoid impacts to natural and agricultural resources to the maximum extent possible. In contrast, a BNSF, Hybrid, or UPRR / SR 99 bypass option north of Fresno (including the Chowhilla Bypass), or a south-of-Fresno BNSF or UPRR / SR 99 alignment with multiple bypasses, would be inconsistent with these goals. From the standpoint of biological resources, therefore, this would make the least impactful of these alternatives along existing corridors and rights of way the “environmentally superior alternative” under CEQA and the “environmentally preferable alternative” under NEPA.

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2. Wetlands and Waters of United States

As shown in the Merced-Fresno Draft EIR/EIS, the Hybrid, Chowchilla Bypass, Wye 24 and 21 options and, particularly, the BNSF alignments tend, proportionately, to impact *more* natural waterbodies, and also to temporarily and permanently disturb larger areas (thus, resulting in proportionately greater risks of water quality degradation), than a continuous UPRR / SR 99 alignment.⁸⁹ For example, the Merced-Fresno UPRR / SR 99 alignment would impact an estimated 20 to 27 natural waterbodies, versus 30 to 37 for the BNSF alignment; 2,370 to 2,484 temporarily disturbed acres, versus 2,717 to 2,995 for the BNSF alignment; and 1,958 to 2,079 acres of permanent footprint, versus 2,400 to 2,557 for the BNSF alignment.⁹⁰ These statistics are apparently reflected in the Army Corps of Engineers' and the Environmental Protection Agency's 2008 early concurrence that the UPRR / SR 99 corridor is likely the "preferred network alternative" and "least environmentally damaging practicable alternative" under the Section 404(b)(1) of the Clean Water Act.⁹¹

To ensure compliance with the Clean Water Act ("CWA"), the HSRA and the FRA must choose those "practicable" alternatives that would have the *least* adverse impact on aquatic systems—here, the UPRR / SR 99 alignment north of Fresno. Furthermore, based on the identified characteristics, a continuous UPRR / SR 99 alignment north of Fresno is likely the "environmentally superior" or "environmentally preferable" alternative under CEQA and NEPA, respectively. Given their legal and regulatory importance, these considerations should weigh heavily in the agencies selection of a preferred alternative north of Fresno.

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IV. Mitigation of Impacts to Agricultural Resources

CEQA requires an EIR to include a reasonable range of alternatives as well as feasible mitigation measures that will lessen the significant impact.⁹² CEQA requires a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts.⁹³ For this reason, "[t]he core of an EIR is the mitigation and alternatives sections."⁹⁴ NEPA requires an EIS to discuss the "means to mitigate adverse environmental impacts."⁹⁵ Further, mitigation measures must be discussed for all impacts, even those that by themselves would not be considered significant.⁹⁶

⁸⁹ See, e.g., Merced-Fresno Draft EIR/EIS at 3.8-24, 3.8-26 (Table 3.8-6), 3.8-28 (Table 3.8-7).

⁹⁰ See Merced-Fresno EIR/EIS at 3.8-24, 3.8-26, 3.8-28, 3.8-29.

⁹¹ See Merced-Fresno EIR/EIS at 6-2 (Section 6.3).

⁹² Pub. Resources Code, § 21002; Cal. Code Regs., tit. 14, § 15002(a)(3); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 ("Sierra Club I").

⁹³ *Ibid.*

⁹⁴ *Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 564.

⁹⁵ 40 C.F.R. 15021.16(h).

⁹⁶ Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg 18026 (March 23, 1981), as amended, 51 Fed. Reg. 15618 (April 25, 1986).

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A. Alternative Selection as Mitigation

Both the Merced-Fresno and the Fresno-Bakersfield Draft EIR/EIS propose 1:1 preservation of comparable farmland, compensation for non-economic remnants, and potential consolidation of economic ones. In addition, both EIR/EISs commit to mitigate road closures and other transportation issues by providing new crossings and to compensate and work with landowners to resolve conflicts, to the extent possible, through a proposed right-of-way acquisition process. Ultimately, however, these mitigation measures are inadequate to address the full range of adverse project impacts on agriculture. This, then, is where it becomes very important to recognize that the best way to "mitigate" an impact is to *not cause* that impact in the first place. For the HSTP, as previously described in great detail, avoiding some of the most severe and far-reaching adverse impacts of the project can be accomplished through deliberate design and selection of a preferred alignment. The first line of the defense in avoiding adverse impacts to agricultural resources is, therefore, to deliberately design and select a preferred project alignment to avoid, minimize, and itself mitigate the severity of the project's adverse impacts on the San Joaquin Valley core agricultural lands.

B. Shortcomings Of The Draft EIR/EIS' Proposed Mitigation Measures With Respect To Agricultural Lands

Both Draft EIR/EISs include mitigation measures for expected losses of important farmland, to preserve comparable farmland in same region where the impact occurs at a 1:1 ratio, to acquire non-economic severed parcels, and to consolidate economic ones with adjacent lands. These are helpful gestures. With respect to 1:1 mitigation on comparable farmland, however, as the Draft EIR/EISs acknowledges, 1:1 preservation does not create *new* farmland to replace converted farmland; it only preserves other farmland from conversion from some other cause. Thus, while 1:1 mitigation is certainly helpful, it is of course preferable to avoid and minimize farmland impacts in the first place, through careful design and selection of those alignments that are least impactful and disruptive to existing agricultural resources and operations in the Valley.⁹⁷

With respect to the remnant consolidation measure, while this concept is generally helpful, and may in some cases help to prevent permanent removal of some severed parcels from agriculture, there remain a number of potential concerns regarding this proposed mitigation measure that have yet to be addressed in either the Fresno-Merced or the Fresno-Bakersfield Draft EIR/EIS.

To name one such concern, there is, first, the issue of crop diversity and specialization in the Valley: Thus, for example, a severed parcel might be uniquely suited to a particular type of crop, the existing infrastructure on that parcel might similarly suited to a particular crop, and the

⁹⁷ See detailed discussion of "Alternatives" above.

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individual or entity that farmed that parcel may have had special expertise and know-how relating to that crop. In contrast, the owners the adjacent parcels with which the severed parcel might be “consolidated” may in fact have their primary experience with a different crop or crops, or some entirely different type of farming; or perhaps the water sources, soils, or other physical characteristics of the severed parcel are such that it would make the parcel incompatible or unsuitable for consolidation with a neighboring operation.

A second concern relates to the potential impact on the market or assessed value of the separate remnant parcels created by a severance, and on the economic viability and profitability of any continuing operation on either parcel (whether by the same owner, or new owner).

A third concern relates to the potential Williamson Act and Farmland Security Zone implications of a severance, where minimum parcel sizes for Williamson Act and FSZ purposes are 10 acres for prime, and 40 acres of non-prime agriculture lands.

To address this special sub-class of impacts to Williamson Act lands and local agricultural preserves, in addition to any other factors relating to economic viability of a severed parcel, the Fresno-Merced and Fresno-Bakersfield Draft EIR/EISs should adopt a policy to pay just compensation for any remnant parcel of prime agricultural land smaller than 10 acres, and on any parcel smaller than 40 acres for non-prime agricultural lands, as defined in the Government Code, as compensation for the loss of that parcel of land to an existing agricultural preserve.⁹⁸

Finally, it is also important that the Draft EIR/EISs identify specific measures for non-economic remnant parcels that *would not* be eligible for consolidation, to ensure that these parcels do not become a source of weeds and other pests and, thus, a nuisance to adjacent property owners.

C. Land Agency Coordination and Local Land Use Planning Incentives as Mitigation

With respect to the Merced-Fresno and Fresno-Bakersfield sections’ potential growth-inducing impacts, as described previously, the Draft EIR/EISs fail in that they advance a single set of unsupported assumptions about the future trajectory of growth to arrive at the fairly incredible conclusion that the project will not only increase growth only very modestly (on the order of 1 to 3 percent), but that the project will in fact greatly benefit the Valley overall, by encouraging more sustainable patterns of compact growth and infill and, thus, *reducing* current estimated of projected future farmland loss by 30,000 acres. This, of course, ignores the obvious potential for an equally plausible, but far less optimistic scenario on future growth, and thus

⁹⁸ With respect to Williamson Act and Farmland Security Zone lands that are the potential subject of an eminent domain proceeding, it should be further noted that the condemnor must comply with the specific policies and procedures described in section 51290 and 51292 of the Government Code.

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leads to the false conclusion that the project’s impact will be necessarily “less than significant,” and will, therefore, require no mitigation.

However, even if one were to accept the proposition that the HSTP, along with sound and responsible local planning, can usher in a wholly unprecedented revolution of green development that will negate any growth-inducing pressure of the project, we submit that the Draft EIR/EISs’ weak and non-specific commitment to “encourage,” “coordinate” and “work cooperatively” with local governments on sustainable land use planning⁹⁹ provides *no assurance* that there is any likelihood whatsoever—much less any certainty—that this is what will, in fact, occur. To remedy this significant weakness, CFBF recommends: (1) that the analyses in the Draft EIR/EISs’ analyses of growth-inducing impacts (i.e., “regional growth”) be revised to include a range of potential growth scenarios, including a plausible worst-case scenario of continued low-density urban, suburban, and rural sprawl; (2) that the Final EIR/EISs identify such a scenario as a potential significant environmental impact requiring mitigation; (3) that the Final EIR/EISs adopt a mitigation measure requiring formal coordination with local governments (as under a detailed MOU or similarly instrument), specific steps including eventual development of a coordinated plan for sustainable growth, and actual implementation of the plan through enforceable measures, so far as possible within legal and constitutional limits; and, otherwise, through potential financial incentives and disincentives, conditional funding, or other appropriate mechanisms; (4) that any coordinated planning between the HSRA, the FRA, and local governments take a regional perspective, considering and addressing larger trends and patterns of regional patterns of growth, and extending well-beyond any mere downtown infill or economic redevelopment strategy focused solely or primarily on the areas immediately surrounding a HST station.

To elaborate somewhat further, it should be self-evident that perfunctory coordination with city governments on limited cosmetic measures around HSTP stations can hardly exert so great or powerful an influence that, as the Draft EIR/EISs asserts, this alone can somehow magically shape, alter, or even significantly influence larger patterns of growth currently observed in the Valley. In reality, of course, only intelligent planning by responsible city and county governments can accomplish this—and, of course, the HSRA cannot force the local governments to do what they do wish to do themselves.¹⁰⁰ Nonetheless, the sheer size and

⁹⁹ See, e.g., Fresno-Bakersfield EIR/EIS at 2-93 through 2-94; Merced-Fresno Draft EIR/EIS at 100. Specifically, in this regard, it is important to note that CEQA and the California Constitution place express limitations on the extent to which an agency may devise mitigation measures that improperly impinge on the inherent powers of local agencies and governments. Thus, the Article 11, Section 7 of the California Constitution provides that, “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal. Const., art. 11, § 7.) CEQA provides that “a public agency may exercise only those express or implied powers provided by law other than [CEQA].” (Pub. Resources Code, § 21004.)¹⁰⁰ Furthermore, mitigation measures must address only those impacts caused by the project.¹⁰⁰ (Cal. Code Regs., tit. 14 § 15126.4(a)(4) [“Agencies shall not require mitigation measures which provide a generalized public benefit unrelated to those impacts or that would do more than fully mitigate the impacts of the project.”].)

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ambitiousness of the HSTP suggests that the HSRA can have at least some formal influence on the decisionmaking of local governments in the region, consistent with the HSTP's stated goals to address the potential growth inducing impacts of the project and promote sustainable growth and infill, discourage urban and rural sprawl, etc. To the extent the HSRA and the FRA specifically commit to work with local governments to address the issue of potential growth and Valley sprawl, a reasonable reading of CEQA and NEPA would suggest that this commitment should be more than just words on a page. It should be a meaningful one, that can be actually effective in furthering the sustainable land use and farmland preservation goals the HSRA has expressed espoused and touted as a major, potential benefit of the project.

In summary, then, meaningful mitigation of the project's potential significant growth inducing impacts should be made an *express condition* of both the Merced-Fresno and Fresno-Bakersfield EIR/EISs—and, in the absence of such measures, or a legally adequate showing of infeasibility as required by CEQA, neither document should be approved.

D. Compensation

In terms of compensation and mitigation of socioeconomic impacts such as displacement, the Draft EIR/EISs offer essentially three mechanisms: (1) "just compensation" in an eminent domain proceeding; (2) compensation under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Relocation Act" or "Relocation Act"); and (3) less specifically, appropriate compensatory, mitigation, and avoidance measures to be identified in the course of the right-of-way process in the lead up to a condemnation.

While there are established legal processes that govern these transactions, unfortunately all three processes or mechanisms leave many practical issues for affected landowners unaddressed. For agricultural businesses—and, in particular, for dairies, poultry and livestock operations, packing and processing facilities and the like—these issues can be quite significant. The reason for this lies in the difficulty of defining "just compensation" for many intangibles, such as business goodwill, including lost income in the form of an expected return on an operator's long-term investments in his operation, as well as costs of relocation, including (very significantly, in the case of a dairy, poultry or livestock operation) the cost of navigating complicated regulations and obtaining expensive waste management, air, and water quality permits, that are among necessary permits for such an operation. The case is no different (though the costs may be proportionately lower) for a farmer who has invested significantly in irrigation efficiency technology or drainage systems, including tile drains, tailwater return systems, regulating reservoirs, and the like.

There is a major question whether established condemnation and standard valuation procedures can easily or very accurately capture these costs without controversy. Should

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controversy arise (as seems likely), a landowner has no recourse but to contest the matter through costly and time-consuming litigation in court. As for the Uniform Relocation Act, when one begins to examine such concerns, it becomes very quickly apparent that the capped and extremely low compensation amounts offered under this law are quite inadequate.¹⁰¹ Any condemnation proceeding that must be pursued in court will result in lost time and major litigation costs to landowners, even assuming that all or a portion these costs can be recovered. Of greater significance to the HSRA given the project's extremely aggressive timeline is the significant delay *for all parties involved*.

To address these and other concerns relating to uncertainties regarding "just compensation" of affected agricultural businesses, the first and most convenient option is, of course, that the HSRA and FRA design and select alternatives and facilities to avoid, minimize, and mitigate the need for condemnation in the first place. In those instances where this is not possible, CFBF offers the following suggestions, as potential measures the HSRA *can* and *should* adopt as formal avoidance and mitigation measures in the EIR/EISs:

- The HSRA's initial right-of-way and voluntary and required arbitration procedures should be used, to the extent possible, to head off significant conflicts and disputes *before these disputes get to court*.
- The HSRA should establish a process to work with appropriate agricultural interests and organizations to reach at least some preliminary level of agreement as to what types of intangible or goodwill costs should be accounted for and reflected in the eminent domain valuation process for different classes of potentially impacted agricultural operations, including dairies, feedlots, poultry and livestock operations, agricultural packing and process facilities, permanent trees and vines crops, as well as other types of agricultural operations more generally.

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V. Additional Considerations

A. Unmitigable and Unavoidable Potential Significant Environmental Impact

Among certain other impacts, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs identify as "unavoidable adverse potentially significant impacts" (that is significant impacts that cannot be reduced to a "less-than significant level" through mitigation) the project's conversions of agricultural land to non-agricultural use, and the project's impacts to biological communities, special-status species, habitat of concern, and wildlife movement corridors.¹⁰¹

¹⁰¹ See Merced-Fresno Draft EIR/EIS at 6-3; Fresno-Bakersfield Draft EIR/EIS at 6-2 through 6-3.

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Under CEQA, an agency may not “approve or carry out a project” that identifies “one or more significant environmental effects,” without making specific written findings that: (1) “changes or alterations” (i.e., avoidance or minimization through alternatives design and selection and/or mitigation measures) “have been required in, or incorporated into, the project,” which “avoid or substantially lessen” any significant environmental effects identified in the EIR; or (2) that “[s]pecific economic, legal, social, technological, or other considerations” make mitigation measures or project alternatives to lessen a significant environmental impact “infeasible.”¹⁰² CEQA defines a “feasible” alternative or mitigation measure as one that is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”¹⁰³ The agencies’ findings regarding significant environmental impacts and feasible alternatives and mitigation must be “supported by substantial evidence in the record.”¹⁰⁴

Beyond this, prior to certifying an EIR, CEQA requires an agency to “balance [...] the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks.”¹⁰⁵ The CEQA Guidelines provide further that, “[i]f the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”¹⁰⁶ And, finally, in approving a project which will “result in the occurrence of significant effects” that are not “avoided or substantially lessened,” the agency must “state in writing the specific reasons to support its action based on the final EIR and/or other information in the record”—that is, make a “statement of overriding considerations,” and support that statement “by substantial evidence in the record.”¹⁰⁷

From the foregoing it follows that, to make the findings required under CEQA regarding a project’s potential significant effects, an agency’s EIR must first properly identify, evaluate, assess, and analyze a project’s potential significant impacts. Similarly, to make the required findings under CEQA concerning the feasibility or infeasibility of available alternatives and mitigation measures and to support that finding “by substantial evidence in the record,” the agency’s EIR must, again, properly analyze the project’s full extent and nature of the project’s potentially significant environmental impacts. Finally, where one or more environmental effects of a project remain significant and unavoidable, the agency must properly characterize the project’s “economic, legal, social, technological, or other benefits, including potential region-wide and statewide benefits,” in order to weigh those potential benefits against the project’s unavoidable adverse potentially significant impacts.

¹⁰² Cal. Code Regs., tit. 14, § 15091, subd. (a).
¹⁰³ *Id.* at § 15364.
¹⁰⁴ *Id.* at § 15091, subd. (b).
¹⁰⁵ *Id.* at § 15093, subd. (a).
¹⁰⁶ *Id.* at § 15093, subd. (b).
¹⁰⁷ *Ibid.*

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Here, the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs describe various potential benefits of HSTP, including reduced congestion on existing roadways, regional and statewide economic benefits, reduced energy consumption and reduced emissions, more compact, urban-centered development, and improved quality of life.¹⁰⁸ In many cases, however, the extent and likelihood of many of the HSTP’s presumed benefits, as described in the Draft EIR/EISs, is highly uncertain, whereas the Draft EIR/EISs fail to discuss or analyze the relative certainty or uncertainty of the assumption that a particular project benefit will in fact occur. This then results in a relatively weak foundation upon which to build in attempting to gauge the precise extent and nature of the assumed benefits of the project, and in attempting to “balance” those benefits against the project’s potentially significant and unavoidable adverse impacts. Moreover, this required “balancing” of project benefits and significant adverse impacts is further compromised where the EIR not only fails to properly characterize the precise nature and extent of a project’s assumed benefits (including any major uncertainties concerning these potential benefits), but also fails to properly analyze the full nature and extent of the project’s potentially significant adverse impacts.

Areas where assumed benefits in the Draft EIR/EISs become especially tenuous and uncertain (to the extent they are analyzed at all) include, for example, the EIR/EISs’ assumptions regarding ridership, human behavior, ticket pricing, macro-economic market forces, profitability, financing, time to completion, feasibility of completion. All of these areas are characterized by great uncertainty; however, all are factors that greatly influence an assessment of the relative benefits (and detriments) of the project. Yet both Draft EIR/EISs’ analyses of the projects’ environmental benefits and impacts consistent present these uncertainties in only the most favorable light, so as to maximize presumed project benefits, while consistently downplaying or dismissing project potential significant adverse impacts.

A major case in point is the Draft EIR/EISs’ analysis of sections of “Travel Demand and Ridership Forecasts” in both documents’ “Alternatives” chapters.¹⁰⁹ In this section, the Draft EIR/EISs explain how high and low ridership scenarios (based on high and low ticket prices relative to airfares), as well as different ridership scenarios at different stages of build-out. Understanding the environmental trade-offs of the HST at different levels of ridership and at different stages of construction between now and 2035 is important, since it shapes a proper understanding of the potential benefits and impacts of the HST based on a proper consideration of the possibility of a variety of potential scenarios. Throughout the rest of both Draft EIR/EISs, however, these important nuances are lost, and instead virtually all of the EIR/EISs’ analyses impacts and potential benefits are viewed through rose-colored glasses of a high-ridership forecast, at full build-out in 2035.

¹⁰⁸ See, generally, Merced-Fresno and Fresno-Bakersfield Draft EIR/EIS “Project Purpose, Need and Objectives” chapters.
¹⁰⁹ See Merced-Fresno Draft EIR/EIS at 2-89 through 2-93; Fresno-Bakersfield Draft EIR/EIS at 2-87 through 2-90.

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This most optimistic assumption then propagates through the rest of the document. Thus, road congestion, air quality benefits and emissions reductions, and socioeconomic and employment benefits are proportionately lower—whereas *neither* EIR/EIS anywhere discloses the less favorable panorama of environmental relative benefits and impacts under an *equally plausible* lower ridership scenario, including lower, phased ridership levels prior to the assumed full build-out date of 2035. Meanwhile, as described elsewhere herein, both Draft EIR/EISs' assumptions and analyses with respect to potential impacts either generously assume the best-case outcome, while ignoring the potential for less favorable conditions, or otherwise completely omit or dismiss large classes of potential direct, indirect, and cumulative impacts on agricultural resources. The result is a systemic and pervasive bias that presents the project's purported benefits of the project in an extremely favorable light, while sweeping the project's adverse impacts under the proverbial carpet. Of course, this not only seriously compromises the basic informational purpose of the EIR and its impacts analyses; it also makes an eventual statement of overriding considerations wholly unsupported as the Draft EIR/EISs' present evaluation of project and impacts currently stands.

B. Failure To Coordinate With Local Governments and Interests In Designing Selected Alternatives

The Council on Environmental Quality directs federal agencies to conduct joint planning processes, joint environmental research and studies, and joint public hearings with state and local agencies in order to enhance coordination and reduce duplication between NEPA and State *and local requirements*.¹¹⁰ As stated throughout both Acts, the purposes of CEQA and NEPA are informed governmental decision making through full public participation. Full public participation includes local governmental agencies. To highlight the need for such participation, an Executive Order was issued on August 26, 2004 stating:

The purpose this order is to ensure that [federal agencies] implement laws relating to the environment and natural resources in a manner that promotes *cooperative conservation, with an emphasis on appropriate inclusion of local participation in federal decisionmaking*, in accordance with [the federal agencies'] respective agency missions, policies, and regulations.¹¹¹

NEPA provides:

- “[...] that it is the continuing policy of the Federal Government, *in cooperation with the State and local governments, and other concerned public and private organizations, to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain*

¹¹⁰ See 40 C.F.R. § 1506.2 [emphasis added].

¹¹¹ See Executive Order No. 13352, 69 Fed. Reg. 52989 [emphasis added].

*conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans...*¹¹²

- “[I]t is the *continuing responsibility* of the Federal Government *to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, actions, programs, and resources [...]*,” to, among other aspirations, “*attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences...*”¹¹³

Of particular relevance to a federal agency design and ultimate selection of a preferred alternative—NEPA provides specific direction as to how potential conflicts with local plans and priorities should be handled in the environmental study. Thus, at 42 USC § 4332(E), the Act mandates that the agency “*study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.*” Moreover, the CEQ guidelines provide that “[a]gencies shall integrate the NEPA process with other planning at the earliest possible time ... to head off potential conflicts.”¹¹⁴

BO019-14

The proposed alignments for both the Merced-Fresno and the Fresno-Bakersfield Draft sections of the HSTP suggest the HSRA and the FRA have made little effort to address the concerns of local governments and local interests, concerning avoidance of impacts to the agricultural resources and agricultural economies of these counties. This is particularly true in the case of Kings County and the proposed BNSF alignment south of Fresno. Although the County of Kings, the City of Hanford, the Kings County Farm Bureau and others have repeatedly and insistently endeavored to alert the HSRA and the FRA to the need to avoid and minimize agricultural impacts, and of the inconsistency of several HSTP alignments with local plans and policies relating to the county's agricultural resources, the alignments considered in the Fresno-Bakersfield Draft EIR/EIS—including the West Hanford alignment just identified on October 6, 2011—evidence little or no concern or effort on the part of the HSRA and the FRA to actually address and resolve these conflicts and concerns to the maximum extent possible. Similar observations might be made with regard to other proposed alignments (notably, for example, the omission of a Wye 152 alignment north of Fresno, and the inclusion of the Chowchilla Bypass and Avenue 21 and 24 Wye alignments). Nowhere, however, it is the problem so obvious as in Kings County, where local concerns and preferences have gone almost wholly unaddressed, either through alternate design of alignments, or consideration of other alternatives in the Draft EIR/EIS.

¹¹² 42 U.S.C. § 4331(a), emphasis added.

¹¹³ *Id.* at subd. (b), emphasis added.

¹¹⁴ 40 C.F.R. § 1501.2.

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This lack of responsiveness to specific concerns of the local governments and elected officials, and of the local constituencies and communities of interest that they represent, is in violation of NEPA and CEQA's express policies concerning public participation, avoidance of impacts of important environmental resources and local economies, and coordination and early resolution of potential conflicts. Thus, as specific cases in point, by failing to design and consider alternatives which might avoid impacts to agricultural resources—or to consider a Highway 152 Wye north of Fresno—the Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs fail to fulfill the letter and spirit of the law concerning required coordination with local governments and officials and the local interests these local governments and official represent.

VI. Conclusion

In conclusion, CFBB thanks the Authority for the brief opportunity to review and comment upon the Draft EIR/EISs for the Merced to Fresno and Fresno to Bakersfield segments of the proposed CHSTS. As expressed previously, it is difficult to adequately analyze these voluminous and simultaneously-released documents within the minimal timeframes established by CEQA and NEPA, given the sheer physical size and scope of this massive public undertaking. CFBB has grave concerns over numerous areas of the Draft EIR/EISs, including basic project descriptors and assumptions, the alternatives analyses, and the impacts to agricultural resources. Many of these concerns are being echoed by an overwhelming number of those individuals and organizations within the San Joaquin Valley whom the CHSTS will irrevocably affect, in some cases changing lives and livelihoods.

The HSRA has been frank that its chief motivation in laying down the track as fast as possible is a perceived window for federal funding. It is outside the scope of this letter to speculate on opportunities for funding, or the legislative possibility of extending “deadlines”. What is abundantly clear, however, is that CHSTS will change California forever on a landscape level, and that CEQA and NEPA are concerned with physical impacts on the environment and not the perceived imperatives of the public fisc. Under these statutes, the Authority owes the public a full and accurate accounting of project purpose and need, environmental impacts, and possible alternatives – for review on a timeline that makes such disclosure meaningful. Respectfully, CFBB submits that the Authority has opted for a “slam dunk” environmental review, instead.

CFBB urges the Authority to not only fully consider and meaningfully respond to its comments, above, but to also re-open environmental review of the Draft EIR/EISs for the Merced to Fresno and Fresno to Bakersfield segments of the proposed rail line. It is a small price to pay to shape the legacy of future generations.

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Thank you again for the opportunity to comment.

Very truly yours,



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JEF/dkc

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The project purpose, need, and objectives are defined in Chapter 1.0 of the EIR/EIS. One of the Authority's objectives is to implement the project in a manner sensitive to and protective of California's unique natural resources. This does not mean that the project would not result in environmental impacts, including impacts to agricultural lands. As indicated in Chapter 1.0, the California HST System is intended to link the major urban centers of the state, including the major population centers of the Central Valley. It is not possible to place a transportation alignment in the Central Valley without having an impact on valuable agricultural land.

The Authority has identified alternatives that deviate from existing transportation facilities in order to avoid environmental impacts and meet project objectives that could not be accomplished by strictly following existing transportation facilities. Proposition 1A does not preclude the evaluation of such alternatives. The proposition requires the HST System to follow existing transportation or utility corridors to the extent possible.

BO019-2

Refer to Standard Response FB-Response-GENERAL-04.

See Volume I, Section 3.14, Impact AG#4 for information on the permanent conversion of agricultural land, and see Mitigation Measure AG-1 in Volume I, Section 3.14 for measures to preserve the total amount of prime farmland.

BO019-3

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

BO019-4

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

BO019-5

Refer to Standard Response FB-Response-GENERAL-04.

BO019-6

Refer to Standard Response FB-Response-N&V-01 and FB-Response-AG-06.

BO019-6

See Volume I, Section 3.14, Impact AG#9 for information on noise effects on grazing animals. See Volume II, Technical Appendix 3.14-B for impacts on confined animal agriculture.

BO019-7

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04.

The Kantor (2008) paper referenced in this comment does not contradict the argument in the EIR/EIS. The paper was analyzed and cited in Section 3.12, Socioeconomics, Communities, and Environmental Justice, and the Community Impact Assessment Technical Report (Authority and FRA 2012g), where the potential impacts of population and employment growth in the region resulting from project operation are discussed.

The passage from Kantor (Kantor 2008, page 16 footnote 69) is actually a quotation from an earlier report by where he discusses the impacts of both high-speed rail and expressways (grade-separate highways). In the quotation, Haynes notes how both systems attracted growth away from the historic patterns to high-speed rail stations and expressway off-ramps: "... these high access points attracted indigenous growth within local areas which complement and accentuate these new growth sub-centers." Therefore, this passage provides support for the contention that high-speed rail will divert baseline economic growth toward high-speed rail stations in the downtown areas of Fresno and Bakersfield and the area around the Kings/Tulare Regional Station, as discussed in Section 3.13, Station Planning, Land Use, and Development.

The EIR/EIS analysis is not truncated. It evaluates the reliable literature on HST-induced growth, including Givoni 2006, "Development and Impact of the Modern High-speed Train: A Review" which is a meta-analysis of the studies to date on high-speed train systems worldwide. Givoni concluded, "The evidence from different studies on the effect of HST is mixed and the conclusion is that the introduction of HST alone is not sufficient for social-economic impacts to take place. Such impacts depend on other prevailing conditions," especially a buoyant local economy that can take advantage of new opportunities offered by improved accessibility, supported by local planning policies. "In summary, there is no agreement on the extent to which the HST infrastructure leads to

Response to Submission BO019 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, October 13, 2011) - Continued

BO019-7

wider socioeconomic impacts....The evidence is mixed and there seems to be disagreement on whether overall impacts, if they exist, are positive or negative." (Givoni 2006, page 605).

The discussion in Merced-Fresno Draft EIR/EIS at 3.18-7 refers to baseline growth of commuters using the existing state and interstate highway system. The existing highway system is not comparable to the HST system's pricing and access, due to several project design features. The vast majority of Northern California highways lack access charges. HST ticket fares will be between 50% and 83% that of air fares. The HST System will only be accessible at up to three HST stations, as compared with dozens to hundreds of highway on/off-ramps, in the Fresno-Bakersfield segment. Finally, HST station parking prices will be market-based and comparable or higher than nearby airports (Fresno to Bakersfield Section Revised DEIR/Supplemental DEIS Ridership and Revenue Model [Authority and FRA 2011f, page 107]).

Because it is difficult to extrapolate from studies conducted in high-density urbanized areas of Japan, Korea, and Europe to predict the social and economic effects in lower-density American communities, the EIR/EIS analyzed the local context of the Central Valley, including population and development trends and the regulatory land use strategies in place, including the Sustainable Communities and Climate Protection Act of 2008 (senate Bill [SB] 375) and the San Joaquin Valley Blueprint Roadmap.

Analyzed within this framework, Section 3.18, Regional Growth, of the EIR/EIS concluded that the HST alternatives would provide a strong economic incentive for encouraging higher-density and more sustainable development patterns to meet market demands for greater transit-oriented development (Nelson 2011) and as a strategy to comply with SB 375, the San Joaquin Valley Blueprint, and general plans in the Central Valley.

References:

Givoni, Moshe. 2006. "Development and Impact of the Modern High-speed Train: A Review," *Transport Reviews*, 26:5, 593-611. September 2006.

BO019-7

Haynes, Kingsley E., "Labor Markets and Regional Transportation Improvements: The Case of High-Speed Trains," *Annals of Regional Science* 31 (1997), 57-76.

Kantor, Shawn. 2008. "The economic impact of the California high-speed rail in the Sacramento/Central Valley area." [Department of Economics], University of California, Merced.

Nelson, Arthur. 2011. "The New California Dream How Demographic and Economic Trends May Shape the Housing Market: A Land Use Scenario for 2020 and 2035." Urban Land Institute.

BO019-8

Refer to Standard Response FB-Response-AG-04.

An analysis of population growth from the proposed project has been analyzed, and it was determined that population growth in the San Joaquin Valley would occur absent the HST project, and the HST project alone would not substantially induce population growth. Therefore, demand on water resources would not be significantly affected. Refer to Section 3.18, Regional Growth, for further detail. Like many communities throughout California, increased conservation measures are encouraged by local agencies and service providers in Fresno and Bakersfield to reduce water demand, particularly during multiple drought years, which would offset the incremental increase from the HST project's induced population and economic growth. Refer to Section 3.6.5 for further detail.

BO019-9

Refer to Standard Response FB-Response-PU&E-02.

BO019-10

Refer to Standard Response FB-Response-GENERAL-10 and FB-Response-BIO-01, FB-Response-GENERAL-02.

Response to Submission BO019 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, October 13, 2011) - Continued

BO019-10

The commenter's concerns regarding creation of a *new* wildlife movement barrier in the Allensworth Area are understood as the impacts associated with a new barrier to wildlife movement are described in Section 3.7.5 which states...

"The use of the Allensworth Bypass Alternative would create a new wildlife barrier, because it is primarily a new linear corridor constructed predominantly at-grade. However, because the Allensworth Bypass Alternative would not be constructed adjacent to existing infrastructure (e.g., SR 43 and the BNSF railroad), the existing barriers to wildlife movement, and the risk of strikes with vehicles and trains would not be compounded as it would be for the corresponding segment of the BNSF Alternative. In general, the impacts of the Allensworth Bypass Alternative (further fragmentation of the linkage in a new linear corridor) would be less detrimental to wildlife movement corridors than the impacts of the corresponding segment of the BNSF Alternative (further impairment/fragmentation of an existing linear corridor)."

Contrary to the commenter concerns, the Authority and FRA believes that construction of the HST alongside the existing BNSF and SR 43, would compound the existing barrier however, with the presence of dedicated wildlife movement structures and implementation of the compensatory mitigation, impacts on wildlife movement are reduced, lessened and mitigated. This conclusion is based on the USFWS issued Biological Opinion which states in part "Based on the proposed project design [dedicated wildlife movement structures] and all of the conservation measures, the amount of incidental take anticipated is small relative to the range wide condition of the species. The project, as proposed, is not likely to restrict or preclude movement among San Joaquin kit fox populations." Because the San Joaquin kit fox is an umbrella species, the movement of other wildlife are not expected to be restricted or precluded.

In addition, wildlife biologist Dr. Brian Cypher (UC-Stanislaus) assisted in the development of dedicated wildlife movement structure design and placement in the Allensworth Area (Cypher 2010). Based in part on the information received during consultation USFWS and Dr. Cypher, the Authority and FRA concluded that construction of the BNSF-Through Allensworth Alternative would also have significant impacts on natural upland habitats as well as significant impacts on vernal pools and swales.

BO019-10

However, the Allensworth Bypass, while it would create a new barrier, would not result in the compounding affects associated with the BNSF-Through Allensworth, would have fewer impacts on natural upland habitat, and would significantly reduce impacts on vernal pools and swales. Furthermore, the Allensworth Bypass avoids impacts to the Allensworth Ecological Reserve and Colonel Allensworth State Historic Park. Overall the Allensworth Bypass has fewer impacts on biological resources than the corresponding segment of the BNSF Alternative (BNSF-Through Allensworth).

BO019-11

This comment is related to the Merced to Fresno Section of the HST project. The Authority and FRA have approved the project and the U.S. Army Corps of Engineers will complete its Clean Water Act permitting process before any construction activity is allowed to discharge dredged or fill material into waters of the U.S. Information related to the Merced to Fresno Section can be found at the Authority's website.

BO019-12

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-AG-07, FB-Response-GENERAL-03, FB-Response-GENERAL-04, FB-Response-SO-01.

As the comment describes, the "plausible worst-case scenario for continued low-density, suburban, and rural sprawl" would occur without the construction of the HST. Section 3.14 reveals that each county in the project study area has seen the persistent conversion of Important Farmland.

The growth and development regional modeling in Section 3.18 are based on the highest HST ridership assumptions, which can be interpreted as a 'worst-case scenario', in that it represents the highest potential growth-related impacts. Even using the highest ridership assumptions, the analysis shows that the HST alternatives would result in population and employment growth by about 3% beyond the growth anticipated under the No Project Alternative. Therefore, the HST-induced growth would require minimal farmland conversion and extension of public infrastructure beyond the projections anticipated in current city and county planning documents. The EIR/EIS concludes that the results of this 'worst-case' growth impact analysis are less than significant, and due

Response to Submission BO019 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, October 13, 2011) - Continued

BO019-12

to the absence of substantial evidence to the contrary, no mitigation is required.

Moreover, the HST project has the potential to provide regional growth benefits to the entire state. The HST project is consistent with and supports current regional growth management plans and programs, by encouraging infill development through concentrating growth in urban areas and providing transit options and connections for regional residents and workers. The Bay Area Program EIR/EIS reported that the more compact development patterns likely to occur under the HST alternatives could reduce farmland conversion by 30,000 acres statewide by year 2030 (Authority and FRA 2008, Authority 2010a).

Section 2, Alternatives, describes Vision California. This modeling tool describes the impacts of varying climate, land use, and infrastructure policies, and describes associated development patterns resulting from these policies. Results are produced for a range of metrics, including greenhouse gases (GHG), air pollutants, fuel use and cost, building energy use and cost, residential water use and cost, land consumption, and infrastructure cost. Essentially, the tool quantitatively illustrates the connections between land use policies and water and energy use, housing affordability, public health, air quality, GHG emissions, farmland preservation, infrastructure investment, and economic development. The Vision California Plan was written to highlight the unique opportunity presented by California's planned High Speed Train System in shaping growth and other investments.

See Volume I, Section 3.14, Impact AG#5 for more information on effects on agricultural land from parcel severance. For information on uneconomic parcels see Volume I, Section 3.14, Impact AG#5. For information on the property acquisition and compensation process see Volume II, Technical Appendix 3.12-A. A letter of notification to acquire Williamson Act land has been sent to the Department of Conservation and each of the affected counties.

BO019-13

The commenter discusses topics relative to the Authority's eventual need to adopt Findings of Fact and a Statement of Overriding Considerations, specifically with regard to significant and unavoidable impacts. With regard to the characterization of "precise

BO019-13

nature and extent of the project's assumed benefits," see FB-Response-GENERAL-03, FB-Response-GENERAL-06, FB-Response-GENERAL-14, and FB-Response-GENERAL-06.

With regard to the commenter's statement that the Draft EIR/EIS "otherwise completely omit[s] or dismiss[es] large classes of potential direct, indirect, and cumulative impacts on agricultural resources," see the responses to the prior comments in this letter.

With regard to comments about weighing the project benefits against its unavoidable environmental impacts, at this time the Authority will not respond to comments that speak to documents that have not yet been prepared (Findings of Fact and Statement of Overriding Considerations). The Authority will adopt both Findings of Fact and a Statement of Overriding Considerations on approving the project. The findings and statement will be supported by substantial evidence in the record, as required by law.

The analyses in the Final EIR/EIS that are related to ridership have been updated to reflect two ridership scenarios-one with fares at 50 percent of airfare prices and one with fares at 83 percent of airfare prices-to provide a range of potential impacts. See FB-Response-GENERAL-23 for a discussion of HST ticket fares.

BO019-14

The Authority has received and considered a multitude of comments and suggestions during the process of developing the alternative alignments for this HST section. However, it is the Authority's sole responsibility under its enabling legislation to determine the location of the potential alignments and, eventually, to select an alignment from among them. The selection involves balancing, among other things, the Authority's statutory responsibilities and obligations under its enabling legislation and Proposition 1A (including objectives and purpose and need), CEQA and NEPA, and other applicable regulatory requirements; the environmental impacts of the project, including impacts on both the natural and human environment; the cost of the project; the feasibility and complexity of building the HST section; and the relationship of this section to the HST System as a whole.

See FB-Response-GENERAL-02 regarding the selection of alternatives and FB-

Response to Submission BO019 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, October 13, 2011) - Continued

BO019-14

Response-GENERAL-16 regarding public outreach.

Submission BO020 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, September 26, 2011)



CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

September 21, 2011

09-26-11P04:21 RCVD

Chairman Umberg and Members
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359

RE: Request for Extension – Public Comment Period –
Fresno to Merced/Merced to Bakersfield HSR Draft EIRs

Dear Chairman Umberg and Members of the Board:

On behalf of its membership throughout the San Joaquin Valley, the California Farm Bureau Federation ("CFBF") formally requests that the California High Speed Rail Authority ("Authority") extend the period for public comment on the two draft environmental impact reports ("DEIRs") recently released for public review as to the proposed Merced to Fresno segment and the proposed Fresno to Bakersfield segment of the proposed California High Speed Rail ("HSR") system. Consistent with a letter on behalf of the J.G. Boswell Company that the Authority recently received on this subject, CFBF would request an extension of the comment period that would allow for 6 months of public review.

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 76,500 agricultural and associate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

The two DEIRs, released simultaneously, appear to involve more than ten thousand pages of documents. As a threshold matter, even for an appropriately-staffed legal office such as CFBF's, accessing and organizing the two DEIRs was a considerable challenge – the DEIRs appear on the Authority's website as numerous individual .pdf's by section, each of which needed to be accessed, printed and assembled as a whole. A phone call to the Authority did result in the rapid mailing of a CD-ROM as an alternative, but the experience of this office in simply accessing the DEIRs would seem to underscore the difficulty that an average farmer might have in reviewing and commenting on these extraordinarily large "public" documents.

NANCY N. McDONOUGH, GENERAL COUNSEL
ASSOCIATE COUNSEL

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

Chairman Umberg and Members
RE: Request for Extension – Public Comment Period –
Fresno to Merced/Merced to Bakersfield HSR Draft EIRs
September 21, 2011
Page 2

On a substantive level, it bears observation that the two segments under review total approximately 180 miles, and the DEIRs appear to identify a number of significant and unavoidable impacts – including impacts to agricultural resources. Several alternative alignments are proposed, as well as several different locations for a heavy maintenance facility. Complicated projections of "project need" and ridership figures are given in relation to HSR, as are project capital and O&M costs. Just Section 3 of each of the DEIRs - identifying the affected environment, environmental consequences, and mitigation measures - prints out as a 4-inch thick document. For members of the affected public, including CFBF's farmers and ranchers, meaningful review and discussion of such a large project simply cannot occur on a 60-day timeline.

As massive and expensive as HSR is, and because many of its impacts are irrevocable, the Authority should reach beyond minimum statutory requirements for public environmental review. As a multi-billion dollar piece of public infrastructure which may have a long and broad footprint upon California's landscape for many decades, it should not be said that the Authority rushed to final design and construction. Respectfully, CFBF requests that the Authority open public review of the DEIRs to a 180-day period.

Please feel free to contact me directly in relation to this request.

Very truly yours,

Christian C. Scheuring
Managing Counsel

CCS/dkc

cc: Senator Doug La Malfa
Senator Alan Lowenthal
Senator Darrell Steinberg
Senator Tom Berryhill
Senator Michael Rubio

Assemblyman Bill Berryhill
Assemblywoman Cathleen Galgiani
Assemblywoman Shannon Grove
Assemblyman Henry Perea
Assemblyman David Valadao

BO020-1

Response to Submission BO020 (Christian Scheuring, California Farm Bureau Federation-Office of the General Counsel, September 26, 2011)

BO020-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO021 (No Name, California Floral Council, September 21, 2011)

September 19, 2011

09-21-11P04:32 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

California Floral Council

BO021-1

Response to Submission BO021 (No Name, California Floral Council, September 21, 2011)

BO021-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO022 (Stacie Dabbs, California Partnership for the San Joaquin Valley, October 12, 2011)

Fresno - Bakersfield - RECORD #1336 DETAIL	
Status :	Action Pending
Record Date :	10/27/2011
Response Requested :	No
Stakeholder Type :	Other
Submission Date :	10/12/2011
Submission Method :	Project Email
First Name :	Stacie
Last Name :	Dabbs
Professional Title :	Public Affairs Director
Business/Organization :	California Partnership for the San Joaquin Valley
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	NA
Telephone :	559-347-3918
Email :	sdabbs@csufresno.edu
Email Subscription :	
Cell Phone :	
Add to Mailing List :	No

**Stakeholder
 Comments/Issues :**

On behalf of the California Partnership for the San Joaquin Valley (Partnership), I respectfully submit the following comments to express the Partnership's continued support for the California High-Speed Train System (HST) generally, and specifically the Merced to Fresno and Fresno to Bakersfield Sections.

The Partnership is a public-private collaborative sharply focused on improving the eight county region's economic vitality and quality of life for the nearly 4 million Californians that call the San Joaquin Valley home. Created by Governor Schwarzenegger in 2005, the Partnership convened stakeholders from throughout the San Joaquin Valley and developed a Strategic Action Proposal which set forth strategies and specific actions to address challenges in the region. The HST project is consistent with the actions and objectives as set forth in this proposal as it supports the development of "a sustainable region-wide transit system" that will "increase transit ridership, improve mobility, and contribute to air quality."

In response to release of the draft EIR/EIS for the Fresno to Bakersfield Section, it is timely to reiterate the importance of this project to the region. Not only will the HST system improve mobility and help decrease congestion and air pollution in a region that suffers from the worst air quality in the nation, but it will also be an economic catalyst for the Valley and the entire state of California. It is uncontested that this project will put thousands of Californians to work, and in the Valley, where unemployment rates well exceed the state average, this is of critical significance. By starting construction in the Valley, more than \$4 billion is invested in the region's economy, not only making efficient use of the federal investment, but also maximizing the opportunity to create California jobs quickly. In addition to job creation, this project will undoubtedly create far-reaching economic impacts including hubs of activity around stations, and new opportunities for business attraction and expansion through the connection of California's major urban centers.

While the Partnership has been and will remain a steadfast supporter for the HST sections in the San Joaquin Valley, I would like to highlight three issues of importance to the Valley when discussing the future development of this project.

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First, the San Joaquin Valley region is widely recognized as one of the most agriculturally productive regions in the world. While impacts to farmland are unavoidable with any project of this size and magnitude, it is critical that the Authority remains committed to minimizing and mitigating these impacts throughout the region, including the adoption of measures to cause the least severance of farmlands. Adherence to existing transportation corridors to the extent feasible is an important consideration to this effort.

Second, in order to maximize the economic benefits of a HST system in

Submission BO022 (Stacie Dabbs, California Partnership for the San Joaquin Valley, October 12, 2011) - Continued

California, including the project's job creation, it is recommended that Targeted Unemployed Worker Hiring Criteria, and First Source Transparency Requirements be incorporated into the California High Speed Rail Authority's Request for Proposals. Hiring criteria would dictate that thirty percent of all construction work hours are performed by Targeted Unemployed Workers, i.e. workers who are (1) unemployed and (2) reside in an area with unemployment of at least 150 percent the national average rate. Targeted Unemployed Workers could reside anywhere in the United States that meets the aforementioned criteria. First Source Transparency Requirements would dictate that HST construction and personal services contractors notify the referring entities recognized by the Authority, of job openings and collaborate with referring entities on candidate interviews, recruitment and retention. First Source Transparency Requirements would also include a mandate that contractors maintain at least one physical office for hiring purposes somewhere in the multi-county, first phase construction zone that spans from Bakersfield to Madera.

EIR/EIS Comment :

Facebook: Smart Valley Places | California Partnership for the SJV
Twitter: Smart Valley Places | California Partnership for the SJV
Yes

Lastly, time is of the essence. With strict deadlines tied to American Recovery and Reinvestment Act funding, and with the tremendous benefit the HST project is poised to deliver the region and state, it is of critical importance that this project move forward in a timely manner. Many years of thought, negotiation and effort has gone into the planning and development of the California High Speed Train system and as we near the initial construction phase, it is essential that we continue to work together for prompt project delivery. Not only can we not afford to neglect our state's mobility and air quality issues, but we also cannot afford to allow cost increases associated with project delay.

Ultimately, it is important to remember that the long-term goal of our collective efforts is to develop a statewide HST system that creates good jobs, improves air quality and provides Californians with a cheaper, faster and cleaner way to travel. Starting this project in the Valley is logical as it maximizes current resources and promises to deliver critical economic and environmental benefits to the fastest growing region of California. By taking into account the three issues described above, the HST system is a win-win for the San Joaquin Valley that will most certainly maximize the economic benefit to the region, while not only improving the quality of life in the San Joaquin Valley but doing so in a way that protects the agricultural foundation that has made the Valley the breadbasket of the world.

Thank you in advance for your consideration of these comments.

STACIE DABBS | PUBLIC AFFAIRS DIRECTOR

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Response to Submission BO022 (Stacie Dabbs, California Partnership for the San Joaquin Valley,
October 12, 2011)

BO022-1

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-04.

Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011)



October 13, 2011

Chairperson and Members
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359
Fresno_Bakersfield@hsr.ca.gov
Merced_Fresno@hsr.ca.gov

RE: Draft EIR/EIS Comments

Dear Chairperson Umberg and Board Members:

California Legal Rural Assistance, Inc. (CRLA) is a nonprofit legal services program which provides more than 40,000 low-income rural Californians with free legal assistance and a variety of community education and outreach programs. The Center on Race, Poverty and the Environment (CRPE) is an environmental justice organization which provides organizing, technical and legal assistance to rural communities in the San Joaquin Valley.

CRLA and CRPE are actively engaged in a number of low-income communities and communities of color throughout the central San Joaquin Valley. Today, these communities not only bear a disproportionate share of California's environmental and public health burdens, but they are also routinely denied the benefits of development and growth. Without action to remedy this pattern, these communities will also disproportionately suffer the negative impacts of the development and construction of the High Speed Rail (HSR) and enjoy none of its benefits.

CRLA, on behalf of its clients, Johnny Ray Coronado, Lucia Gonzalez, and Planada In Action, and CRPE jointly submit these comments to support in part and to oppose in part the California High Speed Rail Authority's Draft Environmental Impact Report/Statement: Merced to Fresno. California's High Speed Rail Authority (HSRA or the "Authority") has an important responsibility to both understand the environmental and environmental justice impacts of its choices, and to equitably apportion benefits to the San Joaquin Valley residents. If the HSRA does not consider meaningful public participation, long term mitigation measures, and cumulative impacts (especially around HSR stations and heavy maintenance facilities), it will risk violating the requirements of the California Environmental Quality Act (CEQA) and important principles of

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environmental justice. More importantly, it will miss an unparalleled opportunity to benefit the Valley's most vulnerable communities. While these comments focus on the Merced to Fresno Section of the proposed project, they should also be considered in the revision of the Draft EIR/EIS for the Fresno to Bakersfield Section of the project.

Public Participation

We applaud the explicit commitment to environmental justice outreach stated in the EIR/S, and the recognition that environmental justice requires meaningful participation by historically excluded communities. However, we have concerns about the adequacy of the outreach conducted and the opportunities for public participation made available for residents of impacted communities.

Among the most glaring failures of the process so far has been the apparent lack of directed public outreach to Franklin-Beachwood, a community that faces among the most significant potential negative impacts discussed in DEIR. These impacts would result from development of an HMF at Castle Commerce Center and include acquisition of half the dwelling units at the Merced Mobile Estates mobile home park with possible closure of the park and displacement of its residents out of the community to other types of housing in Atwater or Merced. A visual barrier in the form of a guideway would also result in division of the community resulting in possible physical deterioration and negative effects on property values near the guideway. The guideway would also bisect the Joe Stefani public elementary school and likely require its relocation.

In Le Grand, where an HSR Public Information Workshop was held on August 24, 2011, residents struggled to understand the technical information presented on project posters without assistance from HSR representatives. Only one HSR representative was bilingual in Spanish and English— despite the fact that according to the most recent Census, Le Grand is approximately 82% Latino. Likewise, at the Merced HSR Public Hearing on September 14, 2011, although there was a HSR representative interpreting Spanish comments for the HSR commission and English-only audience, no interpretation was provided for the monolingual Spanish audience members during the introduction and public hearing sessions. Monolingual Spanish audience members were unable to understand comments made by other members of the public in English. Without sufficient Spanish language translation, and without assistance to understand technical language, public outreach failed to adequately inform the public, and denied communities of concern a meaningful opportunity to participate in the HSR EIR process.

Air Quality and Global Climate Change

Chapter 3.3of the Draft EIR/EIS (DEIR) contains the Authority's analysis on HSR's potential air quality and global climate change impacts. Such impacts will result at various times and in various locations, our comments are discussed three major categories; the construction phase, HSR operation, and Heavy Maintenance Facilities (HMFs).

Construction Phase: While the HSRA acknowledges that the "hills and mountains surrounding the san Joaquin Valley restrict air movement through and

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Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011) - Continued

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out of the majority of the [air] basin” it claims that any potential significant localized air quality impacts from construction of the HSR would only be “temporary.” 3.3.4.1 and 3.3.5.1. Construction itself may be a short-term (2013-2021) process, but given the shape of the air basin, the Authority should study, quantify, and mitigate construction impacts based on the length of time in which the criteria pollutants, TACs, and GHGs will remain trapped in the San Joaquin Valley air basin.

The DEIR recounts that even with mitigation “the annual construction emissions would exceed the SJVAPCD CEQA thresholds... and may impede implementation of the 8-hour SJVAPCD 2007 ozone plan, the 2004 Extreme Ozone 1-hour Plan, the 2007 PM10 Maintenance Plan, and 2008 PM2.5 Plan.” 3.3.5.3. Yet the Authority only considers mitigation measures which reduce direct emissions (AQ-MM#1-9).¹ Under, the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), mitigation includes measures which: rectify the impact by repairing, rehabilitating, or restoring the affected environment; reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; and compensate for the impact by replacing or providing substitute resources or environments. 42 U.S.C. 4371 *et seq.*, sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and E.O. 11514, Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977); and California Resources Code Section 21000 *et seq.*

It is critical that the Authority adopt additional mitigation measures. Those proposed in section 3.3.6 may reduce immediate direct emissions, but the additional pollutants created and their longevity in the San Joaquin Valley, compounded by the cumulative impacts already in existence, and the proximity of this project to environmental justice communities already faced with dire health conditions, obliges the Authority to adopt real, long-lasting and significant mitigation measures. For example, beyond requiring that concrete batch plants be located no less than 1,000 feet from sensitive receptors (AQ-MM#8), the HSRA should retrofit and/or update all buses and emergency vehicles in the vicinity with cleanest emission engines. Or provide annual free health screenings to all local school children. There is a wide array of creative and impactful opportunities that the Authority has overlooked and failed to engage the community in developing.

HSR Operation: Normal operation of the HSR is projected to have a lesser impact on air quality and climate change, than the no project alternative. Beyond simply modeling and predicting this outcome, and in-line with recent congressional, state, and local interest in improved air quality, the Authority should research and propose opportunities to maximize all potential benefits. For example, connect rural unincorporated communities to the Merced HSR station by extending Merced city bus lines. Or where roads must be modified or constructed, commit to including bike lanes and sidewalks. HSR is predicted to reduce overall vehicle miles traveled (VMT) and plane flights in the region, but the Authority has not planned how it will

¹ AQ-MM#9 does consider purchasing offsets for emissions associated with the hauling of ballast material, but only in the air districts other than the San Joaquin Valley Air Pollution Control District.

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work with regional and local governments to maximize use and access to the HSR to further increase these benefits.

Heavy Maintenance Facilities: HMFs have the greatest potential of causing and continually contributing to poor air quality and climate impacts. As such, it is critical that no HMF be placed within 1,300 feet of a sensitive receptor or location where a sensitive receptor is likely to locate in the future. “Health risk analysis[e]s indicate that the receptors located within 1,300 feet of the HMF facility may be exposed to cancer risks greater than 10 in a million.” 3.3.5.3.

It is also critical that the Authority not place the HMF at the Castle Commerce Center, Gordon-Shaw, or Kojima Development sites, given that these each pose potentially significant toxic emissions, cancer risks, and significant impacts for PM10 and PM2.5, under CEQA.

Further, AQ-MM#7 to reduce the impact of stationary sources at the HMF site, should be implemented regardless of the HMF selected, not just to the Castle Commerce site, as indicated in the DEIR. In addition, the Authority should commit to hiring local HMF workers, and providing those workers with just compensation and health care benefits, in order to further mitigate the air impacts on the health of the local community.

BO023-2

BO023-3

Pertaining to the Fresno to Bakersfield HMF location, the Authority should remove the Kern Council of Governments-Wasco site from consideration as it would involve the handling of extremely hazardous materials within .25 miles of a school.

Cumulative Impacts

BO023-4

The “Cumulative Impacts” analysis (3.19) fails to adequately consider the cumulative impact of the HSR on communities of concern. In particular it fails to analyze the disparate impact that historical development and past projects have had, and continue to have, on communities of concern. The DEIR also fails to analyze how concentration of development near station stops will hinder investment in low income communities beyond the travel hubs as well as to analyze the impact of the project on affordable housing options in the region. Finally, the DEIR fails to include adequate mitigation measures.

As noted in the DEIR, all but five of the census block groups within the study area have high concentrations of environmental justice populations. As compared to the region as a whole, the study area has a disproportionate concentration of low income and minority residents. A failure to adequately assess the impact, including the cumulative impact, of the HSR on communities in the study area will have a disproportionate impact on communities of color in violation of federal and state fair housing laws and civil rights laws that protect residents and communities of color from discrimination, including, but not limited to California Government Code §§ 11135; 65008 and 12900, *et seq* and 42 U.S.C. 3604(b); Title VI of the Civil Rights Act of 1964 and the Equal Protection Clauses of the Federal and State Constitutions.

4

Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011) - Continued

BO023-4

The DEIR fails to consider the cumulative impact that over a century of transportation planning and land use development has had on the region to create the high concentrations of low income communities, especially minority unincorporated communities in the study area and how transportation planning and land use development have and continue to impact environmental justice communities in the study area. The result is that the DEIR fails to analyze how the high speed rail will perpetuate the deleterious impacts that land use and transportation planning have had on the communities of concern in the study area and fails to sufficiently set out mitigation measures to address these impacts.

The DEIR similarly fails to assess the cumulative impact of the HSR on investment in communities of concern beyond the immediate vicinity of HSR stations. Communities throughout the study area have suffered from severe disinvestment and the HSR threatens to replicate that disastrous pattern. Throughout, the DEIR cites opportunities for growth and investment near the HSR stations but does not address how this will impact existing communities impacted by the HSR in the study area. This is especially problematic given the recognition in the DEIR that housing depreciation as a result of the project is most likely along parts of the project away from HSR stations. 3.12-39, 51. As funding targets Transit Oriented Development, the investors and businesses in the neighborhoods of the HSR stations may benefit to the detriment of the most negatively impacted communities, particularly unincorporated communities away from HSR stations. Many communities throughout the study areas have been excluded from public funding for decades and the DEIR fails to assess how the HSR will continue and potentially exacerbate this pattern of disinvestment.

The DEIR fails to consider the impact of the HSR on affordable housing opportunities throughout the Study Area. While significant mention is made of increased development near HSR stations there is no discussion of opportunities for affordable housing in the context of Transit Oriented Development. Related to this concern, the HSR threatens to displace many low income residents. There is insufficient analysis of the displacement of low income residents and mitigation measures outlined regarding displacement are inadequate, especially for the communities of Fairmead, Le Grand and Franklin-Beachwood where housing alternatives - let alone affordable housing alternatives - are recognized to be unavailable.

HSR Alternatives/Environmental Justice

BO023-5

The "Socioeconomics, Communities, and Environmental Justice" chapter (3.12) of the DEIR discusses the impacts of various alternatives on communities of concern. This discussion should be referenced explicitly in the "Alternatives" chapter (2.0) to facilitate use by residents and others concerned about environmental justice impacts. In order to get a full picture of the alternative impacts, the two sections depend upon each other, a fact which the DEIR does not make sufficiently apparent.

Chapter 3.12 does a commendable job of recognizing small unincorporated communities and neighborhoods, including Le Grand, Fairmead, Madera Acres and Franklin-Beachwood. According to the chapter, four public information and small community meetings in Le Grand and Fairmead have been held to date. This is a start,

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BO023-6

but similar meetings should also have been held in the unincorporated communities of concern, and the meetings must be made meaningful through the provision of adequate assistance and translation. The chapter also mentions, although it provides insufficient discussion of, the unincorporated communities of Herndon and Sharon.

The potential impacts on Fairmead, Le Grand, Madera Acres and Franklin-Beachwood are serious and make clear not only the stakes for these unincorporated communities but also the legal and ethical importance of meaningfully involving these communities in the EIR process. As stated in the Chapter's overview of environmental consequences:

Without mitigation, disproportionately high and adverse effects would occur for the communities of concern in the unincorporated communities of (1) Le Grand, under the BNSF Alternative with Mission Ave or Mariposa Way design options, (2) Fairmead, under the UPRR/SR 99 Alternative, and (3) Franklin-Beachwood, under the Castle Commerce Center HMF alternative. 3.12-31.

In Fairmead, displacements and relocation of displaced residents outside of the community could result from construction of the project, as well as substantial adverse visual impacts resulting in possible property value depreciation. "Aesthetic designs would reduce visual impacts but not avoid them." 3.12-58. Le Grand and Madera Acres both face potential bi-section by development of the HSR, and would face significant resulting negative impacts. The potential negative impacts on Franklin-Beachwood have already been discussed.

An adequate supply of replacement housing is not currently available for displaced residents in these communities such that displacement could very well result in forced relocation outside of Le Grand, Fairmead, or Franklin-Beachwood. Such relocation presents serious concerns both in terms of isolation from community for the displaced (residents of these communities often have long personal and family histories in these communities) as well as for the very survival of these small, rural places. Displacement and relocation out is especially threatening for these communities because of their small size; existing economies of scale already present serious challenges for the provision of affordable services. The HSR public outreach process should make exceedingly clear to these communities how many and which properties may be displaced.

BO023-7

We urge the HSR Authority to work together with the disadvantaged unincorporated communities discussed throughout the EIR, including all those neighboring Proposed Heavy Maintenance Facility locations, to achieve a public comment process that is inclusive and comprehensive.

BO023-8

The selected Heavy Maintenance Facility will undoubtedly provide huge economic benefit to the community as a source of potential jobs. It also may present significant environmental and logistical challenges as far as acquiring new properties and relocating existing businesses to accommodate its use. The neighborhoods surrounding each of the potential facilities must be asked to provide public comment, such that the Authority can effectively gauge at which location they would create the most significant

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Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011) - Continued

BO023-8

community asset. It would also be in the Authority's interest to consider entering a Community Benefits Agreement with the chosen community, agreeing for example to construct the Heavy Maintenance Facility according to community informed standards and with particularized attention to assuring benefits outweigh the costs to the impacted community.

Environmental Justice Mitigation

Chapter 3.12 includes eight mitigation measures that aim to minimize or avoid some of the social, economic and environmental justice impacts identified in the DEIR. These are addressed to both the construction and operation phases of the HSR project.

Measure #1 instructs development and implementation of a construction management plan and Measure #2 development of a relocation mitigation plan. Strikingly, while Measure #2 would include, "collaborat[ion] with affected communities to develop enhancements and address indirect social and psychological impacts [of relocation]," Measure #1 fails to suggest any similar involvement for affected communities in development or approval of the construction management plan. This failure should be corrected.

Aspects of the other measures should be required rather than considered or suggested. For Measure #3 (division of existing communities), in cases where residents wish to remain in their neighborhoods, the purchase and development of infill lots or other real estate, relocation of existing buildings to vacant lots, and coordination with city staff regarding zoning and permit issues should be required. For Measure #4 (relocation of community facilities), complete relocation of community facilities prior to demolition of any existing structures should be required. For Measure #5 (outreach), use of input from communities of concern should be required to, "offset any disproportionate effects, develop special recruitment, training, and job set-aside programs so that minority and low-income populations are able to benefit from the jobs created by the project." For Measure #6 (displacements), the Authority should require rather than consider replacement housing options to allow displaced residents to remain in their communities, "including rehabilitation of existing housing or construction of new housing within the communities."

Conclusion

While the HSRA has made significant efforts toward meaningful public outreach, discussion of project alternatives, and suggested mitigation; without improvement these efforts will not achieve the aim to meaningfully inform and involve communities of concern, and to meaningfully mitigate impacts on said communities. Without meaningful participation from and mitigation for communities of concern, the important opportunity the HSR represents to move this region and these communities toward more equitable and efficient development will be squandered. Environmental justice communities, including residents of disadvantaged unincorporated communities, form the bedrock of this region. Without them, the HSR cannot achieve its full and just potential.

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Sincerely,

/s/

Laura Baker
Center on Race, Poverty & the Environment

/s/

Phoebe Seaton
California Rural Legal Assistance, Inc.

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Response to Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011)

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Refer to Standard Response FB-Response-AQ-05.

BO023-2

Refer to Standard Response FB-Response-GENERAL-18.

For information on local job training programs and contracting opportunities, please visit the California High-Speed Rail Authority's website.

BO023-3

Refer to Standard Response FB-Response-GENERAL-15.

BO023-4

Refer to Standard Response FB-Response-GENERAL-03 and FB-Response-GENERAL-05.

Specifically, as noted in Standard Response FB-Response-GENERAL-03, the HST alternatives are projected to induce more population growth (about 2 to 3% more total population) and create additional future employment opportunities (about 3% more total jobs) throughout the HST Fresno to Bakersfield project area, including in communities of concern, than would occur under the No Project Alternative. This would provide an overall economic benefit to the region and provide employment opportunities in areas with high unemployment.

As noted in Section 3.12 of the Revised DEIR/Supplemental DEIS, under all HST alternatives, within the study region environmental justice populations are highly concentrated in urban areas. See Standard Response FB-Response-GENERAL-05 for potential impacts on urban communities without a HST station and Standard Response FB-Response-GENERAL-03 for the benefits and growth implications to urban communities with a HST station. Benefits of the HST include improved mobility within the region, improved traffic conditions on freeways as people increasingly use the HST System, and long-term improvements in air quality within the region.

Displacement of Existing Residents

BO023-4

Regarding affordable housing, Section 3.12, Socioeconomics, Communities, and Environmental Justice, and Section 3.19, Cumulative Impacts, discuss the impacts of residential displacement, including impacts on low-income residents. Analysis of current replacement housing indicates that a sufficient number of suitable residential properties – that is, properties of comparable price, size, and type as those that would be displaced – exists for nearly all displaced occupants in the project area. Exceptions include relocations of homes in rural communities and on agricultural lands as well as rental housing in northeast Bakersfield. See these special relocation considerations in Section 6.4.3.1 of the *Fresno to Bakersfield Section: Draft Relocation Impacts Report* (technical report for the EIR/EIS) (Authority and FRA 2012g).

The project would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Relocation Act), which provides mandatory rules and requirements on how federal, state, and local agencies compensate for impacts on property owners or tenants who need to relocate if they are displaced by a federally funded project. In addition, housing of last resort would be available, if required. Housing of last resort may require replacement housing payments that exceed the maximum amounts allowed under the Uniform Relocation Act or other methods of providing comparable decent, safe, and sanitary housing within the displaced person's financial means.

Construction of Affordable Housing

It should be noted that low-income housing that could be incorporated into the station area developments would be developed by others (not the Authority). California Planning Law, under the Housing Element requirements (Government Code Section 65580, et seq.), requires cities to accommodate their fair share of the regional housing need, including projected needs for low-income housing. This will apply to future development in the station areas. Further reinforcing this requirement is SB 375 (2008), which will require that the regional housing needs allocations to each city reinforce the "sustainable communities strategies" (SCS) or "alternate planning strategy" (APS) to be adopted by the Merced Council of Governments and Fresno Council of Governments (expected to be adopted in 2014).

Adequacy of Mitigation Measures

Response to Submission BO023 (Laura (1), Phoebe (2) Baker (1), Seaton (2), California Rural Legal Assistance, Inc. and the Center on Race, Poverty & the Environment (CRPE), October 13, 2011)
- Continued

BO023-4

See FB-Response-GENERAL-01, subsection "Level of detail in mitigation measures," for information about the adequacy of mitigation measures in the Revised DEIR/Supplemental DEIS. Mitigation outlined in the Revised DEIR/Supplemental DEIS, includes special recruitment, training, and job set-aside programs for minority and low-income populations in the area that will help reduce the chronic unemployment problem in these communities (see Mitigation Measure SO-MM#6). Mitigation Measures SO-MM#1 to SO-MM#3 would address impacts associated with the division of existing communities. The discussion of cumulative impacts and mitigation measures for those impacts is provided in Section 3.19, Cumulative Impacts.

Other Communities

The communities of Fairmead, Le Grand, and Franklin-Beachwood are not located within the HST Fresno to Bakersfield Section. Please refer to Volume IV of the Final EIR/S for the HST Merced to Fresno Section.

BO023-5

The text of Chapter 2, Alternatives, Section 2.4, has been revised to include reference to Section 3.12, Socioeconomics, Communities, and Environmental Justice.

BO023-6

The communities referenced in the commenter's letter, Fairmead, Le Grand, and Madera Acres, lie within the project study area for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in the city of Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The impacts on these communities are discussed in Section 3.12 of the Merced to Fresno Section Final EIR/EIS.

BO023-7

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-SO-07.

BO023-8

Refer to Standard Response, FB-Response-GENERAL-16, FB-Response-GENERAL-15.

Submission BO024 (Traci Verardo-Torres, California State Parks Foundation, October 11, 2011)



High Speed Rail Project Comment Letter
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October 11, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Fresno to Bakersfield or Merced to Fresno Draft Environmental Impact Report/Statement

Dear Mr. Umberg,

On behalf of the California State Parks Foundation ("CSPF") and our 120,000 members statewide, I appreciate the opportunity to comment on the Draft Environmental Impact Report/Statement ("DEIR") for the Fresno to Bakersfield route ("Project").

CSPF is the only statewide, independent nonprofit organization dedicated to protecting, enhancing and advocating for California's magnificent state parks. Over the last several years, we have provided leadership on several statewide efforts to protect state parks from incompatible developments that impact and threaten public access, visitor enjoyment and the economic vitality of California's 278 state parks. In addition to pursuing state legislation, we have been integrally involved in regional and local campaigns to protect state parks from transportation, utility, and commercial developments that were wholly incompatible with the recreational, natural and cultural resources goals of the effected state parks.

CSPF's interest in this Project is related to its impacts to Colonel Allensworth State Historic Park ("Allensworth"). Allensworth is a more than 940-acre state park that commemorates the founding of the town of Allensworth, the only California town to be founded, financed and governed by African Americans. In 1908, Colonel Allen Allensworth founded the town. Allensworth was acquired as part of the state park system in 1973 and during Governor Jerry Brown's first term as Governor, the Allensworth General Plan was approved by the State Park and Recreation Commission in May 1976. The General Plan identifies the objectives of Allensworth as,

1. To restore the historic townsite of Allensworth, to provide adequate support facilities, to maintain open space and buffer areas so that the total represents the general conditions of the 1908-1918 interpretive period.
2. To provide an opportunities to enjoy a wide range of cultural and educational experiences in a historical setting.
3. To develop a vehicle exemplifying Black history in California and provide an opportunity for the improvement of race relations in the United States.
4. To manage the resources of the project in a manner that will ensure preservation of the integrity of the historic townsite (Allensworth General Plan, p. 7).

Today the park includes a restored schoolhouse and library, a 20-unit campground, and picnic facilities for day use. The park provides a retelling of the experience of African Americans in California during the early 1900s. To honor and preserve the historical importance and value of the town, the "Allensworth Historic District" was listed on the National Register of Historic Places (NRHP) in 1972.

In 2008, centennial commemorations celebrated the town's legacy and contributions to California's history, with numerous activities, events and celebrations throughout the year. Year round activities included town tours and living history days by docents and volunteers. Events included an Old Time Jubilee in May and Juneteenth Celebration in June. The California Department of Parks and Recreation ("DPR"), Friends of Allensworth, CSPF and the Legislative Black Caucus held a Rededication on October 11 and 12, 2008. Close to 5,000 people gathered, arriving by car, bus and train at Allensworth. Visitors strolled along the streets of the historic town and toured the many restored and reconstructed buildings where docents shared tales of people and events past (DPR, retrieved on September 8, 2011).

Another feature of the centennial celebration included a travelling exhibit "Allensworth: 100 Years of the California Dream". The 11-panel exhibit was a collaboration of DPR, the California African American Museum and the California Community Empowerment Foundation and displayed historic photos and documents from the early pioneers of Allensworth. The exhibit was on display on the California State Capitol from February 5 – March 31, 2008.

Acknowledging the importance of Allensworth, Assemblymember Wilmer Amina Carter introduced Assembly Bill (AB) 1077 on February 18, 2011. AB 1077 passed out the California State Legislature on August 25, 2011. AB 1077 recognizes the importance of Allensworth. The bill requires the State Park and Recreation Commission hold public hearings on any proposals

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Your Voice for Parks

Submission BO024 (Traci Verardo-Torres, California State Parks Foundation, October 11, 2011) - Continued

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inconsistent with the purpose of the park and share that information with appropriate and responsible entities. AB 1077 also requires the California Department of Parks and Recreation to study the feasibility of recommending Allensworth a National Historic Landmark.

Given the cultural and historical importance of Allensworth and the legislative intent to protect the park, CSPF is concerned that the proposed Project will have long lasting, negative impacts to Allensworth. Specifically, the proposed Project will impact the historical character at Allensworth, create barriers to public access and negatively impact the visitors experience at the park. In addition to those concerns, we do not believe the DEIR adequately analyzed all proposed alternatives presented. Our concerns are outlined below.

Degradation of the historical character of Allensworth

Noise

The high speed train operation will result in noise impacts to Allensworth, but the DEIR does not present a clear and comprehensive analysis of the anticipated noise impacts to the park. Of the noise measurement sites, only two were selected just southeast of Allensworth. It is difficult to verify in the DEIR if the locations are sufficient to determine the extent of the noise that will be increased at the park. The noise analysis does not consider the wide use of activities by visitors at the park. Specifically, what impacts will occur to overnight visitors at the campgrounds? Or impacts to day-use visitors that walk through the historical district? What are impacts to the numerous special events that take place throughout the year? These questions are not examined in the DEIR. Further noise analysis and testing is required near visitor utilized areas to understand the impact to Allensworth.

Of the mitigation measures suggested in the DEIR, none sufficiently reduce the impact of noise to Allensworth to less than significant. Installing sound barriers is not proposed at Allensworth, which is inappropriate given the unique park characteristics. If sound barriers were constructed, a new modern feature would be introduced that will lead to degradation of the visual character at Allensworth and are therefore not an applicable mitigation measure.

Other potential mitigation measures suggested in the DEIR include installing building sound insulation. Beyond the difficulties of outfitting each historical structure at the park with modern sound proofing techniques, the DEIR notes the approach has no effect on noise in exterior areas (DEIR, p. 3.4-45). Visitors to Allensworth do not exclusively visit the park indoors, a significant part of the experience is walking among the streets in the historic district.

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Visual

The appearance and feeling at Allensworth are important features of the park experience. Allensworth was deliberately acquired as part of the state park system to provide Californians a genuine historical experience. Both alternatives studied in the DEIR create significant visual impacts.

The Burlington North Santa Fe Alignment Alternative (“BNSF alternative”) track would be located less than 100 feet from the park, introducing a new contemporary and disruptive feature at Allensworth. This is reinforced by the analysis in the DEIR itself, “24-foot-high OCS system components and wires, right-of-way fencing, and high speed rail trains would introduce distinctly modern industrial elements into the visual foreground that would alter the character of the site and lower visual quality” (DEIR, p. 3.16.61).

The Allensworth bypass alignment would position the park between two rail lines and DEIR concludes would be visible at the park. Unfortunately, the DEIR presents only one visual simulation from Allensworth. Additional simulations at other locations at the park, such as the campground or other historical structures, are required to fully analyze the visual impacts to the park.

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Public Access

Park entrance

Currently, the primary public access to Allensworth occurs via the park entrance at Palmer Avenue. The BNSF Alternative would result in the direct loss of 1.7 acres from Allensworth, located north and south of Palmer Avenue. As stated above, Allensworth is a unique state treasure and the loss of property is inconsistent with the purpose of preserving the legacy of the town. Further, it raises concerns of public access to Allensworth. It is unclear whether the BNSF alternative will require the closure and moving of the entrance. The DEIR notes in the Transportation section, “Twenty three of 25 miles of track would be at grade within Tulare County, on the east side of BSNF Railway right-of-way. Elevated segments are at the Tule River and Alpaugh Railroad spur. Local roads would be maintained, avoided, or realigned except for closures of Angola Drive and Palmer Avenue” (DEIR, p. 3.2-50).

Does the closure of Palmer Avenue mean a new park entrance will be created? This is a significant issue that is not sufficient addressed in the DEIR. In the Appendix 2-B railroad crossing, line No 70, Palmer Road is listed as closing. Under line No 71 for Avenue 24, an above road crossing is proposed. This seems to suggest that access to the park will be provided from a

Submission BO024 (Traci Verardo-Torres, California State Parks Foundation, October 11, 2011) - Continued

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southern access entrance. It is unclear why the potential closure of the current public access and creation of a new entrance to the park is only disclosed in a few areas in the DEIR and appears to be hidden. If the primary entrance to the park is moved, numerous questions emerge:

- Will the new entrance impose any new visual or noise degradation to the park?
- When will the permanent closure occur?
- How will the road closure be implemented?

Changes of public access to Allensworth are critical to understand when evaluating the proposed Project. The DEIR is insufficient and unclear on these points.

Construction

Construction of the BNSF alternative will result in public access disturbances and impediments to Allensworth. As noted above, the park entrance is located at Palmer Avenue, which is part of the land that would be acquired as part of the alternative. If the BNSF alternative is selected, it is critical that public access to Allensworth remains accessible. Without the opportunity to review a draft or final plan for construction, CSPF emphasizes that every possible attempt should be made to minimize the overall impact during construction.

Amtrak

Currently, Amtrak provides groups of more than 20 that prearrange a visit to Allensworth, a specific stop at the park. Providing public transportation options is critical to providing all Californians access to the state park system. As part of CSPF's ongoing efforts to protect, enhance and advocate for state parks we issued, *A Vision For Excellence for California's State Parks* in February 2011. (the complete report can be downloaded at <http://www.calparks.org/takeaction/parkexcellence/>) The report develops a vision of excellence for the state park system and provides five strategic action areas to make the vision a reality. Each action area is accompanied by a list of recommended actions. Under the goal of increasing access for all, a strategic action area is to increase availability of public transportation routes and lines that include access to state parks. Providing public access to parks is critical to ensuring all Californians have reasonable and affordable access to state parks.

The DEIR concludes that when the project comes to fruition, the current Amtrak line that services Allensworth will be adjusted in response to the completion of the proposed Project. It is not clear from the DEIR if the proposed Project will result in the discontinuance of specific rail stops at Allensworth. Transportation planning should seek to maximize, not eliminate public

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transportation options to outdoor recreation and culturally significant opportunities, and CSPF urges the continuance of park-specific Amtrak service to Allensworth.

BO024-4

DEIR fails to adequately analyze all the proposed alignments

The DEIR presents three alternative alignments in consideration to Allensworth, but only two are analyzed in the environmental review documents. The utilization of the existing corridor with BNSF, and the Allensworth Bypass that would go east of the park are examined as potential alternative alignments of the proposed Project. Another option suggested, but not analyzed, is to relocate the BNSF railway adjacent to the eastern side of the Allensworth Bypass. There is a lack of a full discussion of this alternative. The DEIR reports this alignment has not been discussed with BNSF, but that does not preclude the need to analyze potential impacts from the proposed alternative if mentioned as a possible alternative alignment in the draft document.

BO024-5

Allensworth is a state treasure that showcases the irreplaceable value of California's state park system and provides visitors the enjoyment of a rural, early 1900's historical setting that showcases contributions of African Americans to California's history. Unfortunately, the above-referenced deficiencies in the DEIR make it difficult to fully assess the complete impact of the proposed Project to this important state park. CSPF urges the recirculation of the environmental review documents for a comprehensive analysis of the proposed Project.

Thank you for the opportunity to comment on the proposed Project. Please do not hesitate to contact me at 916-442-2119 with any questions regarding this letter or CSPF's position on this proposed Project.

Sincerely,



Traci Verardo-Torres
Vice President, Government Affairs
California State Parks Foundation

Response to Submission BO024 (Traci Verardo-Torres, California State Parks Foundation, October 11, 2011)

BO024-1

Refer to Standard Response FB-Response-CUL-03.

Thank you for your comment. The Authority and FRA have revised the BNSF and Allensworth Bypass alternative alignments in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Allensworth State Historic Park was identified in the project built environment survey as a historic property that is listed on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and as a historical resource for the purposes of CEQA. The analysis of potential effects to this historic property from the alternatives is described in Chapter 3.17, Cultural and Paleontological Resources. Direct and indirect adverse effects on this historic property are assessed in accordance with Section 106 of the NHPA, 36 CFR 800.5 and in accordance with Section 15064.5 of the CEQA Guidelines. Effects and impacts assessments are presented in the EIR/EIS and discussed in the Findings of Effect (FOE) report. The FOE describes the assessment of potential adverse effects on historic properties that would result from the construction or operation of the project and identifies mitigation measures that would eliminate or minimize such effects. These mitigation measures would be incorporated into project design and construction documents.

Potential noise impact has been assessed at sensitive receptors and these areas are identified in Section 3.4.5, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown in Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.7 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST Project's noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e.,

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severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 dBA, such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.7, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receptors, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefitted receiver. A receiver that receives at least 5-dBA noise reduction due to the barrier is considered a benefitted receiver.

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Section 3.16, Aesthetics and Visual Resources, of the Revised DEIR/Supplemental DEIS recognizes the impacts of the BNSF Alternative on the Colonel Allensworth State Historic Park as a significant impact. The commenter states that only one visual simulation from the park is presented, but two simulations, including one that depicts the Allensworth Bypass Alternative (Figure 3.16-32), are presented. Section 3.16 of the Revised DEIR/Supplemental DEIS concludes that the Allensworth Bypass Alternative would be sufficiently distant from the park to have a negligible visual impact on the park and park users. The simulation of the Allensworth Bypass Alternative was depicted from the western portion of the park (nearest the alignment) to depict a worst-case view, and simulations from other locations would not be distinguishable from the one depicted. Although not invisible at this distance, the HST Project would appear visually subordinate within the view.

BO024-3

Refer to Standard Response FB-Response-TR-01, FB-Response-GENERAL-12.

The BNSF Alternative would close Palmer Avenue to the east of the HST alignment, with new access from the east provided along J22 to the north of Allensworth and along Avenue 24 to the south. Northern access would continue from J22 to Higby Drive to

Response to Submission BO024 (Traci Verardo-Torres, California State Parks Foundation, October 11, 2011) - Continued

BO024-3

Young Road. Access from the south would continue from Avenue 24 to Road 84. These routes will continue to provide access to the existing park entrance at the intersection of Palmer Avenue and Road 84.

BO024-4

The Authority and FRA have removed the Allensworth Bypass Alternative design option from consideration as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The description of the Allensworth Bypass Alternative provided in Chapter 2, Alternatives, has been revised, and the option of relocating the existing BNSF Railway tracks to lie adjacent to the eastern side of the HST right-of-way for the length of the alignment has been removed. The Fresno to Bakersfield Section alternatives evaluated in the Revised DEIR/Supplemental DEIS are described in Chapter 2, Section 2.4.

The BNSF Railway has expressed no interest in moving its tracks in the Allensworth area. Without their cooperation, it is unlikely that this could be accomplished. The BNSF Railway has "common carrier" status under federal law. Common carrier status was established by the Interstate Commerce Act of 1887 (ICA), and it grants common carrier railroads certain rights and protections; in return, common carriers are obliged to serve the public without discrimination. The ICA also created the Interstate Commerce Commission (ICC) to regulate the railroads. The ICC was replaced by the Surface Transportation Board in 1996.

Access to railroad property by state and local governments can be achieved either by negotiated agreement or condemnation (eminent domain). In practice, very few condemnation actions have been taken, and even fewer have succeeded. Virtually all access to railroad property (whether through easement or in fee) has been obtained through negotiated agreements. This is largely due to the fact that under the ICA and successor laws, and based on more than 100 years of case law, railroads have established a very high level of property protection. In condemnation proceedings, a clear and compelling public purpose—one that does not adversely affect the public mission of the railroads—must be demonstrated in order to prevail. If the BNSF Railway does not wish to move its tracks in the Allensworth area, it is unlikely that the state could force them to do so.

BO024-5

The EIR/EIS provides a complete analysis of project impacts on Allensworth State Historic Park, as demonstrated in the responses to specific comments provided in this submission.

Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011)



California High-Speed Rail Authority
 Fresno to Bakersfield Draft EIR/EIS Comments
 770 L Street, Suite 800
 Sacramento, CA 95814

October 13, 2011

SUBJECT: Draft EIR/EIS Comment for Fresno to Bakersfield

To Whom It May Concern:

CARRD (Californians Advocating Responsible Rail Design) is a grassroots, volunteer organization that has been following the California High Speed Rail Project for almost 3 years. CARRD focuses on process and seeks to engage and encourage the public in actively participating in the environmental review process.

We reserve the right to comment on the entire Revised DEIR/EIS, including material in the current DEIR/DEIS in Spring 2012 as per the announcement by the Authority that there will then be an opportunity to comment on both existing and revised materials.

BO025-1

The Authority fails to guide Spanish speakers to where information is available in Spanish.

The front page of the Authority's website has no signage directing Spanish speakers to a location on the website where information is available in Spanish. There should be a button or something that guides Spanish speakers to a place where information is available in Spanish. Please see the attached screen shot of the main page of the California High Speed Rail Authority ("CHSRA") website, as of October 13, 2011. In order to access information in Spanish, users would have to know to go to Library, then to Project Section, then to Fresno to Bakersfield and then search among the myriad of documents to find the section titled *Outreach Documents* to then find the document called *Fresno to Bakersfield Factsheet (Spanish)*. It is not reasonable to expect that a Spanish speaker would be able to go through all of that to find information in Spanish.

The Authority has failed to provide translation of key documents necessary for Spanish speakers to be able to comment adequately on this document.

There are exactly 3 documents available for Spanish speakers to review related to the Fresno to Bakersfield segment. Under the Library Section, under Studies and Reports, Fresno to Bakersfield Draft EIR/EIS Statement and then Educational Materials, the following appears:

Educational Materials	
Highlights of the Draft Environmental Impact Report/Statement - Spanish	716 kb
Fresno-Bakersfield California High-Speed Train Project Draft Environmental Impact	2.24

BO025-1

Report/Statement Brochure - Spanish	MB
Fresno-Bakersfield Executive Summary - Spanish	2.41 MB

The documents available for Spanish speakers offer only a very general overview of the project itself. The Fresno-Bakersfield Executive Summary is the largest Spanish document available at 75 pages. However, given that the English version of the complete EIR is thousands of pages, this is completely inadequate in terms of understanding the real ramifications of the project. For example, a search of the word noise or noises ("ruido" or the plural "ruidos" in Spanish) in this Executive Summary only finds the word 45 times. By comparison, opening the Noise and Vibration section of the English EIR and searching for the word noise yields 599 hits. Also for comparison, doing a search of the word "noise" in the English version of Volume I, Section 3.12 Socio-economics, Communities, and Environmental Justice gets 78 hits.

The Authority failed to translate the Table of Contents into Spanish, which its own brochures highlight as a key place for readers to gain an understanding of the overview of the DEIR/EIS.

The report titled "Highlights of the DEIR/EIS - Spanish" has only 9 pages. The Fresno-Bakersfield California High Speed Train Project Draft Environmental Impact Report/Statement Brochure in Spanish is 2 pages. This document also contains the following (in Spanish) - translated here:

How to Read the DEIR/DEIS
A DEIR/DEIS for a project of this size may be too long for someone to read the entire document. A suggestion would be to read through the table of contents to identify sections that interest you. Reading the executive summary is also recommended because it provides an overview of the entire document. After viewing the executive summary and the table of contents, it will be easier to choose which sections you are most interested in reading.

This is a direct translation from the English brochure; however the Authority does NOT provide a Table of Contents in Spanish for Spanish speakers to review. In addition, even if a Spanish speaker was then interested in reading a section in more detail, it is not easy for a person to obtain information in Spanish. In fact, the brochure tells the reader (in Spanish) the following:

Where can I find the Fresno to Bakersfield DEIR/DEIS?
All the listed locations will have a printed copy of the Draft EIR/EIS. Some also will have a digital copy on CD-ROM. The Draft EIR/EIS, and related documents, are available at the Authority's website www.calhighspeedrail.ca.gov and the FRA's website www.fra.dot.gov.

As noted previously, when one goes to the Authority website, it is not clearly marked where Spanish speakers should go to get more information. The same problem exists on the FRA's website.

The Authority has failed to translate the list of Resources/Sources cited in the DEIR/EIS in to Spanish.

Volume I, Section 10 is a 56 page list of all of the Resources/Sources used in creating this

Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011) - Continued

BO025-1

document. The Authority has failed to translate any of this information into Spanish such that a Spanish speaker could ask to have relevant material translated in order to better understand the report and respond appropriately.

The Authority failed to follow their own Outreach plan as specified in the DEIR/EIS. Volume I, Section 3.12, page 10 specifies that:

*"Public hearings will be held after the publication of the Project Draft EIR/EIS. Specific environmental justice outreach efforts during the public comment period will include providing meeting notices to environmental justice interest groups, listing advertisements in Spanish- language newspapers, posting meeting notices (in English and Spanish) at community facilities that serve low-income and minority populations, providing a telephone number to call for information in Spanish, and providing Spanish interpreters at public hearings and meetings. In addition, interpreters for the Lao/Hmong community will be at the public hearings, if required. All meeting materials provide contact information for those with special needs, allowing them to make necessary arrangements. A summary of the Project Draft EIR/EIS will be provided in Spanish at the meetings and online at the project web site. **A telephone hotline with interpreter services will be established to receive the Draft Project EIR/EIS comments, and information for using the hotline will be provided in all Spanish-language materials.**"*

Nadia Naik of CARRD (fluent Spanish speaker) called the phone number available on the Spanish language materials: 866-761-7755 on October 7, 2011. The message is in English and at the end of a very long explanation it says (in Spanish) "Please press one for Spanish". The prompt then delivers a message in Spanish describing the project and letting people know that their comments are important. They direct the caller to give their name, address and a phone number and to be sure to visit the website for more details. The website address is given in English instead of Spanish. This means that Spanish speakers would not be able to get the website address if they had only called the phone number. In addition, contrary to the description in the DEIR/EIS, the phone number is NOT a hotline with interpreter services established to receive the Draft Project EIR/EIS comments.

BO025-2

The EIR has "piecemealed" the Bakersfield portion of the DEIR/EIS East of the Bakersfield station. We strongly encourage the Authority to fix this in the revised DEIR/DEIS by extending the project boundary to the same location presented in the Alternatives Analysis.

While a station may in some cases be a logical dividing point for EIR segments, the Bakersfield station is not an appropriate point in this case.

The Authority is considering two different station alternatives in Bakersfield. Because each station implies a different trajectory for the train and because of the very gradual turns required of trains traveling at very high speeds, each alternative implies a very different yet distinct path through East Bakersfield.

During the Alternatives Analysis stage of the environmental review process, the project was defined all the way to the East of Bakersfield at Oswell Street where the two different alignments met up.

Without the approval of the Authority Board and without public discussion, the project was truncated at the station area, approximately 3 miles west of the original project boundary.

BO025-2

However, when the Authority chooses a particular station alternative, it will have chosen which route will be taken through East Bakersfield, even though the residents of the East Bakersfield will not have fully partaken in the review process. For example, those east of the station and clearly at risk of loss of their property were not notified of the project. Parcel footprint maps end abruptly in central Bakersfield.

The parcel impacts maps cut off the area study at Baker Street and Dolores Street and Baker Street and Butte Street. The parcels *should show* the impacts up to Oswell Street since that is the point at which the two alignments come together again. As a result, all the people in East Bakersfield between the cut off points and Oswell Street were not notified and were not able to participate in the comment period.

BO025-3

The area of Bakersfield that was not notified is significant under NEPA.

The area in East Bakersfield between the station area and Oswell Street is considered a low income community with a significant minority population. Failure to notify this area coupled with the failure to provide documents in Spanish for the Latino community is a significant problem under NEPA. We recommend the Authority provide significant outreach to this community in anticipation of the Spring 2011 deadline in order to ensure their rights are not violated under the law.

BO025-4

The plan diagrams show the existence of engineering drawings for East Bakersfield, but they do not appear in the DEIR/DEIS.

In Volume III, Alignment Plans part 2 there are maps showing the two alignments that go between the Bakersfield Station to Oswell Street. As previously mentioned, this area of study was piecemealed. The maps clearly identify that the parcel maps were created for this area of town, however they were not included as indicated by the words "not included in this package."

Sincerely,

Elizabeth Alexis
 Nadia Naik
 Rita Wespi
 Co-Founders, CARRD
 Californians Advocating Responsible Rail Design
www.callsr.com
 650-539-8284

Attachments:

Screenshot of CAHSRA website today
 Screenshot of website showing Fresno to Bakersfield Factsheet (Spanish)
 Excerpt from parcel footprint map
 Excerpt from alignment plans

Response to Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011)

BO025-1

The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. See Standard Responses 01 regarding the EIR/EIS and 62 regarding the Environmental Justice analysis and related community outreach. Materials translated into Spanish include the Executive Summary, the Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure of the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-lingual, toll-free hotline was made available for public comments and requests. To address concerns about information being available, text has been added to Section 3.12, Socioeconomics, Communities, and Environmental Justice, to describe the project benefits, regional and localized effects, and project impacts. Mitigation measures are intended to reduce impacts on Environmental Justice communities through additional design modifications to reduce visual impacts. Additional outreach will also take place. These measures augment, but do not replace, the outreach undertaken before and during the review periods for both the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

BO025-2

Refer to Standard Response FB-Response-GENERAL-20.

Public noticing regarding alignment modifications is not required under CEQA or NEPA. However, the Bakersfield alignment modifications were made available for public review and comment during several public information meetings held before and during the comment period for the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS. Public noticing for these meetings was sent by U.S. Postal Service and e-mail, public notices were published in local newspapers, and announcements were made at the Authority's board meetings and on the Authority website.

BO025-3

The Authority and FRA have undertaken substantial outreach to Environmental Justice communities. See Standard Responses 01 regarding the EIR/EIS and 62 regarding the Environmental Justice analysis and related community outreach. Materials translated into Spanish included the Executive Summary, the Notice of Preparation, a summary of the highlights of the Draft EIR/EIS, an overview brochure for the Draft EIR/EIS, and comment cards at the public workshops and hearings. Also, a multi-

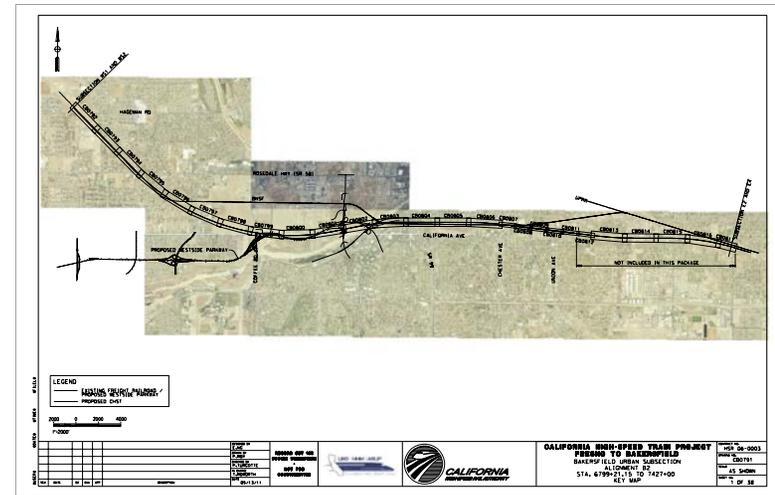
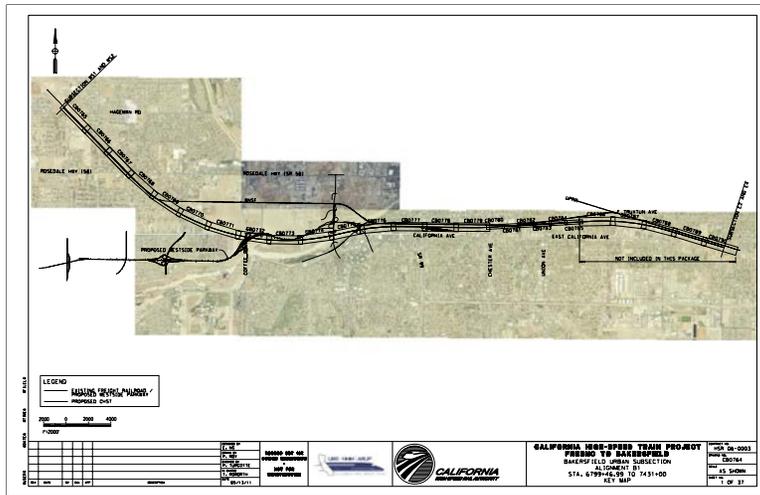
BO025-3

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BO025-4

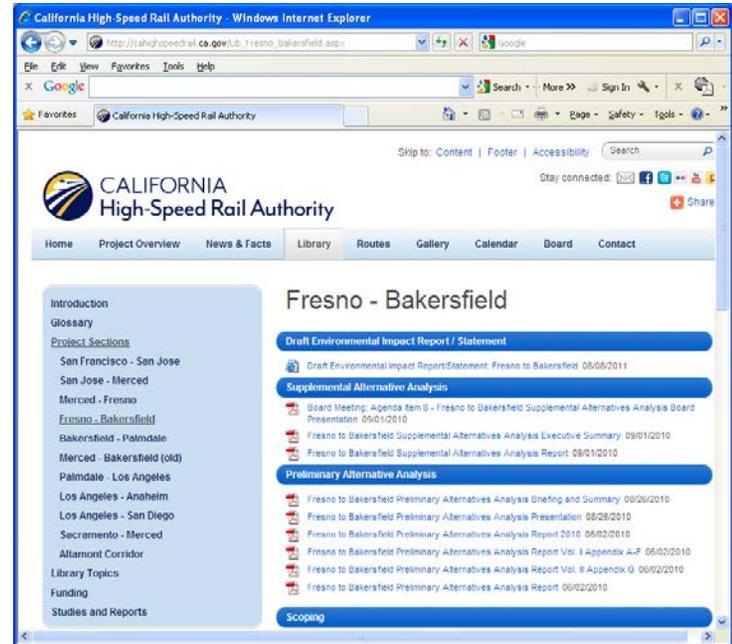
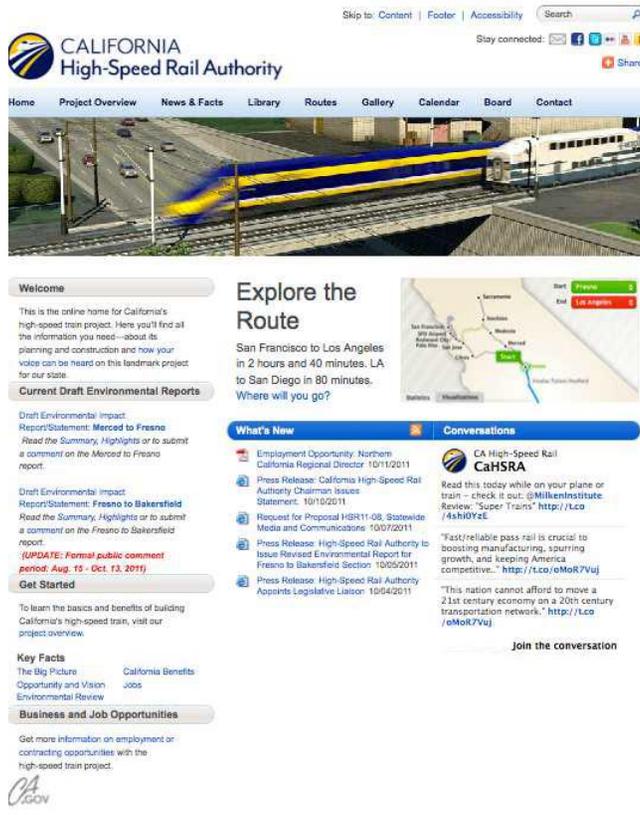
Refer to Standard Response FB-Response-SO-06, FB-Response-GENERAL-20.

Attachment to Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011) - 778 Naik_letter_101311_attachment_v2.pdf



Attachment to Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011) - 778 Naik_letter_101311_attachment_v2.pdf - Continued

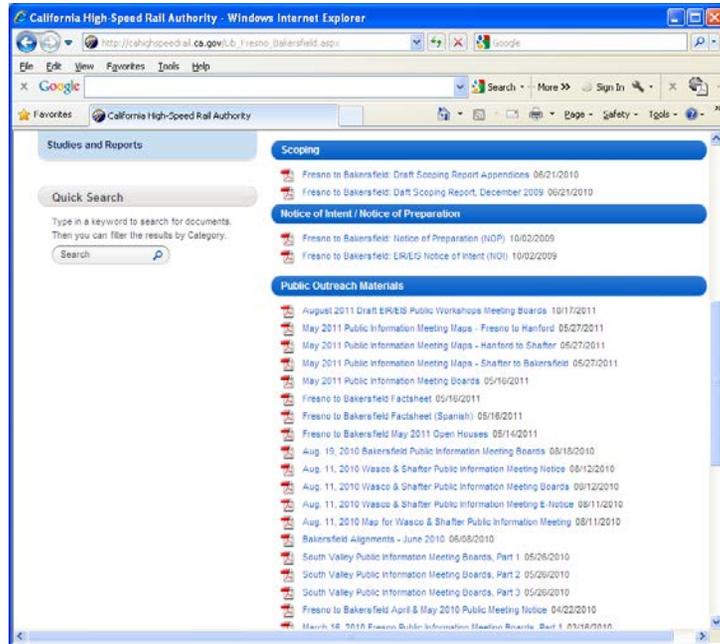
Screenshots of HSRA Website: Spanish outreach for Fresno - Bakersfield.



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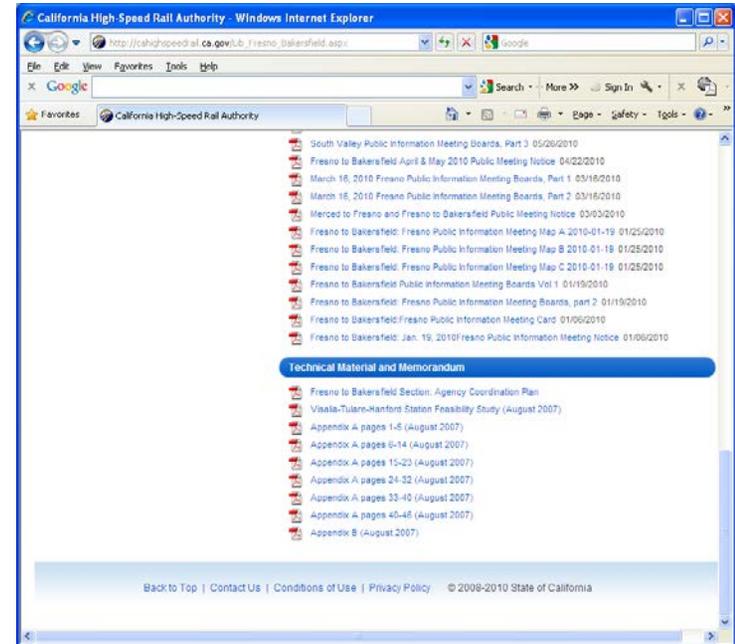
Attachment to Submission BO025 (Nadia Naik, Californians Advocating Responsible Rail Design (CARRD), October 13, 2011) - 778 Naik_letter_101311_attachment_v2.pdf - Continued

Screenshots of HSRA Website: Spanish outreach for Fresno - Bakersfield.



Middle of page.

Screenshots of HSRA Website: Spanish outreach for Fresno - Bakersfield.



Bottom of page.

Submission BO026 (Gary Soliz, Camfil Farr, Inc, August 30, 2011)

Fresno - Bakersfield - RECORD #415 DETAIL

Status : Action Pending
Record Date : 10/4/2011
Response Requested : No
Stakeholder Type : Business
Submission Date : 8/30/2011
Submission Method : Project Email
First Name : Gary
Last Name : Soliz
Professional Title : Facilities Manager
Business/Organization : Camfil Farr, Inc
Address : 500 Industrial Way
Apt./Suite No. :
City : Corcoran
State : CA
Zip Code : 93212
Telephone :
Email : SolizG@camfilfarr.com
Email Subscription : Fresno - Bakersfield
Cell Phone :
Add to Mailing List : Yes

BO026-1

**Stakeholder
Comments/Issues :**

I understand the concept, but I don't agree to the routing proposed. I have been here my entire life, with one of my goals, to have my parents put a home on my property. Spend the rest of their retirement there, so we can take care of them. its peaceful and quite heck, we just took them out of the city. I'm sure my neighbors, ranchers on 5th avenue feel the same way about their family and home and land. The rail should run on top of its existing rail, otherwise this does not make too much sense. Thank you for your time.

Gary Soliz - Facilities Manager, Camfil Farr, Inc
United States | 500 Industrial Way | Corcoran, CA , 93212
solizg@camfilfarr.com | 559.992.5118 ext 11027 | F 559.992.5286 | Cell 559.639.8059
NOTE: Please use PO-Corcoran@camfilfarr.com<mailto:PO-Corcoran@camfilfarr.com> for all inquiries
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Yes

EIR/EIS Comment :

Response to Submission BO026 (Gary Soliz, Camfil Farr, Inc, August 30, 2011)

BO026-1

Refer to Standard Response FB-Response-GENERAL-02.

Submission BO027 (Laura Baker, Center on Race, Poverty & the Environment (CRPE), September 21, 2011)

Sep. 21. 2011 1:45PM

No. 0723 P. 1



To: Chairperson Umberg and Board Members **From:** Laura Baker
lbaker@crpe-ej.org Phone 661 720 9140 Fax 661 720 9483

Fax: 916-322-0827 **Pages:** 3 including this cover sheet

Phone: 916-324-1541 **Date:** 9/21/11

Re: Extension of Comment Period for Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents

cc:

Urgent For Review Please Comment Please Reply Please Recycle

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
 RALPH SANTIAGO ARASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Sep. 21. 2011 1:45PM

No. 0723 P. 2



September 21, 2011

Chairperson and Members
 California High-Speed Rail Authority
 770 L Street, Suite 800
 Sacramento CA 95814-3359

RE: Extension of Comment Period for Merced to Fresno And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

The Center in Race, Poverty & the Environment (CRPE) submits these comments on behalf of itself and low income communities and communities of color throughout the San Joaquin Valley.

CRPE requests that the Board take action to provide an adequate comment period for the Merced to Fresno and Fresno to Bakersfield Draft EIR/EIS Documents. A comment period extension will provide members of the public and those directly impacted by the proposed project time to respond and comment on the two Draft EIR/EIS documents released by the Authority on August 9, 2011. Specifically, we are requesting a six-month review period, extension until February 2012.

This extension is essential given that this is a statewide project and as such, CRPE and other members of the public must review well more than 17,000 pages of the Draft EIR/EIS in order to adequately comment on the Merced to Fresno and Fresno to Bakersfield segments.

We understand that the the EIR/EIS was released August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 days period is the minimum under CEQA guidelines § 15105(a). Later staff granted an additional 15 days for review, for a total of 60 days with the comment period now ending October 13, 2011 which corresponds with the end date of the State Clearinghouse review period for the Proposed California High-Speed Train System.

It makes little sense that the program EIR/EIS for the State Clearinghouse had a 6.5 month review period, while this more detailed program EIR/EIS has been afforded only 2 months.

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
 RALPH SANTIAGO ARASCAL (1934-1997) DIRECTOR 1990-1997 LUKE W. COLE (1946-2009) EXECUTIVE DIRECTOR 1989-2009

Submission BO027 (Laura Baker, Center on Race, Poverty & the Environment (CRPE), September 21, 2011) - Continued

Sep. 21. 2011 1:45PM

No. 0723 P. 3



CENTER ON RACE, POVERTY & THE ENVIRONMENT
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215

Having an adequate opportunity to provide comments is not only required by CEQA but of tantamount importance considering that this project is the largest and most expensive infrastructure project in the history of the State of California.

Because there is no regular Board meeting scheduled prior to the current comment deadline of October 13, 2011, we request the Authority immediately schedule a special meeting of the Board to directly address this pressing request for a six-month review period.

The Authority ought to take seriously its responsibility to make sure that relevant information (like that provided from local residents) about the impacts of the proposed project is presented to the Authority, as the public agency responsible for making routing and related decisions on the proposed high speed rail, prior to the Board's decision. The current 60-day review period is not fair, and is inconsistent with both CEQA and the due process requirements of the California Constitution. Unless it is extended, the Authority will not receive all relevant information, before making a decision on the largest public works project ever proposed in the State of California.

In conclusion, we respectfully request the Authority for a six-month period to comment on environmental documents.

Sincerely,

Laura Baker
Staff Attorney
The Center on Race, Poverty & the Environment

cc: Ken Alex, Senior Advisor of OPR
R Vanak, ED HSR
Joseph Szabo, DOT

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE
RALPH SANTIAGO BAZCAL (1934-1997) DIRECTOR 1990-1997 LUCIE W. COLE (1845-2009) EXECUTIVE DIRECTOR 1983-2009

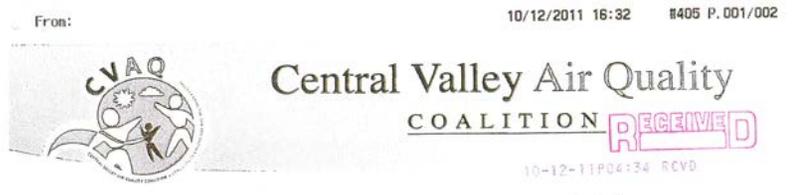
BO027-1

Response to Submission BO027 (Laura Baker, Center on Race, Poverty & the Environment (CRPE),
September 21, 2011)

BO027-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO028 (No Name, Central Valley Air Quality Coalition, October 12, 2011)



F-B

October 12, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
(916) 324-1541

Dear High Speed Rail Authority Board,

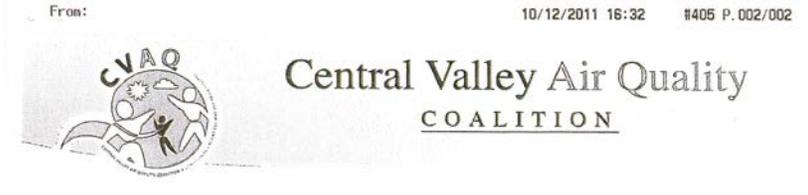
On behalf of the Land Use and Transportation Committee of the Central Valley Air Quality Coalition (CVAQ) we appreciate the opportunity to comment on the Environmental Impact Review (EIR) of the proposed High Speed Train (HST).

CVAQ is a partnership of more than 70 community, medical, public health, environmental and environmental justice organizations representing thousands of residents in the San Joaquin Valley that are unified in their commitment to improve the health of Californians by advocating for clean air.

The effects of greenhouse gas (GHG) and criteria pollutant emissions are especially significant in our Valley as public health, agriculture, water supply and natural habitat are impacted. Community planning has a direct impact on these emissions by affecting the number of trips people must take and the number of miles people must travel as well as the mode of transportation amongst other considerations.

Because of the relationship between emissions and planning, our committee believes that Smart Growth planning principles and planning projects are an essential component of the HST project and should be integrated into the planning process. The EIR contains no specific mitigation measures for land-use or growth inducing impacts resulting from HST station planning. The documents assume HST will result in beneficial infill development and redevelopment without any discussion or examples of this trend. The growth projections for the San Joaquin Valley, which were used by municipalities to account for growth, do not currently assess the impacts of HST. Partly as a consequence of this, existing regional and local planning documents in Valley communities are not adequate to address the impacts of HST induced growth and land-use changes. Double state average population growth plus the likelihood of population shifts towards the Valley due to increased accessibility to employment centers and lower cost of living heighten, the need to ensure communities accommodate this growth sustainable way.

559.442.4771 • 1316 E Olive Ave. • Fresno, CA • 93728
www.calcleanair.org



BO028-2

Draft General Plan Updates have not yet demonstrated that they have adequately incorporated Blueprint Planning efforts, and funding shortages have excluded GHG and other land-based measures necessary to accommodate new growth. Mitigation should be included to facilitate specific Smart Growth planning initiatives that will help local jurisdictions accommodate this increased population and address any increases in GHG and criteria emissions. This is particularly significant in the San Joaquin Valley, where residents are living with some of the unhealthiest air in the country.

BO028-3

The EIR also did not evaluate the potential for disproportionate impacts to disadvantaged communities or issues pertaining to transportation access and access to the new facilities.. Establishing equal access to HST stations through paratransit lines to rural communities, vanpools, carpools, etc., would ensure that all Valley residents are able to enjoy the benefits, as well as the impacts, of a major new project running through our communities .The equitably distributed benefits from HST are contingent upon the ability to implement smart growth plans, with multi modal connectivity, particularly around the station areas.

We urge the board to address the above mentioned issues in the EIR to make sure that the HST stations are a positive part of the community.

Sincerely,

Land Use and Transportation Committee

559.442.4771 • 1316 E Olive Ave. • Fresno, CA • 93728
www.calcleanair.org

BO028-1

Response to Submission BO028 (No Name, Central Valley Air Quality Coalition, October 12, 2011)

BO028-1

Refer to Standard Response FB-Response-GENERAL-03.

In the Revised DEIR/Supplemental DEIS, new text has been added to Section 3.18.2.2, State, to discuss the requirements of the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill [SB] 375), which will encourage more compact development patterns in the future, and Section 3.18.4, Affected Environment, to summarize the historic trends, including a cross-reference to Section 3.19, Cumulative Impacts, for complete information on the historic trends that have shaped development in the San Joaquin Valley.

The Authority is offering grants to participating cities for planning in the areas around their HST stations. The cities that receive these grants will be encouraged to use the Authority's *Urban Design Guidelines* (Authority 2011i) as a guide for these planning efforts. These guidelines incorporate basic principles of "smart growth" (e.g., compact form, connections to existing development) and sustainability principles.

BO028-2

Refer to Standard Response FB-Response-GENERAL-03.

BO028-3

Refer to Standard Response FB-Response-SO-07.

In accordance with Executive Order 12898, offsetting benefits should also be considered when evaluating potential disproportionately high and adverse effects on minority and low-income populations. The proposed HST project would bring economic benefits to the study region, including jobs and related income. HST construction and operation jobs would be filled by the regional labor force, so the project would benefit regional workers broadly, and the Community Benefits Policy adopted by the Authority would support employment of disadvantaged workers. Station-related benefits, including improved accessibility and potential property value increases, would most benefit those who live closest to the new stations. In Fresno and Bakersfield, the people who live closest to the new stations would be the adjacent minority and low-income communities. The optional Kings/Tulare Regional Station is in a sparsely populated area that would bring neither disproportionate adverse effects nor benefits to minority and low-income

BO028-3

populations.

See Section 5.3.2 of the Community Impact Assessment Technical Report, which describes effects for all resources, including transportation and air quality that are pertinent to studying disproportionately high and adverse effects on minority and low-income populations along each of the alternatives (Authority and FRA 2012g).

Submission BO029 (Mike Oliphant, Chevron Environmental Management Company, September 7, 2011)



Mike N. Oliphant
Environmental Project
Manager
**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
miko.oliphant@chevron.com

September 7, 2011

Stakeholder Correspondence - California High-Speed Rail Authority

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, California 95814

**Subject: Comments on the Draft EIR/EIS California High-Speed Rail:
Fresno to Bakersfield Segment**
Chevron Environmental Management Company
Historical Pipeline Portfolio-Bakersfield to Richmond

To Whom It May Concern:

BO029-1 | Chevron Environmental Management Company (CEMC) recently reviewed the Draft Environmental Impact Report/Statement (EIR/EIS) for the proposed California High-Speed Rail (HSR): Fresno to Bakersfield Segment. The purpose of this letter is to notify the California HSR Authority and stakeholders as to the location of a formerly active crude-oil pipelines located in the southern San Joaquin Valley area (Figure 1), and to provide background information about the former pipelines. The intent is that information regarding the location and construction of this former pipeline will be incorporated into future planning and engineering documents associated with the proposed California HSR: Fresno to Bakersfield Segment.

BO029-2 | Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed within the southern San Joaquin Valley footprint of the proposed California HSR: Fresno to Bakersfield Segment (Figure 1). The historic pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines.

BO029-3 | The pipelines were originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommission varied; in some instances the pipelines were removed, while in others they remain in place. It should be noted that the OVP and TAOC pipelines are not included in the Underground Service Alert-North (USA-North) system since they are not active pipelines.

BO029-4 | Evidence of historical releases associated with the former OVP and TAOC pipelines is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline rights of way (ROWs). Residual weathered crude oil associated with former OVP and TAOC pipeline operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by

California HSR Authority
September 7, 2011
Page 2 of 2

BO029-4 | CEMC at numerous historical pipeline release sites confirm that soil affected by the historical release of crude oil from the pipeline is non-hazardous.

BO029-5 | Figures 1 through 3 illustrate the locations of the former OVP and TAOC ROWs within the proposed footprint of the California HSR project in the southern San Joaquin Valley, Fresno, and Corcoran, respectively, as shown in the Draft EIR/EIS. CEMC understands that there are several construction options being evaluated as part of the Draft EIR/EIS. To facilitate incorporation of the information contained in this letter into project planning and engineering documents, CEMC can provide Geographic Information System pipeline location files to project planners on request.

BO029-6 | CEMC recommends that the California HSR Authority be prepared to potentially address residual weathered crude oil, pipelines, and ACM from the former OVP and/or TAOC systems during subsurface construction activities conducted in proximity to the former pipeline ROWs. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of any encountered petroleum, pipeline, and pipeline-related ACM in the vicinity of the former OVP and/or TAOC ROWs.

For more information regarding these historic pipelines, please visit <http://www.hppinfo.com/>. If you have any questions, require additional information, or would like to request more detailed maps, please contact SAIC consultants Tom Burns (thomas.a.burns@saic.com) at (916) 979-3748 or Daniel Anzelon (daniel.b.anzelon@saic.com) at (858) 826-3316.

Sincerely,

Mike Oliphant
MO/kg

Enclosures:
Figure 1. Area Map - California High-Speed Rail Project - Fresno to Bakersfield Segment
Figure 2. Area Map - California High-Speed Rail Project - City of Fresno Proposed HMF Location
Figure 3. Area Map - California High-Speed Rail Project - City of Corcoran

cc: Mr. Tom Burns - SAIC
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Hurd - SAIC (letter only)
1000 Broadway, Suite 675, Oakland, California 94607

Response to Submission BO029 (Mike Oliphant, Chevron Environmental Management Company, September 7, 2011)

BO029-1

The Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section included evaluation of potential environmental hazards and development of mitigation measures. Environmental hazards associated with the project include the potential for encountering toxic substances, including those associated with active and abandoned oil and gas production, storage, and distribution facilities. The information provided was considered in the environmental analysis. Utility and private infrastructure removals and/or relocations along the preferred alternative will be coordinated with the affected facility owner before construction.

BO029-2

Refer to Standard Response FB-Response-PU&E-03.

The Authority will coordinate with Chevron regarding Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) facilities, and coordinate terms and conditions for removing or avoiding existing Chevron infrastructure.

BO029-3

Refer to Standard Response FB-Response-PU&E-03.

The Authority will coordinate with Chevron regarding Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) facilities, and discuss terms and conditions for removing or avoiding existing infrastructure.

BO029-4

Comment noted. Specific issues, such as the presence of weathered crude or pipeline locations, will be addressed in detail for specific parcels that may be acquired. This will be addressed on a parcel-by-parcel basis as part of the property acquisition phase of the project.

BO029-5

Refer to Standard Response FB-Response-PU&E-03.

The Authority will coordinate with Chevron regarding Old Valley Pipeline (OVP) and

BO029-5

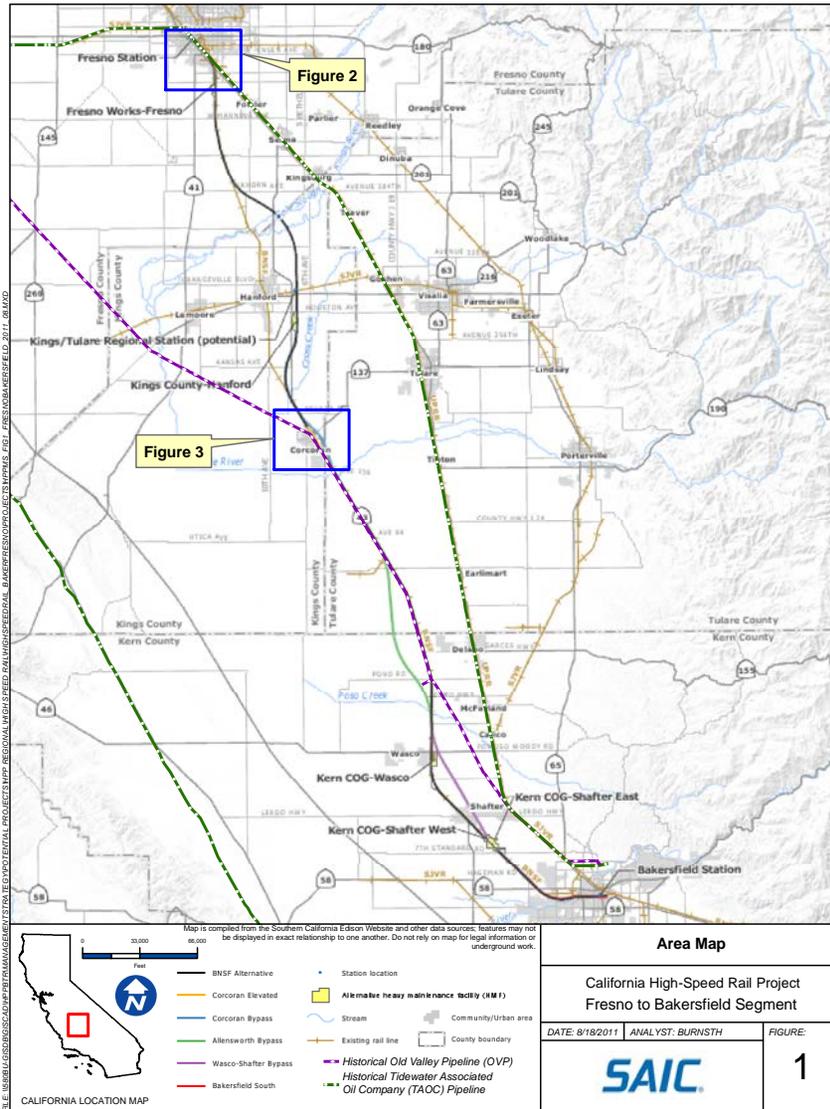
Tidewater Associated Oil Company (TAOC) facilities, and discuss terms and conditions for removing or avoiding existing infrastructure.

BO029-6

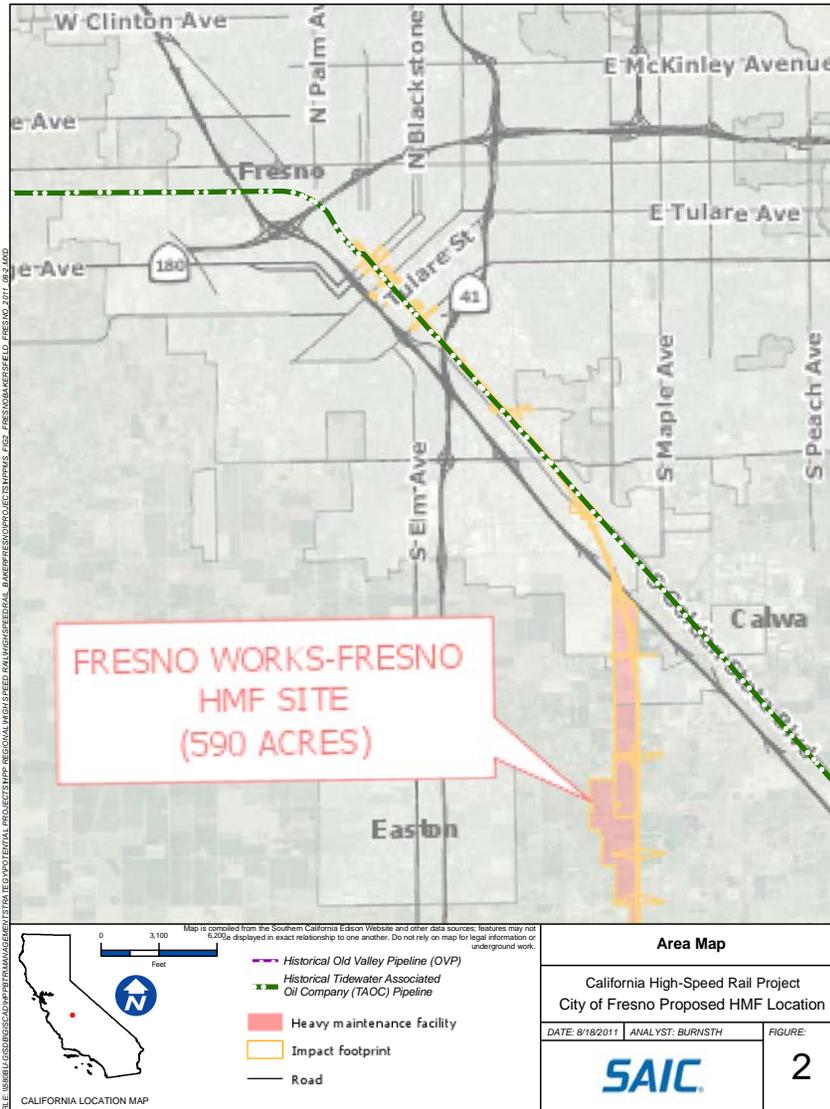
Comment noted. Specific issues, such as the presence of weathered crude or pipeline locations, will be addressed in detail for specific parcels that may be acquired. This will be addressed on a parcel-by-parcel basis as part of the property acquisition phase of the project.

The Revised DEIR/ Supplemental DEIS for the Fresno to Bakersfield Section included evaluation of potential environmental hazards and development of mitigation measures. Environmental hazards associated with the project include the potential for encountering toxic substances, including those associated with active and abandoned oil and gas production, storage, and distribution. The information you have provided is appreciated, and was considered in the environmental analysis. Utility and private infrastructure removals and/or relocations along the preferred alternative will be coordinated with the affected facility owner in advance of construction.

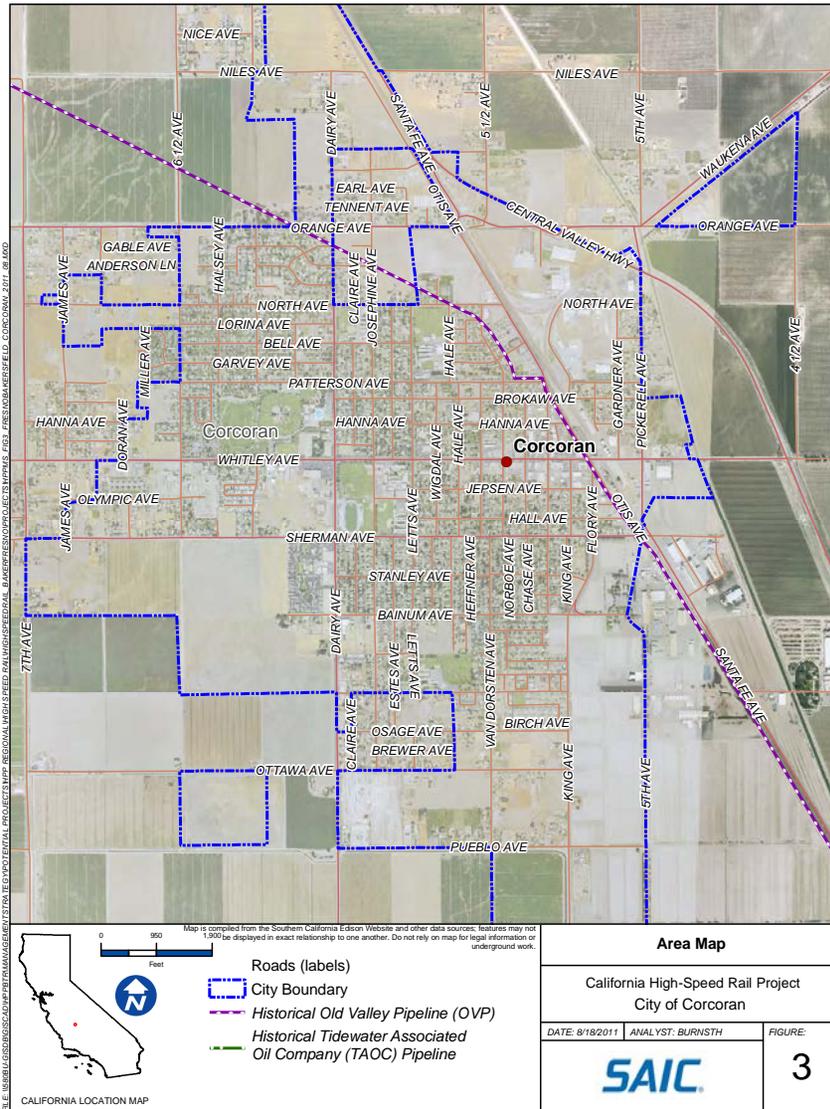
Attachment to Submission BO029 (Mike Oliphant, Chevron Environmental Management Company, September 7, 2011) - Figure 1. Area Map - California High-Speed Rail Project - Fresno to Bakersfield Segment.pdf



Attachment to Submission BO029 (Mike Oliphant, Chevron Environmental Management Company, September 7, 2011) - Figure 2. Area Map - California High-Speed Rail Project - City of Fresno Proposed HMF Location.pdf



Attachment to Submission BO029 (Mike Oliphant, Chevron Environmental Management Company, September 7, 2011) - Figure 3. Area Map - California High-Speed Rail Project - City of Corcoran.pdf



Submission BO030 (Kathy Omachi, Chinatown Revitalization Inc. of Fresno (CRI), October 13, 2011)

Fresno - Bakersfield - RECORD #743 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested : No
Stakeholder Type : CA Resident
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Kathy
Last Name : Omachi
Professional Title :
Business/Organization :
Address :
Apt./Suite No. :
City :
State : CA
Zip Code : NA
Telephone : 559-213-1815
Email : KOmachi@skdh.org
Email Subscription : Fresno - Bakersfield
Cell Phone :
Add to Mailing List : No

BO030-1

BO030-2

**Stakeholder
 Comments/Issues :**

The Chinatown Revitalization Inc. of Fresno (CRI) requests "standing" to provide concerns and comments on the EIR for the High-Speed Train Project on Chapter 2.0, Chapter 3.0 and Chapter 4.0/Section 4(f) and Section 6(f):

Chapter 2.0
 CRI is deeply concerned that the locations proposed for the station has not been fully evaluated in regards to the extensive underground tunnels and block long basements that run the entire length and depth of Chinatown. The City of Fresno may not have disclosed nor provided adequate information for evaluation.

Chapter 3.0
 Additionally CRI is concerned that the environmental consequences can not be fully measured due to the possible unstable nature of the ground along the rail roads tracks and Chinatown due to the underground network. The city of Fresno encountered several significant tunnels while building the baseball stadium on both sides of the tracks. The construction cost may be increased if these environmental consequences are addressed and mitigation plans developed.

Chapter 4.0/Section 4(f) and 6(f)
 The Fresno Planning Department published a document several years ago entitled Historic Building Survey of Fresno Chinatown. It documented the evaluation of fifty buildings in which over half were found to qualify for either local, state or federal designation as historically significant structures. The tunnels themselves are over 140 years old were built in the early 1870's. The City of Fresno has done nothing to protect, preserve and promote these historically significant properties nor has this issues been presented to the High-Speed Train Project Authority for consideration.

Kathleen Satomi Omachi, MSW
 Board President
 559-213-1815

From: CA High-Speed Rail: Central Valley Fresno-Bakersfield
 [mailto:fresno_bakersfield@hsr.ca.gov]
 Sent: Wed 10/5/2011 3:20 PMnott
 To: Kathy Omachi
 Subject: Revised Environmental Report to be Issued for High-Speed Train Project, Fresno-Bakersfield Section

<http://dl5.activatedirect.com/fs/d:l/z5jf7aq71q5k6x/101lzbw16mp00jw/0>

Revised Environmental Report to be Issued for High-Speed Train Project, Fresno-Bakersfield Section

The California High-Speed Rail Authority (Authority) will issue a Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the Fresno to Bakersfield section of the high-speed train project. The formal comment period for the Fresno to Bakersfield section Draft EIR/EIS will still end on Oct. 13, 2011, and the revised document, to be issued in the spring of 2012, will have a separate, additional 45-day formal comment period.

Submission BO030 (Kathy Omachi, Chinatown Revitalization Inc. of Fresno (CRI), October 13, 2011) - Continued

The Authority will re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region. The Hanford West Bypass alternative was selected as the preferred alternative for the 2005 Statewide Program EIR/EIS, and including this alternative is consistent with input from regulatory agencies. The Authority will also investigate improvements to the existing Fresno to Bakersfield alternatives. This step will also afford additional time to review the information contained in the current Draft EIR/EIS.

Rather than issuing a Final EIR/EIS for the Fresno-to-Bakersfield section in January as previously scheduled, the Authority will now use the coming months to further engineer the additional route and new station alternative, conduct the additional environmental analyses needed and make other necessary revisions including those based on comments received through Oct. 13, 2011, after which a "Revised Draft EIR/Supplemental Draft EIS" will be issued for public comment.

Public participation is an important part of this process and the Authority looks forward to working with local communities over the coming months to address questions and provide clarification on the environmental documents and process.

Please note: only comments submitted during the official comment periods (until Oct. 13, 2011 and then again in the spring of 2012) will be treated as formal comments and subsequently responded to, in writing, as part of the Final EIR/EIS.

The Draft EIR/EIS and instructions for submitting a public comment are available on the Authority's website at:
<http://www.cahighspeedrail.ca.gov/draft-eir-f-b.aspx><<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/1>>.

A schedule of workshops throughout the Fresno to Bakersfield section will be announced in the coming week, and posted on the web calendar-<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/2>>.

Contact the Fresno to Bakersfield team:
fresno_bakersfield@hsr.ca.gov<mailto:fresno_bakersfield@hsr.ca.gov>

866-761-7755 *
fresno_bakersfield@hsr.ca.gov<mailto:fresno_bakersfield@hsr.ca.gov>

www.cahighspeedrail.ca.gov<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/5>>

Forward this message to a friend-<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/6>> | View as a web page-<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/7>> | un-subscribe from this list-<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/8>> | mark as bulk mail-<<http://dl5.activatedirect.com/fs/d:/z5jf7aq71q5k6x/101lzbw16mp00jw/9>>

EIR/EIS Comment : Yes

Response to Submission BO030 (Kathy Omachi, Chinatown Revitalization Inc. of Fresno (CRI),
October 13, 2011)

BO030-1

This concern is addressed in Section 3.9.5, Impact GSS #2.

The Authority, through its station area development principles and policies, is demonstrating a commitment to collaborating with station-recipient communities on the long-term benefits and impacts of introducing high-speed rail service. General principles for station area development are articulated in Section 6B of the Program EIR/EIS and further elaborated in the High-Speed Trail (HST) Station Area Development Policies (Authority 2008a). Applied together, the policies and principles establish a framework for the Authority to guide station design and planning within the surrounding local context. The City of Fresno has initiated the Fresno High-Speed Rail Multimodal Station Area Planning project. This study and associated Station Area Master Plan will include an extensive public participation strategy to develop the city's conceptual station design, surrounding land use, development strategies, and transit connections. Details associated with local station design and development will be shared with the community during this process.

With respect to the presence of a network of tunnels in Fresno Chinatown, the anecdotal evidence that supports their existence has not, at the time of the Revised DEIR/Supplemental DEIS circulation, been supported with direct observation of their whereabouts, either through a published archaeological survey or other report presenting physical evidence of their location and integrity. The City of Fresno Historic Preservation office was contacted on April 2, 2013, to inquire regarding the possible discovery of a tunnel system during construction of the baseball facility in Downtown Fresno; however, the office did not have any record of such a discovery during that construction project.

However, since circulation of the Revised DEIR/Supplemental DEIS, additional research was conducted regarding the possible presence of the Chinatown tunnel system as part of the Merced-Fresno Archaeological Treatment Plan (ATP) (Authority and FRA 2012a) (a document required as part of the procedures set forth in the Section 106 Programmatic Agreement [Authority and FRA 2011e] that outlines treatments and mitigations for archaeological resources to be implemented as the project is constructed). This research further suggests the presence, at a minimum, of historic archaeological deposits in Downtown Fresno, which may be associated with ethnic

BO030-1

Chinese activities in the area. As a result, the ATP designated the Fresno Chinatown as an archaeologically sensitive area, which will trigger more controlled, scientific investigations in this area before construction of the HST project.

If a network of tunnels or other historic deposit is encountered during the investigation and appears eligible for listing in the National Register of Historic Places or California Register of Historic Resources, the tunnels would potentially be subject to Section 4(f). In this case, the Authority and Federal Railroad Administration (FRA) would coordinate with the State Historic Preservation Office to determine how to avoid or minimize harm to this resource. Further, as provided in Mitigation Measure CUL-1 in Section 3.17 of the Final EIR/EIS, the implementation of the procedures outlined in the Section 106 Programmatic Agreement serves as an enforceable agreement to treat and mitigate potential effects or impacts on cultural resources identified as the project proceeds.

BO030-2

Fresno Chinatown is not a district eligible for listing in the National Register of Historic Places (NRHP) and is thus not considered a Section 4(f) property. The Azteca Theater was identified as a contributor to the Fresno Chinatown District and is eligible for listing in the NRHP. Thus, this individual property qualifies for protection under Section 4(f). The Azteca Theater is identified in Chapter 4 of the Revised DEIR/Supplemental DEIS and was determined not to incur a use under Section 4(f). No other properties that are contributors to the Fresno Chinatown district qualify for protection under Section 4(f).

With respect to the presence of a network of tunnels in Fresno Chinatown, the anecdotal evidence that supports their existence has not, at the time of the circulation of the Revised DEIR/Supplemental DEIS, been supported with direct observation of their whereabouts, either through a published archaeological survey or other report presenting physical evidence of their location and integrity. Notwithstanding this lack of support, after the circulation of the Revised DEIR/Supplemental DEIS, additional research was conducted regarding the possible presence of the Chinatown tunnel system as part of the Merced-Fresno Archaeological Treatment Plan (ATP) (Authority and FRA 2012a) (a document required as part of the procedures set forth in the Section 106 Programmatic Agreement [Authority and FRA 2011e] that outlines treatments and mitigations for archaeological resources to be implemented as the project is

Response to Submission BO030 (Kathy Omachi, Chinatown Revitalization Inc. of Fresno (CRI),
October 13, 2011) - Continued

BO030-2

constructed). This research suggests the presence of, at a minimum, historic archaeological deposits in Downtown Fresno. These deposits may be associated with ethnic Chinese activities in the area. As a result, the ATP designated Fresno Chinatown as an archaeologically sensitive area, which will trigger more controlled, scientific investigations in this area before construction of the HST project. If, during the investigation, a network of tunnels or other historic deposits are encountered and appear to be eligible for listing in the NRHP or the California Register of Historical Resources, they would potentially be subject to Section 4(f). In this case, the Authority and the FRA would coordinate with the State Historic Preservation Officer to determine how to avoid or minimize harm to these resources. Further, as provided in Mitigation Measure CUL-MM#1 in Section 3.17, Cultural and Paleontological Resources, of the Revised DEIR/Supplemental DEIS, the implementation of the procedures outlined in the Section 106 Programmatic Agreement (Authority and FRA 2011e) would serve as an enforceable agreement to treat and mitigate potential effects or impacts on cultural resources identified as the project proceeds.

Submission BO031 (Ragin and Manjul Shah, Chinmaya Mission Bakersfield, October 5, 2011)

Fresno - Bakersfield (May 2011 – July 2012) - RECORD #1707 DETAIL	
Status :	Action Pending
Record Date :	10/5/2011
Response Requested :	
Stakeholder Type :	Other
Submission Date :	10/5/2011
Submission Method :	Website
First Name :	Ragin and Manjul
Last Name :	Shah
Professional Title :	Dr. and Mrs.
Business/Organization :	
Address :	
Apt./Suite No. :	
City :	Bakersfield
State :	CA
Zip Code :	93311
Telephone :	6616658752
Email :	mshah9@yahoo.com
Email Subscription :	
Cell Phone :	
Add to Mailing List :	No

BO031-1

**Stakeholder
 Comments/Issues :**

September 27, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
 770 L Street – Suite 800
 Sacramento, CA 95814

Re:Objection to the High Speed Railway

Dear Sir/Madam:

With regard to the proposed implementation of a High Speed Railway system, I hereby submit this letter in opposition to this proposed project.

1.Introduction

Our son has been attending the Chinmaya Mission regularly since it opened. He has learned a lot from attending the classes.

We strongly oppose the proposed High Speed Railway Project as this will result in the demolition of our building.

2.Background on Church

At Chinmaya Mission, our goal is to provide to individuals, from any background, the wisdom of Vedanta and the practical means for spiritual growth and happiness, enabling them to become positive contributors to society.

Chinmaya Mission Bakersfield has been active in the community since 1995. We have weekly classes for our children which teaches them about the Hindu culture and heritage. We also have weekly Yoga, Meditation, and Adult Study classes which are open to all members of the community. A large number of Non-Hindus attend and participate in these activities. Chinmaya Mission Bakersfield consists of 300 families as our members. Our building, located at 1723 Country Breeze Place, Bakersfield, California 93312, is in the path of the High Speed Railway and will be demolished if the project is to proceed as proposed by the California High-Speed Rail Authority. As a result, we respectfully oppose this initiative.

3.Environment Impact

Prior to taking action, the government must assess the potential environment impacts under NEPA (Federal) and/or CEQA (State & Local). Pursuant to NEPA regulations (40 CFR 1500-1508), project effects are evaluated based on the criteria of context and intensity. Substantial effects would result in long-term physical division of an established community, relocation of substantial numbers of residential or commercial businesses, and effects on important community facilities.

Pursuant to CEQA Guidelines, the project would have a significant impact if it would:

- Physically divide an established community.
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Relocate substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Submission BO031 (Ragin and Manjul Shah, Chinmaya Mission Bakersfield, October 5, 2011) - Continued

BO031-2 | *Result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

BO031-2 | According to the EIR: "In the Northwest District, the BNSF Alternative would depart from the BNSF right-of-way just south of Rosedale Highway and rejoin the rail right-of-way after crossing the Kern River. The alignment would cut through an existing suburban development in Bakersfield's Northwest District, displacing 122 homes and 10 non-residential properties, including a gas station/minimart, an art studio, 2 health centers, and 2 churches (Chinmaya Mission and Korean Presbyterian Church). This alignment would alter community social interactions and community cohesion, and would change the physical character of the community. These impacts would be substantial under NEPA and significant under CEQA." See EIR at 3.12-50.

BO031-2 | Further: "The Bakersfield South Alternative Alignment, like the BNSF Alternative, would pass through Bakersfield's Northwest, Central, and Northeast districts, affecting similar but somewhat different community facilities. Impacts in the Northwest District of Bakersfield would be similar to those identified for the BNSF Alternative, displacing many homes and several churches. Like the BNSF Alternative, the Bakersfield South Alternative would divide the existing community and result in a considerable number of residential property acquisitions in this neighborhood, as well as the displacement of churches (the Korean Presbyterian Church would be fully displaced and parts of Chinmaya Mission property would be displaced)." See EIR at 3.12-52.

BO031-2 | The Public Notice explains these effects will be felt in the following areas: "transportation, air quality, noise and vibration, electromagnetic fields, biological resources and wetlands, hazardous materials and wastes, safety and security, communities, agricultural lands, parks, recreation, and open space, aesthetics and visual resources, and cultural and paleontological resources." Clearly, under either alignment, the impact of the project will be particularly devastating to our Mission and our local community. So far, there has been no mention of compensation or noise abatement procedures available to those damaged by the project.

BO031-3 | 4. Additional Concerns

BO031-3 | First, we are concerned that this project will not be adequately funded. At this point, we understand that the Authority has only obtained funding for constructing tracks for 80 miles - not for the actual trains or electrification. In addition, given the present fiscal climate, we don't feel that the State or the Federal government will be in a position to give more money. Despite indicating the support of certain "private investors," the Authority has not yet identified any particularized firm commitments. We are concerned that this project will end up as a "train to nowhere," much like Senator Stevens' "bridge to nowhere" in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit. It will add to the debt of the State of California.

BO031-4 | Second, we believe the location of this project is misplaced. Currently, the proposed project will run through "old" Bakersfield, which will result in extreme traffic and parking congestion. Thus, we are concerned that local citizens will lose their easy access to downtown Bakersfield. Other cities, such as Denver, Colorado, have wisely chosen to relocate new transportation centers away from the downtown area, to avoid negative impacts, such as unwanted noise, vibrations, pollution, and traffic

BO031-5 |

BO031-6 |

BO031-7 |

BO031-8 |

BO031-9 |

BO031-10 |

BO031-11 |

congestion. Notably, the proposed railway in Fresno, California does not pass through the center of the City and will affect FAR FEWER citizens.

Third, we find that the EIR report provided is incomplete and insufficient. For example, although the document provides data on environmental impact, the actual noise and vibration studies were not included. Without reviewing the studies themselves, it is impossible to decipher the relative impact of the project. Important considerations include: when the study was performed, how many trips per day were considered, the duration and location of specific testing sites, the effect of the Hageman/Allen underpass project, etc., thereby making it impossible to decipher the relative impact of the Authority's project. In addition, the report does not address environment impacts on the East side, nor does it explain why the site on 7th Standard Road and State Route 99 was not considered. Furthermore, the EIR report is flawed because, at least in one section, it lists street names that do not exist and addresses that are not located anywhere near the proposed rail line, thereby drawing its accuracy into question.

Fourth, we believe the Authority will not undertake the necessary procedures to mitigate adverse impacts on the community. In fact, we understand that mitigation efforts, such as construction of sound walls, are typically discretionary and, in some cases, can be reduced or even avoided altogether by the Authority. Thus, considering the budgetary constraints addressed above, we believe the community will not receive the necessary protections from the anticipated adverse environmental impact.

Fifth, we recommend that the HSR Authority re-evaluate the proposed site on 7th Standard Rd and Freeway 99.

Finally, we have not received adequate notice of the proposed project and respectfully request additional time of at least six (6) months to respond. In fact, the EIR includes approximately 30,000 pages of technical jargon, with which we are not familiar, and allows only a 60-day comment period. To review it, we would have to read 500 pages a day. The report is in highly technical language, being difficult for a layman to understand. It needs to be simplified. Further, we had no idea that our church would be demolished until receiving a phone call approximately two (2) weeks ago from a friend! The official notification letter from the California HSR Authority dated August 10, 2011, was vague, deceptive, and legally deficient in that it utterly failed to indicate that our building would be subject to demolition and potentially complete economic loss; reliance on this August 10th letter could have resulted in a substantial loss of our legal rights and damages. The issuance of such a misleading notification letter is contrary to the public good, the spirit of our democratic system, and an abuse of trust by those in positions of authority. Accordingly, we have already submitted a formal request for an extension to the Office of Governor Brown. Therefore, we feel an extension is necessary in this instance, and we kindly request your cooperation.

Thank you for your time and consideration.

Yours very truly,

Manjul and Ragini Shah

Yes

Businesses and Organizations

EIR/EIS Comment :

Affiliation Type :

Official Comment Period :

Response to Submission BO031 (Ragin and Manjul Shah, Chinmaya Mission Bakersfield, October 5, 2011)

BO031-1

Refer to Standard Response FB-Response-SO-01.

Information about the potential impacts on the Chinmaya Mission is contained in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #7, and in Section 5.2 and Section 5.1.1 in the Community Impact Assessment Technical Report. Volume I, Section 3.12.7, Mitigation Measure SO-4, contains information about the relocation of important community facilities.

BO031-2

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-04, FB-Response-SO-07.

Information on the potential for disruption and division in Bakersfield can be found in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #7 (Disruption to Community Cohesion or Division of Existing Communities from Project Operation). (Also see Impact SO #10 and Impact SO #11 for residential and business displacement estimates in Bakersfield. Please refer to Mitigation Measure SO-4: Implement Measures to Reduce Impacts Associated with the Relocation of Important Facilities.) These measures will apply to schools, churches, and city and county property, as well as other important facilities. The Authority will consult with these respective parties before land acquisition to assess potential opportunities to reconfigure land use and buildings and/or relocate affected facilities, as necessary, to minimize the disruption of facility activities and services. The Authority will also work to ensure that relocation of facilities allows the community currently served to continue to access these services. This mitigation measure will be effective in minimizing the impacts of the project by completing new facilities before necessary relocations and by involving affected facilities in the process of identifying new locations for their operations.

The Revised DEIR/Supplemental DEIS, Volume I, Section 3.4, Noise and Vibration, Impact N&V #3 (Moderate and Severe Noise Impacts from Project Operation to Sensitive Receptors), and Mitigation Measure N&V-3 (Implement Proposed California High-Speed Train Project Noise Mitigation Guidelines) contain additional information. The potential sound barrier mitigation for the Bakersfield area for operational noise of the project is listed in Tables 3.4-29, 3.4-31, and 3.4-32 and shown on Figure 3.4-19,

BO031-2

Bakersfield area: Potential sound barrier sites. The specific type of mitigation will be selected during final design and before operations begin.

BO031-3

Refer to Standard Response FB-Response-GENERAL-17.

BO031-4

Refer to Standard Response FB-Response-GENERAL-25.

Consistent with Proposition 1A (2008), the proposed HST alignment in Fresno follows an existing transportation corridor to the extent feasible. As discussed in Section 2.3.2.1, Fresno Subsection, the five initial alternative alignments through Fresno were based largely on the Statewide Program EIR/EIS preferred alignment and included input from the Fresno Technical Working Group and other local stakeholders. Several horizontal and vertical alignments were considered. The UPRR West Alternative was carried forward in the Fresno to Bakersfield EIR/EIS as the BNSF Alternative. This alternative would affect the Historic Southern Pacific Railroad Depot, but would not result in its demolition or relocation. This alternative is consistent with the City of Fresno's redevelopment vision, would result in fewer community and environmental impacts than other alternatives, and offers connectivity to Fresno's central business district. All the alternative alignments considered for the Fresno subsection feature a downtown station in the area generally bounded by Stanislaus Street on the north, Ventura Street on the south, H Street on the east, and SR 99 on the west. The environmental evaluation of the Fresno station alternatives carried forward in the EIR/EIS demonstrated that environmental impacts were similar for the Mariposa and Kern station alternatives. However, due to the City of Fresno's planning and the orientation of the Downtown Fresno City Center, the Fresno Station-Mariposa Alternative offers substantially more opportunities for transit-oriented development.

Environmental impacts associated with the Fresno to Bakersfield Section of the HST project are discussed by resource in Chapters 3 and 4 of the EIR/EIS.

Response to Submission BO031 (Ragin and Manjul Shah, Chinmaya Mission Bakersfield, October 5, 2011) - Continued

BO031-5

Refer to Standard Response FB-Response-GENERAL-02 and FB-Response-SO-06.

A detailed Noise and Vibration Technical Report (Authority and FRA 2012i) is included in the Technical Appendix of the EIR/EIS. Noise measurements began to be conducted in 2009, and additional measurements were completed since then as alternative alignments were added to the analysis. Noise modeling, analysis, and reports have been completed since the completion of the measurements. The noise measurement site locations are included in the Noise and Vibration Technical Report. The number of trips per day are estimated to be 188 per day and 37 per night. The number of trains during peak hours are estimated to be 24. Noise levels generated by HST operations were modeled at receivers within a distance of 2,500 feet from the centerline of the HST, and were modeled and analyzed in order to see if the train would generate noise impacts at their locations.

The Hageman Grade Separation Project will grade-separate Hageman Road from the BNSF Railroad. The proposed HST will also be grade-separated and the HST project will not affect the Hageman Grade Separation Project.

BO031-6

The Final EIR/EIS has made a full faith effort to depict street names and locations as accurately as possible. The comment does not provide a specific citation for the incorrect street names and addresses to allow a specific correction.

BO031-7

Refer to Standard Response FB-Response-N&V-05.

The potential noise impact has been assessed at sensitive receivers, and these areas are identified in Section 3.4.5, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown on Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.6 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed

BO031-7

by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST project's noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 A-weighted decibels (dBA), such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.6, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

Mitigation Measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. In addition, Mitigation Measure N&V-MM#3 provides that prior to operation, the Authority will work with communities regarding the height and design of sound barriers, using jointly developed performance criteria, when the vertical and horizontal location have been finalized as part of the final design of the project. Mitigation Measure

Response to Submission BO031 (Ragin and Manjul Shah, Chinmaya Mission Bakersfield, October 5, 2011) - Continued

BO031-7

VQ-MM#6 requires the provision of a range of options to reduce the visual impact of the sound barriers.

BO031-8

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

BO031-9

Refer to Standard Response FB-Response-GENERAL-07.

BO031-10

Refer to Standard Response FB-Response-GENERAL-07.

In response to public comments, the Authority and FRA recirculated a Revised DEIR/Supplemental DEIS.

All three volumes of the EIR/EIS, including Volume III (which contains the design drawings), total approximately 4,800 pages. The document has been written so that it is understandable to lay readers.

BO031-11

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO032 (Anil Mehta, M.D., Chinmaya Mission Bakersfield, October 10, 2011)



Chinmaya Mission Bakersfield



10-10-11P03:27 RCVD

September 27, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
770 L Street – Suite 800
Sacramento, CA 95814

Re: **Objection to the High Speed Railway**

Dear Sir/Madam:

With regard to the proposed implementation of a High Speed Railway system, I hereby submit this letter in opposition to this proposed project.

1. Introduction

I am a practicing physician in Bakersfield, California, since 1982. I have been very involved in the community:

1. Past Chief of Staff of Mercy and Memorial Hospitals.
2. Past President of Bakersfield Breakfast Rotary Club.
3. Past President of India Association of San Joaquin Valley.
4. Current President of Chinmaya Mission Bakersfield

2. Background on Church

At Chinmaya Mission, our goal is to provide to individuals, from any background, the wisdom of Vedanta and the practical means for spiritual growth and happiness, enabling them to become positive contributors to society.

Chinmaya Mission Bakersfield has been active in the community since 1995. We have weekly classes for our children which teaches them about the Hindu culture and heritage. We also have weekly Yoga, Meditation, and Adult Study classes which are open to all members of the community. A large number of Non-Hindus attend and participate in these activities. Chinmaya Mission Bakersfield consists of 300 families as our members. **Our building, located at 1723 Country Breeze Place, Bakersfield, California 93312, is in the path of the High Speed Railway and will be demolished if the project is to proceed as proposed by the California High-Speed Rail Authority. As a result, we respectfully oppose this initiative.**

1723 Country Breeze Place, Bakersfield, California 93312 • (661)588-0000

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 2

3. Environment Impact

Prior to taking action, the government must assess the potential environment impacts under NEPA (Federal) and/or CEQA (State & Local). Pursuant to NEPA regulations (40 CFR 1500-1508), project effects are evaluated based on the criteria of context and intensity. **Substantial effects** would result in long-term physical division of an established community, relocation of substantial numbers of residential or commercial businesses, and effects on important community facilities.

Pursuant to CEQA Guidelines, the project would have a **significant impact** if it would:

- Physically divide an established community.
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Relocate substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Result in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts.

According to the EIR: "In the Northwest District, the BNSF Alternative would depart from the BNSF right-of-way just south of Rosedale Highway and rejoin the rail right-of-way after crossing the Kern River. The alignment would cut through an existing suburban development in Bakersfield's Northwest District, **displacing 122 homes and 10 non-residential properties, including a gas station/minimart, an art studio, 2 health centers, and 2 churches (Chinmaya Mission and Korean Presbyterian Church).** This alignment would alter community social interactions and community cohesion, and would change the physical character of the community. These impacts would be **substantial under NEPA and significant under CEQA.**" See EIR at 3.12-50.

Further: "The Bakersfield South Alternative Alignment, like the BNSF Alternative, would pass through Bakersfield's Northwest, Central, and Northeast districts, affecting similar but somewhat different community facilities. Impacts in the Northwest District of Bakersfield would be similar to those identified for the BNSF Alternative, displacing many homes and several churches. Like the BNSF Alternative, **the Bakersfield South Alternative would divide the existing community and result in a considerable number of residential property acquisitions in this neighborhood, as well as the displacement of churches (the Korean Presbyterian Church**

Submission BO032 (Anil Mehta, M.D., Chinmaya Mission Bakersfield, October 10, 2011) - Continued

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 3

would be fully displaced and parts of Chinmaya Mission property would be displaced.”
See EIR at 3.12-52.

The Public Notice explains these effects will be felt in the following areas: “transportation, air quality, noise and vibration, electromagnetic fields, biological resources and wetlands, hazardous materials and wastes, safety and security, communities, agricultural lands, parks, recreation, and open space, aesthetics and visual resources, and cultural and paleontological resources.” Clearly, under either alignment, the impact of the project will be **particularly devastating to our Mission and our local community**. So far, there has been no mention of compensation or noise abatement procedures available to those damaged by the project.

4. Additional Concerns

BO032-1

First, we are concerned that this project will not be adequately funded. At this point, we understand that the Authority has only obtained funding for **constructing tracks for 80 miles** - not for the actual trains or electrification. In addition, given the present fiscal climate, we don’t feel that the State or the Federal government will be in a position to give more money. Despite indicating the support of certain “private investors,” the Authority has not yet identified any particularized firm commitments. We are concerned that this project will end up as a “train to nowhere,” much like Senator Stevens’ “bridge to nowhere” in Alaska. The train will severely impact the citizens of Bakersfield without any long term benefit. It will add to the debt of the State of California.

BO032-2

Second, we believe the location of this project is misplaced. Currently, the proposed project will run through “old” Bakersfield, which will result in extreme traffic and parking congestion. Thus, we are concerned that local citizens will lose their easy access to downtown Bakersfield. Other cities, such as Denver, Colorado, have wisely chosen to relocate new transportation centers away from the downtown area, to avoid negative impacts, such as unwanted noise, vibrations, pollution, and traffic congestion. Notably, the proposed railway in Fresno, California does not pass through the center of the City and will affect FAR FEWER citizens.

BO032-3

Third, we find that the EIR report provided is incomplete and insufficient. For example, although the document provides data on environmental impact, the actual noise and vibration studies were not included. Without reviewing the studies themselves, it is impossible to decipher the relative impact of the project. Important considerations include: when the study was performed, how many trips per day were considered, the duration and location of specific testing sites, the effect of the Hageman/Allen underpass project, etc., thereby making it impossible to decipher the relative impact of the Authority’s project. In addition, the report does not address environment impacts on the East side, nor does it explain why the site on 7th Standard Road and State Route 99 was not considered. Furthermore, the EIR report is flawed because, at least in one section, it lists street names that do not exist and addresses that are not located anywhere near the proposed rail line, thereby drawing its accuracy into question.

Fresno to Bakersfield Draft EIR/EIS Comment
September 27, 2011
Page 4

BO032-4

Fourth, we believe the Authority will not undertake the necessary procedures to mitigate adverse impacts on the community. In fact, we understand that mitigation efforts, such as construction of sound walls, are typically discretionary and, in some cases, can be reduced or even avoided altogether by the Authority. Thus, considering the budgetary constraints addressed above, we believe the community will not receive the necessary protections from the anticipated adverse environmental impact.

BO032-5

Fifth, we recommend that the HSR Authority re-evaluate the proposed site on 7th Standard Rd and Freeway 99.

Finally, we have not received adequate notice of the proposed project and respectfully request additional time of at least six (6) months to respond. In fact, the EIR includes approximately 30,000 pages of technical jargon, with which we are not familiar, and allows only a 60-day comment period. **To review it, we would have to read 500 pages a day.** The report is in highly technical language, being difficult for a layman to understand. It needs to be simplified. Further, we had no idea that our church would be demolished until receiving a phone call approximately two (2) weeks ago from a friend! The official notification letter from the California HSR Authority dated August 10, 2011, was vague, deceptive, and legally deficient in that it utterly failed to indicate that our building would be subject to demolition and potentially complete economic loss; reliance on this August 10th letter could have resulted in a substantial loss of our legal rights and damages. The issuance of such a misleading notification letter is contrary to the public good, the spirit of our democratic system, and an abuse of trust by those in positions of authority. Accordingly, we have already submitted a formal request for an extension to the Office of Governor Brown. Therefore, we feel an extension is necessary in this instance, and we kindly request your cooperation.

Thank you for your time and consideration.

Yours very truly,

CHINMAYA MISSION BAKERSFIELD

By:

Anil Mehta, M.D.,
President

Response to Submission BO032 (Anil Mehta, M.D., Chinmaya Mission Bakersfield, October 10, 2011)

BO032-1

Refer to Standard Response FB-Response-GENERAL-17.

BO032-2

Refer to Standard Response FB-Response-GENERAL-02 and FB-Response-GENERAL-14.

Station locations were evaluated during the Alternatives Analysis process. The alternatives analysis for the Bakersfield stations included consideration of station locations in the vicinity of Golden State Highway and the Bakersfield Airport; however, these station locations were eliminated when their associated HST alignments were removed from consideration during the evaluation of alternatives process. A hybrid alternative that would follow Alternative D2-N with a D1-S station location was also considered. This alternative was not carried forward in the Draft EIR/EIS because it would not maintain the necessary speeds through Bakersfield required by mandated travel times between San Francisco and Los Angeles. Alternatives D1-S and D2-N were carried forward into this EIR/EIS analysis and both feature a station location consistent with the preferred Bakersfield station location in Downtown Bakersfield near Truxtun Avenue in the vicinity of the existing Amtrak station.

BO032-3

Refer to Standard Response FB-Response-N&V-03.

The details of the noise study conducted for the project are provided in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report*, which is located on the Authority's website (Authority and FRA 2012i).

BO032-4

Refer to Standard Response FB-Response-N&V-05.

Community will benefit from a 14-foot noise barrier that will reduce the noise impacts from the HST on the surrounding community to either moderate or none. For noise barrier lengths and locations, refer to section 3.4.7 in the latest EIR/EIS.

BO032-5

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

Submission BO033 (No Name, Circle T Farms, September 14, 2011)

09-14-11P04:38 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO033-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:



[Name]

Circle T Farms Inc

[Organization]

9-10-11

Date

Response to Submission BO033 (No Name, Circle T Farms, September 14, 2011)

BO033-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO034 (No Name, Circle T Farms, September 14, 2011)

09-14-11P04:3

09-14-11P04:38 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO034-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

William J. Holt
[Name]

Circle T Farms
[Organization]

Sept. 10, 2011
Date

Response to Submission BO034 (No Name, Circle T Farms, September 14, 2011)

BO034-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011)



Fresno to Bakersfield High-Speed Train Section
 Draft Environmental Impact Report/
 Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011
 Please submit your completed comment card at the
 end of the meeting, or mail to:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

**La Sección de Fresno a Bakersfield del Tren de Alta
 Velocidad** Proyecto de Informe de Impacto Ambiental/
 Declaración de Impacto Ambiental (EIR/EIS)
Audiencias Públicas
Septiembre del 2011
 Por favor entregue su tarjeta completada al final de la
 reunión, o envíela por correo a la siguiente dirección:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period is from August 15 to September 28, 2011. Comments must be received electronically, or postmarked, on or before September 28, 2011.

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

Name/Nombre: Stanley and Norman Crawshaw
 Organization/Organización: Citizens for California High Speed Accountability
 Address/Domicilio: 8704 Cairo Ave.
 Phone Number/Número de Teléfono: 559-584-3717
 City, State, Zip Code/Ciudad, Estado, Código Postal: Laton, Ca. 93247
 E-mail Address/Correo Electrónico: NORM CALLER @ YAHOO.COM

APN# 002-120-031-000 LAND
 APN# 910-006-139-000 HOME
 this property is located on Cairo Ave. between 8 1/2 and 9 ave. on the south side of the road. My brother Norman and I have lived on this property for 59 years and 46 years. This property has been in the family for 100 years.

This property is under the Williamson act contract
 1. property is being divided by the High speed rail.
 2. What is going to happen when the property becomes less than 20 acres.
 3. When my dad signed a contract with the county, it was to stay in Agriculture.

Biological Resources:
 1. We have coyotes and pit foxes that live between the two rivers

2. what are gophers and squirrels going to do to the pests by undermining them. the property is leased and the lease sprays the crops with pesticides that could drift.

Hydrology / water Quality
 1. Agriculture well will be lost.
 2. Domestic well will be lost
 3. pipe line will not be able to be used unless it is relocated
 4. House will be lost
 5. How do we get water to the property on the southwest corner when you will not allow us to go under the rail!
 6. Because of the overpass on Cairo Ave there will be five agriculture wells lost, five Domestic wells lost, four houses lost.
 7. Four additional pipelines will have to be relocated.
 8. With all the rain we had this year our ground water is up to 15 to 20 feet below ground surface.

Moist:
 1. how much noise is the train going to make, I understand the noise is very high.

BO035-1

BO035-2

BO035-2

BO035-3

BO035-4

Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011) - Continued

BO035-5

2. In the electromagnetic field from the running of the high speed rail going to interfere with TV signals and GPS used on farm equipment. We already have interference from cars & Trucks.

BO035-6

3. Vibration

a. we have sandy-loam soil, What is it going to do to Agriculture and Domestic wells over time.

b. what will it do to pipelines

c. what will happen to manufactured houses on jacks over time. We have three in the area.

d. what is it going to do to the land stratum

e. I understand the vibration from High speed train can be felt for 1400 feet on either side of the tracks.

BO035-7

Public services:

1. During construction of overpasses emergency vehicles and school buses will have a difficult time getting around because there are only four ways off this island.

BO035-8

2. 3900 miles extra for school buses

BO035-9

3. 20 miles extra for Ambulances

BO035-9

4. 20 miles extra for fire trucks, when the station is two miles from us.
Transportation:

1. After all of the overpasses and access roads built, who will be responsible for their upkeep.

2. when are they going to get the dirt to build overpasses.

On our property we will lose

1. 200 to 300 ft off the front of property

2. Agriculture well \$39,000

3. Domestic well \$32,000

4. House \$33,000

5. See storage sheds \$7,000

6. pipeline \$2,500

7. When overpass is built will there be access roads built.

The estimated one mile stretch of the overpass will take out:

1. four houses

2. one business

3. five Agriculture wells

4. five Domestic wells

BO035-15

1. I do not know why you can not use I-5 instead of using prime Agriculture land.

Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011) - Continued

BO035-15

2. I 5 is marginal land, with the water shortage on the west side of the valley and the farmers selling their water allotments land should be easy to get

3. In using I 5 there are no towns to go thru. Harris ranch restaurant and hotel would love to have a station, it would mean increased business. You can also put another station up by Los Banos.

BO035-16

4. Amtrack has buses going to the coast that can drop people off for the high speed rail.

BO035-17

5. the kind of people that work in the valley will not be able to afford the \$140 ticket and is going up all the time. Those people will continue to use amtrack.

BO035-18

6. the high speed rail is for upper class people not the middle class and below.

BO035-19

7. with the cost of the high speed rail going up every day, the state of Calif. can not afford to pay back the bonds. Do you really think people are going to

BO035-20

buy Calif. bonds when they know Calif. can not pay back the bonds
8. By taking prime agricultural land out of production you are going to force dairy people to pay more for feeding their cows, forcing the consumer to pay more at the store.

BO035-21

9. What do you people think, food comes from the store and the farmer has nothing to do with it.

BO035-22

10. Besides the 110ft you need for the tracks, how much extra land is going to be lost because the farmer can only spray so close to the track and can't hit it is going to be twice to three times the acres you tell us.

BO035-23

11. In trying to keep cars off the freeways and cutting pollution, you are causing farmers and related services to travel extra miles to get around the high speed rail, all you are doing is trading on green for the other.

12. My brother and I only have the 30 acres that we live on and you are causing us to lose the land we have been on for 100 years. We will be losing the rent that we use for extra income

Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011) - Continued

BO035-24

13. One last thing, I would not like to meet a tractor pulling a 30 to 35 ft disc coming up on one side of the overpass in the fog. You people are city people and do not know how bad tail fog can get in the winter.

Response to Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011)

BO035-1

Refer to Standard Response FB-Response-AG-07.

BO035-2

Refer to Standard Response FB-Response-AG-05.

Thank you for your comment. Squirrels and gophers are not expected to undermine the HST structures or facilities. Potential impacts on wildlife species, including native fauna, are described in Section 3.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS.

BO035-3

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04.

BO035-4

Potential noise impact has been assessed at sensitive receivers, and these areas are identified in Section 3.4.5, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown in Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.7 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST project's noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 A-weighted decibels (dBA), such as adding acoustically treated windows, extra insulation, and mechanical ventilation, as

BO035-4

detailed in Section 3.4.7, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

Mitigation Measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. In addition, Mitigation Measure N&V-MM#3 provides that prior to operation, the Authority will work with communities regarding the height and design of sound barriers, using jointly developed performance criteria, when the vertical and horizontal location have been finalized as part of the final design of the project. Mitigation Measure VQ-MM#6 requires the provision of a range of options to reduce the visual impact of the sound barriers.

BO035-5

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the Draft EIR/EIS primarily considers EMFs at the 60-Hz power frequency that is used for the HST traction power system, and at radio frequencies (RFs) produced intentionally by communications or unintentionally by electric discharges.

EMI will be controlled from intentionally produced communications and from other sources primarily through Authority's commitment to adhere to its Electromagnetic Compatibility Program Plan (EMCPP) (Authority 2010b, 2011f). The EMCPP will "provide for electromagnetic compatibility of HST equipment and facilities with themselves, with equipment and facilities of the HST's neighbors, and with passengers, workers, and neighbors of the HST." As stated in the Project Design Features section, the HST project design will follow the EMCPP to avoid EMI/EMC conflicts and to ensure HST operational safety. Given the commitment to eliminate EMI with a broad range of RF equipment according to the EMCPP, the focus of the EMF/EMI analysis is on the

Response to Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011) - Continued

BO035-5

most sensitive or susceptible RF equipment.

As noted above, the traction power system frequency of 60 Hz is the same as is used throughout the state and country. GPS units and TV stations operate at much higher frequencies and are therefore not likely to be affected by interference from HST sources.

BO035-6

Wells currently located adjacent to the existing BNSF tracks are subject to vibration levels substantially higher than the vibration levels that would be generated by HST operations. If the wells are not currently experiencing any of these problems under existing conditions, they would not be expected to experience these problems with the addition of HST operations. The vibration criteria for the HST project are found in Table 3.4-6. The lowest vibration criteria for residences and buildings where people normally sleep is 72 vibration decibels (VdB). According to the results of the transfer mobility testing conducted for the project, the distance from the HST tracks at which the vibration level will be 72 VdB will be 76 feet, assuming the tracks are located at-grade. If the HST tracks are located on an aerial structure, at the distance of 76 feet the vibration levels will be about 10 VdB less.

BO035-7

Access across the Kings River in this area is either on SR 43 via Denver Avenue or South 8th Avenue. Those access points will not be affected by the project. Temporary closure of Cairo Avenue for construction of the overpass would result in a maximum of about 0.5 mile of out-of-direction travel.

BO035-8

Refer to Standard Response FB-Response-TR-02 and FB-Response-S&S-01.

BO035-9

Refer to Standard Response FB-Response-S&S-01.

BO035-10

Maintenance of highways will be provided by Caltrans, and local roads will be

BO035-10

maintained by the appropriate jurisdiction (County or City).

BO035-11

The text of the Final EIR/EIS has been revised in response to your comment in Chapter 2, Alternatives, Section 2.8.1. Fill material would be excavated from local borrow sites and travel by truck to the preferred alignment.

BO035-12

Refer to Standard Response FB-Response-AG-04.

BO035-13

Refer to Standard Response FB-Response-TR-02.

BO035-14

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-04, FB-Response-SO-01.

BO035-15

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04.

BO035-16

This is a good point, and the current plans incorporate that kind of dedicated feeder bus service.

BO035-17

Refer to Standard Response FB-Response-GENERAL-23.

BO035-18

Refer to Standard Response FB-Response-GENERAL-23.

BO035-19

California's current funding for the program is limited by the size of the bond issue that

Response to Submission BO035 (Stanley & Norman Crawshaw, Citizens for California High Speed Accountability (CCHSRA), October 7, 2011) - Continued

BO035-19

was approved with the passage of Proposition 1A in 2008. Additionally, use of the state bonds requires matches from federal, local, or private sources so California's investment will be leveraged with other sources of funding. Recently, both Moody's and Fitch, upgraded California's debt and the state is nowhere near being at risk of default on its obligations.

BO035-20

Refer to Standard Response FB-Response-GENERAL-04.

For information on the economic effects on agriculture, see Volume I, Section 3.12, Impact SO#12 and Impact SO #16.

BO035-21

Refer to Standard Response FB-Response-AG-05.

See Volume I, Section 3.14, Impact AG#11 for information on the impacts on aerial pesticide spraying, dust, and pollination.

BO035-22

Refer to Standard Response FB-Response-TR-02 and FB-Response-AG-02.

BO035-23

Refer to Standard Response FB-Response-SO-01.

During the right-of-way process, all land owners will be able to discuss their property with an Authority designated right-of-way agent who will assess the value of their property. Fair market value will be paid for all land acquired. Fair market value is defined as the fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. This takes into account the value of the land, the improvements on the land, as well as the future income the land and improvements can generate. During the property acquisition process losses in the value of the remaining property will be taken into account and compensation will be

BO035-23

provided for the loss in productivity.

BO035-24

Refer to Standard Response FB-Response-S&S-01.

Submission BO036 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 18, 2011)



RECEIVED
AUG 18 2011
2593

August 15, 2011

Joseph C. Szabo, Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Szabo,

The Citizens for California High Speed Rail Accountability (CCHSRA) would like to support the statements and requests relayed to the Federal Railroad Administration in a letter submitted by the Kings County Board of Supervisors on August 2, 2011. The CCHSRA is a group of landowners, residents and farmers in the Kings County area that have formed a non-profit organization with the sole purpose of ensuring that the California High Speed Rail Authority (Authority) is held accountable for the decisions and actions carried forth in the promotion of the California High Speed Rail Project (Project).

Many, if not all of the members of the CCHSRA have come together in recognition that the Authority in its relentless quest to construct the Project has taken shortcuts, misinformed the public and treated landowners along the alignment with a great deal of disrespect. The Authority has been a silent entity that has been quietly planning a project that is poised to have significant and irreversible impacts on Kings County farm ground and its local economy without any direct contact or interaction with local government and its residents. As residents, many of us engaged with the Authority directly at the staff level to gain answers and understand the process and we were greeted with misinformation and more questions. After we realized that the Authority staff and consultants were not responsive to our requests for information we asked our local government to get engaged and did so through the "Coordination Process". When Kings County provided the opportunity for an open and public discussion on the impacts and potential solutions the Authority indicated they would not engage in any open dialogue (Coordination Process) with the Kings County Board of Supervisors, therefore leaving Kings County and its residents frustrated.

The Fresno-Bakersfield EIR/EIS has been published on the Authority website, and the CCHSRA asks that the Federal Railroad Administration direct the Authority to withhold the EIR/EIS to allow for a proper "Coordination Process" to take place. This in turn will yield the appropriate interaction between Kings County (agency with the greatest amount of knowledge in the project zone) and the Authority (agency with the least amount of knowledge in the project zone). The CCHSRA also would like to invite FRA members and staff to visit Kings County to visually see the proposed alignment through Kings County. As has been pointed out to the Authority the alignment through Kings County is not located on or near a transportation corridor, which is mandated by the local State Proposition 1A that will provide funding for the Project. This issue puts the cost-sharing dollars the Authority has access to at risk of not being

BO036-4

legally viable. The alignment through Kings County also does not fit the selection criteria set forth by the Authority. Of major concern is that the Authority is mandated to minimize the impacts to agriculture, however through Kings County the alignment has numerous curves that dissect parcels into small unmanageable pieces and creates an impassable corridor through the County therefore creating numerous agricultural impacts.

BO036-5

The CCHSRA would also like to point out that a postponement in the EIS/EIR for the Fresno-Bakersfield section would allow the Authority to provide the supporting information required to supplement the Project as a whole. Currently the Authority is preparing the following reports/documents:

- Business Plan - The document that will lay out the financial background for the Project. The Authority has made attempts at preparing a "Financial Grade Business Plan", however has been unsuccessful. The next report is due on October 14, 2011 for review.
- A revised analysis of ridership. The International Transportation Institute at the University of California, Berkeley, the California Legislative Analyst Office, and an internal Peer Review Group on Ridership have all found the modeling and ridership forecasting to have significant issues. A report by the internal Peer Review Group, which was published in March 2011 and finally released in July 2011 has concerns with the forecast model and calls for immediate resolutions to certain problems.
- An analysis of the Interstate 5 corridor as a proposed alignment over the mountains between the Central Valley and Los Angeles. This report is significant to the Central Valley alignment as it may have findings that provide insight into alternative alignments through the Central Valley.

Without these studies and reports in hand during the EIS/EIR review the Authority has put the public in jeopardy of spending millions of dollars on an EIS/EIR that may be significantly altered with the information yet to be provided.

BO036-6

The CCHSRA greatly appreciates your time in reviewing this letter and understands the critical timing associated with our request. However, Kings County has a rich culture and heritage that is being threatened and we ask that the Federal Railroad Administration require the Authority to address those concerns with the Kings County Board of Supervisors prior to the release of the EIS/EIR and to ensure that all appropriate information is taken into account prior to the release of the EIS/EIR. This can only be done by requesting that the Authority withdraw the EIS/EIR from public review. We stand ready to answer any questions or comments you may have. Our Co-Chairman, Aaron Fukuda can be reached at 559-707-8928 or via email at afukuda77@gmail.com.

BO036-7

Sincerely,

Aaron Fukuda
Co-Chairman CCHSRA

cc: Thomas J. Umberg, Chairperson CHSRA
The Honorable Jim Costa
Nancy Sutley, Council on Environmental Quality

BO036-1

BO036-2

BO036-3

Submission BO036 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 18, 2011) - Continued

Connell Dunning, US EPA
Michael S. Jewell, US Army Corp of Engineers
Dave White, NRCS
The Honorable Michael Rubio
The Honorable David Valadao
Brian R. Leahy, California Department of Conservation
Karen Ross, California Department of Agriculture
Manuel Cunha, Nisei Farmers League
Dan Chin, Mayor, City of Hanford
Bob Link, Mayor, City of Visalia

Response to Submission BO036 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA), August 18, 2011)

BO036-1

The Authority and FRA recognize the concerns of the Kings County representatives and community members, and we wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. In addition, project-level information has been shared at public meetings; made available at the Kings County project office; and provided through mailings, e-mail communication, outreach materials, and on the internet.

BO036-2

Refer to Standard Responses FB-Response-GENERAL-02 and FB-Response-GENERAL-10.

BO036-3

Refer to Standard Response FB-Response-GENERAL-02.

Proposition 1A states that the HST alignment will follow existing transportation or utility corridors, to the extent feasible. The Authority has developed alternative alignments that follow existing transportation or utility corridors as much as possible. To minimize environmental impacts, the alternative alignments deviate from such corridors. The reasons for those deviations are described in Chapters 2 and 3 of the EIR/EIS.

BO036-4

Refer to Standard Response FB-Response-GENERAL-04 and FB-Response-AG-02.

See Volume I, Section 3.14, Impact AG#4 for information on the permanent conversion of agricultural land, and see Mitigation Measure AG-1 in Volume I, Section 3.14, for measures to preserve the total amount of prime farmland.

BO036-5

Refer to Standard Response FB-Response-GENERAL-02.

Section 1.6 of the Revised DEIR/Supplemental DEIS discusses the Revised 2012 Business Plan and its relationship to the Fresno to Bakersfield Section EIR/EIS. The Revised 2012 Business Plan does not change the "full system" for the HST in the

BO036-5

Central Valley as defined and analyzed in the Fresno to Bakersfield Section Project EIR/EIS. The Fresno to Bakersfield Section, which is part of the spine of the HST system, will be constructed in the near term to the ultimate design of two dual-mainline tracks with four tracks at stations and will meet all performance objectives identified in Chapter 2, Alternatives. However, the Revised 2012 Business Plan lays out a new phasing strategy for initiating service and integrating service with intercity commuter rail services as an initial step for HST operations. The Fresno to Bakersfield Section EIR/EIS assumes that HST service will be operational for Phase 1, which will connect San Francisco with Los Angeles via the Central Valley by 2020, and Phase 2, which will extend service to Sacramento and San Diego beginning in 2027. The full system analysis for the EIR/EIS is based on the future year of 2035. The Revised 2012 Business Plan indicates that the first construction of the initial operating system (IOS) will be completed in 2018, with initial service starting in 2022. The Phase 1 build-out will be operational in 2028, and the full system operation (Phase 2) will occur well beyond the 2035 full system operations envisioned in the Fresno to Bakersfield Section EIR/EIS.

The revised phasing assumptions for the Fresno to Bakersfield Section would not alter the construction impacts outlined in the EIR/EIS. However, the operational impacts of the HST system would be expected to be lower under the Revised 2012 Business Plan in 2020 and 2027 and for the full system build-out in 2035, than the levels presented in this EIR/EIS. Impacts would be lower than those identified in this EIR/EIS because fewer trains are expected to be operational before 2035 under the Revised 2012 Business Plan than was assumed in the EIR/EIS. With fewer trains operating, the expected ridership under the Revised 2012 Business Plan would be lower, and impacts (such as traffic and noise) associated with the train operations in 2035, would generally be less than the impacts presented in this EIR/EIS. Similarly, the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas emissions, reduced energy consumption) would be fewer than the benefits presented in this EIR/EIS (see Appendix 1-A). As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the full system. A specific time frame has not been set for the implementation of Phase 2; that time frame will depend on funding availability and direction from the board of directors of the California High-Speed Rail Authority.

Response to Submission BO036 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 18, 2011) - Continued

BO036-5

Other features of the blended approach, as defined in the Revised 2012 Business Plan, would not have any direct implication for the analysis that was performed for the Fresno to Bakersfield Section, because this HST section will be constructed to its ultimate HST track configuration in the near term as part of the IOS. The capital costs for the Fresno to Bakersfield Section did not change with the Revised 2012 Business Plan, but the operational costs would incrementally grow over a longer period because the number of trains operating and the ridership would take longer to build to the level envisioned in the EIR/EIS.

BO036-6

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-21.

BO036-7

Refer to Standard Response FB-Response-GENERAL-16.

Submission BO037 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 22, 2011)



August 17, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period–Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

The Citizens for California High Speed Rail Accountability (CCHSRA), a non-profit organization representing residents and landowners in Kings County request that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period. We urge that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are intended to make sure that governmental decisions that might affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system.

The stakes are very high with respect to the impacts that are likely to be associated with the proposed project through Kings County. There will be massive impacts on working farms and the local farm economy, all along the route, with associated social and economic impacts; there will be significant air quality, global warming, and transportation impacts; there will be very significant impacts on endangered species and wetlands; there will be very significant impacts on prime agricultural land; there will be significant public health and safety issues, and significant growth-inducing impacts. Furthermore, there are a number of possible alternatives and mitigations that should be considered, and this will require detailed analysis. All of these issues must be addressed thoroughly, and in detail, and the ability of the Authority to do an adequate and required review is directly tied to the quality of the public comment received.

Forty-five (45) days is simply not an adequate time period to allow the kind of public involvement and comment that both CEQA and NEPA require in connection with the

BO037-1

environmental review of a project of this extent and complexity. The physical work contemplated in this section of the proposed high-speed train project will occur in a geographic area that is approximately 113 miles in length. The proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and over \$4 billion dollars are proposed to be expended on the proposed project between Fresno and Bakersfield. It would be unconscionable for the Authority not to provide at least a ninety (90) day review period. The following are a few examples of projects, many smaller and less complex that were give review periods greater than 45 days and a much as 90 days review periods:

- California Bay Delta Water Conservation Plan (90 days)
- Granite Mountain Wind Project (90 days)
- PG&E San Joaquin Valley Operations and Maintenance Program Habitat Conservation Plan
- Both the DEIR and SEIR for the 241 Foothill South Toll Road in Orange County (90 days)
- The I-5 Widening Project in San Diego (90 days)
- Renewable Energy Action Team - Renewable Portfolio for Standard Energy Projects (Ivanpah Solar 90 days)
- <http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy.Par.68898.File.dat/2011%20REAT%20Milestones.pdf>
- DesertXpress High Speed Passenger Train (60-day)

Much of the area within which the project is proposed, within the Fresno to Bakersfield section, is rural and agricultural land. The residents who know the most, and whose comments are going to provide the information that both CEQA and NEPA demand be provided, are largely working farmers and their families. A forty-five (45) day review period, during the months of August and September, comes at a time, both in terms of vacation schedules and the normal course of agricultural operations in the affected area, during which farmers and local residents are *least* able to engage in the comment and review process. In order to allow those most affected with a reasonable opportunity to participate, a ninety (90) day review period is required.

Furthermore, our group and its members take very seriously the need to bring forth factual materials relating to the adverse impacts that the proposed project is likely to cause cause, and we intend to retain experts who can help the Authority fully understand such likely project impacts. The whole purpose of CEQA and NEPA is to make sure that the decision makers have the best possible information, before making a decision that might adversely affect the environment. In order to be able to have appropriate expert comment, it is absolutely vital that the comment period be extended, as we are requesting.

Again, we urge you, in the strongest terms possible, to extend the review period to provide the public ninety (90) days, not forty-five (45) days, to comment on the potential environmental impacts of the proposed project in the Fresno to Bakersfield section. Thank you for your positive response to this request.

Yours truly,

Aaron Fukuda
Co-Chairman CCHSRA

Submission BO037 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 22, 2011) - Continued

3

cc: Governor Jerry Brown
First Lady Anne Gust Brown
Cliff Rechtschaffen, Senior Advisor to the Governor
Ken Alex, Director, Governor's Office of Planning and Research
John Laird, Secretary of Resources
Karen Ross, Department of Agriculture
Joseph Szabo, FRA
The Honorable Jim Costa
Connell Dunning, U.S. EPA
Michael Jewell, U.S. Army Corp of Engineers
Michael Rubio, Senator
David Valdao, Assemblyman
Kings County Board of Supervisors
Other Interested Persons

Response to Submission BO037 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 22, 2011)

BO037-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 22, 2011)



August 18, 2011

Thomas J. Umberg, Chairperson
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Re: Residents of Kings County Petition for 90-Day Public Review of the Fresno - Bakersfield EIR/EIS

Dear Mr. Umberg and Board Members:

BO038-1

On August 13, 2011 the Citizens for California High Speed Rail Accountability (CCHSRA) held an event in Hanford, California where residents came to support the efforts of CCHSRA and to learn more about the California High Speed Rail Project. During the event members of CCHSRA talked with residents about the public Environmental Impact Report / Environmental Impact Statement (EIR/EIS) and discussed the 45-day public comment period. Residents who were in support of a 90-day public review and comment period signed the attached "90-Day EIR Request" forms attached to this letter. There are approximately 300 signatures that were gathered from the attendees.

In discussion with CCHSRA members, residents in Kings County cited the following responses to request a 90-day review period:

- The EIR/EIS is a very large document covering a wide variety of topics. The ability to even print or obtain a paper copy of the document is prohibitive. Many resident questioned how anyone is expected to review such a large document in only 45-days. A 90-day review period allows an individual to better manage the large volume of printing, reading and documenting that is required.
- Many of the residents who signed the document indicated that the ability to have the public read such a large document is hampered by the need to maintain normal business hours and read the EIR/EIS after hours.
- Some families cited that the current time of year, which is when school is starting is very busy and some indicated that last-minute vacations, which had been planned far in advance, would interfere with time devoted to reviewing the EIR/EIS.
- The EIR/EIS is based upon information that is currently being re-evaluated and also resubmitted (ridership and financial plans). It was recommended to allow the EIR/EIS review period to extend beyond the release of these documents, as they will have an impact on the analysis submitted within the EIR/EIS.

Most importantly, residents in Kings County indicated that increasing the public review period would ensure that the public has proper time to read and respond to the EIR/EIS given that this project will forever change the landscape of Kings County. The added time to evaluate the project EIR/EIS is meaningless in its potential for long term impact. We hope that you will take the signatures on this petitions as 300 individual requests for an extension of the EIR/EIS public review and comment period and allow us the opportunity to properly participate in the public process. **We ask that the California High Speed Rail Authority provide an agenda item for the next Authority Board meeting on August 25, 2011 to discuss and approve and extension of the EIR/EIS public review period from 45-days to 90-days.**

We thank you your time in reviewing this letter and our request. If you have any further questions or comments you can reach me at (559) 707-8928 or via email at cchsraorg@gmail.com.

Sincerely,


Aaron Fukuda
Co-Chairman, CCHSRA

cc: Governor Jerry Brown
Joseph Szabo, Federal Railroad Administration

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name STANLEY CRAWSHAW	Signature <i>Stanley Crawshaw</i>	Address 8798 Taylor Blvd 8798 Taylor Blvd Lemoore CA 93242
Print Name Sandra Hill	Signature <i>Sandra Hill</i>	Address 377 W. Ash St Hercules CA 93320
Print Name Phedra A. Hill	Signature <i>Phedra A. Hill</i>	Address 3917 W. Ash Hercules CA 93320
Print Name Chad S. Dias	Signature <i>Chad S. Dias</i>	Address 857 E. Ewas Dr. #247 South Merced CA, 93354
Print Name AL MORRISON	Signature <i>Al Morrison</i>	Address 8664 Cairo Ave Lemoore CA 93242
Print Name Casper Morrison	Signature <i>Casper Morrison</i>	Address 8664 Cairo Ave Lemoore CA 93242
Print Name DAVID W ZANOT	Signature <i>David W Zanot</i>	Address 8552 Cairo Ave Lemoore CA 93242
Print Name Mike Daniel	Signature <i>Mike Daniel</i>	Address 2446 Cedar Ave Lemoore 93242
Print Name Cossy Stewart	Signature <i>Cossy Stewart</i>	Address 2250 9th Ave Lemoore, CA 93242
Print Name J. L. Short	Signature <i>J. L. Short</i>	Address 2251 9th Ave Lemoore CA 93242
Print Name George J. Rogstad	Signature <i>George J. Rogstad</i>	Address 2174 9th Ave Lemoore CA 93242
Print Name Dale R. Carl	Signature <i>Dale R. Carl</i>	Address 7534 N. Highland Fresno, Ca 93711

For more information please contact cchsraorg@gmail.com

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Lucio Ferrer	Signature <i>Lucio Ferrer</i>	Address 4045 Houston Ave
Print Name gabry garcin	Signature <i>gabry garcin</i>	Address 4449 W. Walnut
Print Name Michelle McAlmon	Signature <i>Michelle McAlmon</i>	Address 350 E. Hazelwood St
Print Name Araceli Rios	Signature <i>Araceli Rios</i>	Address 17310 AVALON STREET
Print Name Rebecca Reynolds	Signature <i>Rebecca Reynolds</i>	Address 973 Cedarwood St.
Print Name Mike Reynolds	Signature <i>Mike Reynolds</i>	Address 973 Cedarwood St
Print Name Nail Bellamy	Signature <i>Nail Bellamy</i>	Address 11750 Parker Ave
Print Name Key Bellamy	Signature <i>Key Bellamy</i>	Address 11750 Dever Ave.
Print Name Ernie Souza	Signature <i>Ernie Souza</i>	Address 9009 Flint Ave Hawthorne
Print Name Sherry Danna	Signature <i>Sherry Danna</i>	Address 5381 16th Ave Hawthorne
Print Name William Danna	Signature <i>William Danna</i>	Address 5381 16th Ave Hawthorne

For more information please contact cchsraorg@gmail.com

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY 90 DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Caitina EHK	Signature <i>Caitina EHK</i>	Address 4107 Fernwood Dr. Hnd.
Print Name Renee A. Castro	Signature <i>Renee A. Castro</i>	Address 8264 6th Ave Hanford CA
Print Name Joe Neves	Signature <i>Joe Neves</i>	Address P.O. Box 642, Stratford CA 93266
Print Name Travis Mann	Signature <i>Travis Mann</i>	Address 45214 CA 93291
Print Name Gina Mann	Signature <i>Gina Mann</i>	Address 5844 W. Crowley Ave Visalia CA 93291
Print Name Joshua Cordero	Signature <i>Joshua Cordero</i>	Address P.O. Box 8242 Arroyo CA 93202
Print Name Mark Hucknall	Signature <i>Mark Hucknall</i>	Address 333 E. Lincoln Dr Apt 208 Lemoore CA 93245
Print Name MARGARET AZAROV	Signature <i>MARGARET AZAROV</i>	Address 11975 137th Ave Bakersfield CA 93230
Print Name Tracey Brazil	Signature <i>Tracey Brazil</i>	Address 9553 Avenue Lemoore CA 93241
Print Name Jim Brazil	Signature <i>Jim Brazil</i>	Address 9553 Denver Ave Lemoore CA 93242
Print Name Mary Jane Brazil Mary Jane Brazil	Signature <i>Mary Jane Brazil</i>	Address 4494 80th Street Bakersfield CA 93320

For more information please contact cchsrorg@gmail.com

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY 90 DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name SIMPSON SUZA	Signature <i>Suzanne Simpson</i>	Address 9009 Flint Ave Hanford
Print Name Susan Keith	Signature <i>Susan Keith</i>	Address 2402 Cortez Way Hfd
Print Name Duggie Ormide	Signature <i>Duggie Ormide</i>	Address 1110 14th Ave Hfd
Print Name RAY WENNER	Signature <i>Ray Wenner</i>	Address 4285 9th Ave.
Print Name JOHN WENDER	Signature <i>John Wender</i>	Address 4225 9th Ave
Print Name ASHLEY MATOS	Signature <i>Ashley Matos</i>	Address 2260 SHATTUCK Ave
Print Name Alex Matos	Signature <i>Alex Matos</i>	Address 2260 Shattuck Ave.
Print Name Leland Bartram	Signature <i>Leland Bartram</i>	Address 4251 9th Ave
Print Name Lunde Bartram	Signature <i>Lunde Bartram</i>	Address 4251 9th Ave
Print Name JEFF RAGSDALE	Signature <i>Jeff Ragsdale</i>	Address 702547 St TUCALE CA
Print Name Stella Ragsdale	Signature <i>Stella Ragsdale</i>	Address 702547 St TUCALE CA 93274

For more information please contact cchsrorg@gmail.com

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA), August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Annette Valdez	Signature <i>Annette Valdez</i>	Address 1400 N. Harris St. Hanford
Print Name Christy R. Meyer	Signature <i>Christy R. Meyer</i>	Address 205 E. Birch Ave. Hanford
Print Name Sarah White	Signature <i>Sarah White</i>	Address 7549 Excelsior Ave. Hanford
Print Name Cynthia White	Signature <i>Cynthia White</i>	Address 7549 Excelsior Ave. Hanford
Print Name John White	Signature <i>John White</i>	Address 11420 16th Ave. Hanford
Print Name Linda Silveira	Signature <i>Linda Silveira</i>	Address 1733 W. Daleway Rd.
Print Name MYRON DIFUSA	Signature <i>Myron Difusa</i>	Address 5220 Fluvial Ave. Hanford
Print Name Miguel Kuba	Signature <i>Miguel Kuba</i>	Address 8025 4th Street. Hanford
Print Name Kathy Neves	Signature <i>Kathy Neves</i>	Address PO Box 8292 Armona 93202
Print Name Allison Cordero	Signature <i>Allison Cordero</i>	Address 233 E. Cinnamon St. Hanford
Print Name Rebecca Hucknall	Signature <i>Rebecca Hucknall</i>	Address 1103 E. Bay. Hanford

For more information please contact cchsraorg@gmail.com

90-Day EIR Request

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Print Name Maureen Fukuda	Signature <i>Maureen Fukuda</i>	Address 895 Laura Lane Hanford
Print Name Don Mattos	Signature <i>Don Mattos</i>	Address 1750 Coolidge Circle Hanford
Print Name Mark A Lopez	Signature <i>Mark A Lopez</i>	Address 322 W. Northside Dr. Hanford
Print Name Alan Scott	Signature <i>Alan Scott</i>	Address 1318 Whittemore St. Hanford, CA
Print Name Jenny Ty Mizote	Signature <i>Jenny Ty Mizote</i>	Address 40 Box 94, Lodi, CA 93242
Print Name Fumiko Mizote	Signature <i>Fumiko Mizote</i>	Address 2205 Lemmon Way Hanford, CA 93202
Print Name LARRY CRAWFORD	Signature <i>Larry Crawford</i>	Address 25282 Ave 190 PO 477
Print Name Laura Crawford	Signature <i>Laura Crawford</i>	Address 20 BOX 477 STICKUMME CA 93207
Print Name Donna Marshall	Signature <i>Donna Marshall</i>	Address 7530 Jersey Ave Hanford CA 93230
Print Name Rosalyn Swale	Signature <i>Rosalyn Swale</i>	Address 400 Mountain View St. Hanford, CA 93230
Print Name Brenda Church	Signature <i>Brenda Church</i>	Address 8600 Kansas Ave. Hanford 93206

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Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA), August 22, 2011) - Continued

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Print Name GIMIC VENTURA	Signature <i>[Signature]</i>	Address 5147 Spanish Bogt N V 914134
Print Name JIM NAGA	Signature <i>[Signature]</i>	Address 8062 GARRETTVILLE AVE
Print Name CAEER PERCE	Signature <i>[Signature]</i>	Address 8236 E. CALHOUN AVE SELMA
Print Name Dean Shirogama	Signature <i>[Signature]</i>	Address 20770 Lacey Blvd Lemoore
Print Name YOLANDA HOFMANS	Signature <i>[Signature]</i>	Address 201 E. TENTH ST. HARTF
Print Name Mary Parkat	Signature <i>[Signature]</i>	Address 12016 Excelsior Ave
Print Name Dana Masetto	Signature <i>[Signature]</i>	Address 13366 9th Ave
Print Name Mark Cole	Signature <i>[Signature]</i>	Address 860 E Greengrille # 52
Print Name Norman Van Beek	Signature <i>[Signature]</i>	Address 11160 Dover Ave
Print Name Cristy Hella Indystelle	Signature <i>[Signature]</i>	Address 1465A Shasta Ave. Hartf.
Print Name Eric John de Jong	Signature <i>[Signature]</i>	Address 809 Lansing Ave Hartford

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Print Name THEO DE HAAN	Signature <i>[Signature]</i>	Address 7685 KANSAS AVE HARTFORD
Print Name JEANNE DE HAAN	Signature <i>[Signature]</i>	Address 7035 Kansas Ave Hartford
Print Name Renana Bergman	Signature <i>[Signature]</i>	Address 1577 Jackson Ave Hartford 93250
Print Name Janet Barbair	Signature <i>[Signature]</i>	Address 10886 9th Ave Hartford
Print Name myron barband	Signature <i>[Signature]</i>	Address 10886 9th Ave Hartford 93250
Print Name Kristen French	Signature <i>[Signature]</i>	Address 13215 10th Ave Hartford, CA
Print Name Carl Funen	Signature <i>[Signature]</i>	Address 1215 10th Ave Hartford 93250
Print Name SOB DORNE	Signature <i>[Signature]</i>	Address 2016 9th AVE LATHR
Print Name Gina Oliveira	Signature <i>[Signature]</i>	Address 8935 22nd Ave, Lemoore
Print Name Franklin T. Oliveira	Signature <i>[Signature]</i>	Address 8835 22nd Ave Lemoore CA
Print Name Heather A. Oliveira	Signature <i>[Signature]</i>	Address 8835 22nd Ave, Lemoore CA 93245

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 August 22, 2011) - Continued

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Print Name Dina Fukuda	Signature <i>Dina Fukuda</i>	Address 7450 Mountain View Street Hanford, CA 93230
Print Name Johnathan L. Brooks	Signature <i>Johnathan L. Brooks</i>	Address 8463 Kearsus Rd. #118
Print Name Marty J. Dutra	Signature <i>Marty J. Dutra</i>	Address 7425 Flint Ave, Hanford, CA
Print Name Carey Takasaki	Signature <i>Carey Takasaki</i>	Address 1411 W. Chianti Way Hanford, CA 93230
Print Name David Hill	Signature <i>David Hill</i>	Address PO Box 63 Riverdale, CA 93254
Print Name Amanda Owen	Signature <i>Amanda Owen</i>	Address 824 Kansas Ave Hfd CA
Print Name Arlene Maccagno	Signature <i>Arlene Maccagno</i>	Address 12864-13th Rd Hfd CA
Print Name KURT LEAL	Signature <i>Kurt Leal</i>	Address 852 E GAMINGFIELD BLDG HANFORD, CA 93230
Print Name MAREN DIAZ	Signature <i>Maren Diaz</i>	Address 2758 N CHESTNUT HFD CA 93230
Print Name Gonzala DeDoboe	Signature <i>Gonzala DeDoboe</i>	Address 8534 Meadow Ct Hanford, CA
Print Name Joe Matos	Signature <i>Joe Matos</i>	Address 3888 AVE 222 Tolosa

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Print Name ANTHONY BERIL	Signature <i>Anthony Beril</i>	Address 13425 7th Ave Hfd CA
Print Name AUSIE LAWRENCE	Signature <i>Ausie Lawrence</i>	Address 11560 Elder Ave Hfd.
Print Name CATHY LAWRENCE	Signature <i>Cathy Lawrence</i>	Address 522 W. Fargo, Hanford
Print Name FRANK ROMERO	Signature <i>Frank Romero</i>	Address 10087 HOPE ST. HFD
Print Name Steve Nicholas	Signature <i>Steve Nicholas</i>	Address 2025 Sumbel Kingsbury
Print Name RON GABLE	Signature <i>Ron Gable</i>	Address 1250 W. Laurel Ave. Visalia, CA
Print Name Dawn Goble	Signature <i>Dawn Goble</i>	Address 1200 W. Laurel Ave Visalia, Ca
Print Name Sharon Weber	Signature <i>Sharon Weber</i>	Address 5417 N. Reese Ave Fresno
Print Name Cassandra Padelford	Signature <i>Cassandra Padelford</i>	Address 20300 753 Hanford CA
Print Name Abeira Britzil	Signature <i>Abeira Britzil</i>	Address 6255 Hgt. Laurel, Hfd, CA
Print Name JOE MACHADO	Signature <i>Joe Machado</i>	Address 8702 LAUREL AVE CA 93230

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Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

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Print Name Sherry A. Aroniten	Signature <i>Sherry A. Aroniten</i>	Address PO Box 101 Bakersfield CA 93366
Print Name Anthony Hamilton	Signature <i>Anthony Hamilton</i>	Address 15 Same as above
Print Name Angie Machado	Signature <i>Angie Machado</i>	Address 878 2 Lansing Ave - Hanford
Print Name Mark Tos	Signature <i>Mark Tos</i>	Address 8605 Excelsior Ave
Print Name Jordan Kuski	Signature <i>Jordan Kuski</i>	Address 1200 N Lincoln Ave, Danbury, CA 93440
Print Name Luis Orozco	Signature <i>Luis Orozco</i>	Address 1508 8 51st Ave Hanford
Print Name Dale Kuntz	Signature <i>Dale Kuntz</i>	Address 1805 Mc Kinley Ave Hanford
Print Name Roger Rose	Signature <i>Roger Rose</i>	Address 3540 W. Tulare Ave Tulare
Print Name Roum Montromery	Signature <i>Roum Montromery</i>	Address 671 MILLSIDE ST Hanford, CA
Print Name JONETTE MONTROMERY	Signature <i>JM</i>	Address 671 MILLSIDE ST Hanford CA
Print Name John E Mello	Signature <i>John E Mello</i>	Address 8867 Houston Ave

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Print Name Don Wilcox	Signature <i>Don Wilcox</i>	Address 809 MOFFAT DR. Hanford CA 93230
Print Name RILEY C STUART	Signature <i>Riley C Stuart</i>	Address 2974 Kuyana Ln Hanford CA 93230
Print Name BETTY VAN SOELEN	Signature <i>Betty Van Soelen</i>	Address 348 Timbaleia Hanford CA 93230
Print Name Diana Rapozo	Signature <i>Diana Rapozo</i>	Address 4844 Pondrosa Rd. Hanford CA 93230
Print Name Cathy Marcugin	Signature <i>Cathy Marcugin</i>	Address 1133 Hawthorn St. Hanford CA 93230
Print Name Cyrils Marcugin	Signature <i>Cyrils Marcugin</i>	Address 1133 Hawthorn St Hanford CA 93230
Print Name Diana Marcugin	Signature <i>Diana Marcugin</i>	Address 844 Pondrosa Hanford
Print Name Chivenc Santos	Signature <i>Chivenc Santos</i>	Address 1133 Home Ave Hanford
Print Name Jane E Haggard	Signature <i>Jane E Haggard</i>	Address 6481 W 16th Ave Hanford, CA 93230
Print Name Louis SALAZAR	Signature <i>Louis Salazar</i>	Address 2420 Wirth Hanford CA 93230
Print Name Jean Ishimatsu	Signature <i>Jean Ishimatsu</i>	Address 2116 E. Sierra Dr. Bakersfield CA 93312

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 August 22, 2011) - Continued

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Print Name Steve Mendonhall	Signature 	Address 6655 N 11th Ave, Hanford 93230
Print Name Katie Mendonhall	Signature 	Address 6655 N 11th Ave, Hanford, CA 93230
Print Name Dox Caritto	Signature 	Address 1958 S. Courtright Hanford 93230
Print Name Beralaine Straker	Signature 	Address 3573 Arroyos Ave, Clovis, CA 93607
Print Name Gregory A. Swales	Signature 	Address 3573 Arroyos Ave, Clovis, CA 93607
Print Name Marie Rodriguez	Signature 	Address 930 Moffat Dr. Hanford
Print Name Wmanuel Rodriguez	Signature 	Address 930 Moffat Dr. Hanford
Print Name Robert Lohse	Signature 	Address 950 Moffat Dr. Hanford
Print Name Teresa Lohse	Signature 	Address 7549 Excelsior Ave, Hanford
Print Name Rollin Dwy	Signature 	Address 21021 18th ave, Hanford 93230
Print Name Karen Whyte	Signature 	Address 11420 16th Ave Lemoore

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Print Name Natalie Dutra	Signature 	Address 6502 Baxton Kingsing, CA 951
Print Name Natalie Dutra	Signature 	Address 6502 Baxton Kingsing, CA 951
Print Name Tara Mueca, AN	Signature 	Address 6502 Baxton Kingsing, CA 951
Print Name Natalie Mueca	Signature 	Address 6502 Baxton Kingsing, CA 951
Print Name Eugene Rose	Signature 	Address 17033 Everett Ave., Lemoore, 9824
Print Name Joyce Babin	Signature 	Address 813 E Florida St. Hanford, CA 93230
Print Name John Harris	Signature 	Address 1075 Dr. Francis Hanford 93230
Print Name Cynthia A. Harris	Signature 	Address 1075 Dr. Francis, Hanford, CA 93230
Print Name Luis OLIVEIRA	Signature 	Address 14253 Lacey Blvd Hanford, CA 93230
Print Name Phyllis Browning	Signature 	Address 8046 Quire Ave, Lemoore, CA 93242
Print Name Ross Browning	Signature 	Address 8046 Quire Ave, Lemoore, CA 93242

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Print Name	Signature	Address
Jeremy Reis	<i>[Signature]</i>	12445 Ave 326 Visalia CA 93281
Deborah Ferreira	<i>[Signature]</i>	5594 Ave 304 Visalia CA 93241
Aaron Fukuda	<i>[Signature]</i>	5749 Ave 304 Visalia CA
Joe L. Dias	<i>[Signature]</i>	11951 - 1 st Ave. Hfd.
Angeline Dias	<i>[Signature]</i>	''
Geradette Bolton	<i>[Signature]</i>	6218 E. Floral Ave., Selma
Fred Bolton	<i>[Signature]</i>	6218 E. Floral, Selma
LEONARD DIAS	<i>[Signature]</i>	9380 7 th Ave HANFORD, CA
Shawn Hynes	<i>[Signature]</i>	1199 Goleto ¹⁹⁹⁴ Hanford
Cindy Diaz	<i>[Signature]</i>	12700 7 th Ave. Hfd
Joseph Diaz	<i>[Signature]</i>	12700 7 th Ave. Hfd. CA

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Print Name	Signature	Address
MARY SOUZA	<i>[Signature]</i>	108518 River Blvd Hanford
LEONARD SOUZA	<i>[Signature]</i>	10848 DOVER AVE Hanford
MARCI JANE LOYA	<i>[Signature]</i>	2575 CHESTNUT #FL
RALPH LOYA	<i>[Signature]</i>	-
John De Raedt	<i>[Signature]</i>	6944 2 1/2 Ave Lemoore CA
Teresa Evangelo	<i>[Signature]</i>	6780 Excelsior Hanford CA
Anthony Evangelo	<i>[Signature]</i>	6780 Excelsior Hanford CA
Jason Evangelo	<i>[Signature]</i>	2315 Ashwood Ct Hanford CA
Matthew Evangelo	<i>[Signature]</i>	6926 6th Ave Hanford CA
LAWREN EVANGELO	<i>[Signature]</i>	6926 6th Ave Hanford, CA
John Silveira	<i>[Signature]</i>	1250 Mary St Hanford CA

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Print Name	Signature	Address
Belley Silveira	<i>Belley Silveira</i>	1250 May St. Hanford
Meryl Mattos	<i>Meryl Mattos</i>	1750 College Circle Hanford
KORI SARGENT	<i>Kori Sargent</i>	2408 LAKEWAY HANFORD
Jared Silveira	<i>Jared Silveira</i>	1250 May St
Dennis Sargent	<i>Dennis Sargent</i>	2608 Lake Way Rd.
Kathy Sargent	<i>Kathy Sargent</i>	2408 Lake Way Hanford Ca
Jinda Halse	<i>Jinda Halse</i>	10355 Excelsior Ave Hanford
Shirley Padgett	<i>Shirley Padgett</i>	5408 FARGO AVE HANFORD
WAVE R. MACHADO	<i>WAVE R. MACHADO</i>	5408 Fargolave Hanford
Frank Ferreira Jr.	<i>Frank Ferreira Jr.</i>	5594 Ave 301 Hanford
Thomas Ferreira	<i>Thomas Ferreira</i>	5594 Ave 301 Visalia, CA

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Print Name	Signature	Address
Frank Ramos	<i>Frank Ramos</i>	704 Manor Ave. HF
Kathleen Ramos	<i>Kathleen Ramos</i>	704 Manor Ave Hanf
Alisa Hunt	<i>Alisa Hunt</i>	800 E Garfield #100
DAVID B. HINAS	<i>David B. Hinas</i>	800 E Garfield #100
JEFF W SPANSTRA	<i>Jeff W Spanstra</i>	800 E Garfield #100
Janya Cantu	<i>Janya Cantu</i>	1749 1/2 Ave Hanford
Koumbe Strohler	<i>Koumbe Strohler</i>	10035 Heath St HF
BERGELA SEETI	<i>Bergela Seeti</i>	780 Lawrence Lane
Lucy Mataran	<i>Lucy Mataran</i>	1318 Wilshire, Hanford
Donald Frances	<i>Donald Frances</i>	4514 S. West Ave. Fresno
ERIC D. SALAZAR	<i>Eric D. Salazar</i>	10528 7th Ave Hanford
		7273 W. San Carlos Fresno

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Print Name Natalie Freitas	Signature <i>Natalie Freitas</i>	Address Fresno, CA 93723
Print Name Shanee Toste	Signature <i>Shanee Toste</i>	Address 1273 W San Carlos
Print Name Manuel Toste Jr.	Signature <i>Manuel Toste Jr.</i>	Address 1221 N. Richmond Bakersfield CA 93330
Print Name Lexee Toste	Signature <i>Lexee Toste</i>	Address 1221 N. Richmond Bakersfield CA 93330
Print Name MANUEL J TOSTE SR	Signature <i>Manuel J. Toste Sr.</i>	Address 5453 Eldorado Hill
Print Name MARSADET L TOSTE	Signature <i>Marsadette L. Toste</i>	Address 11
Print Name GERALD TOSTE	Signature <i>Gerald Toste</i>	Address 11
Print Name Paul Hendrix	Signature <i>Paul Hendrix</i>	Address 530 E. Estate Dr. Tulare CA 93274
Print Name Mildred F. Downing	Signature <i>Mildred F. Downing</i>	Address 4944 Penderosa Rd Hawthorn Ca 95230
Print Name Kara Soule	Signature <i>Kara S. Soule</i>	Address 7400 Mountain View Rd Hfd CA 93230
Print Name Andrea Pepe	Signature <i>Andrea Pepe</i>	Address 132 Maple Way Hwy, Ca 93230

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Print Name Amanda Bunt	Signature <i>Amanda Bunt</i>	Address 480 D. Wood Oak off G. 9320
Print Name Stephen Pepe	Signature <i>Stephen Pepe</i>	Address 9914 Elm Way off G. 1143220
Print Name Stacie Myers	Signature <i>Stacie Myers</i>	Address 9875 Cedar Way off G. 93230
Print Name REGINA GOMEZ	Signature <i>Regina Gomez</i>	Address 8713 W. AMBER WAY, HFD CA
Print Name Mike Pepe	Signature <i>Mike Pepe</i>	Address 1104 Cedar Way, CA 93230
Print Name ALEX GOMEZ	Signature <i>Alex Gomez</i>	Address 597 W. AMBER WAY, HFD, CA
Print Name Anthony Pepe	Signature <i>Anthony Pepe</i>	Address 130 Maple Way off G.
Print Name TAMARA JOHNSON	Signature <i>Tamara Johnson</i>	Address 9917 Edna Way off G.
Print Name MARK JOHANSON	Signature <i>Mark Johnson</i>	Address 9917 Edna Way off G.
Print Name TRESA BOBO	Signature <i>Tresa Bobo</i>	Address 3616 N. DELITO, Fresno, CA.
Print Name Warner Gansh	Signature <i>Warner Gansh</i>	Address 11464 13th Street, Hfd, Ca.

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Print Name Loraine B. Henson	Signature <i>Loraine B. Henson</i>	Address 1505 Dilwood AVE CA
Print Name Holly Rosa	Signature <i>Holly Rosa</i>	Address 10074 2nd Ave. Plac CA
Print Name Noel Rosa	Signature <i>Noel Rosa</i>	Address 12074 2nd Ave. Hanford
Print Name GARY WESTER	Signature <i>GARY WESTER</i>	Address 2104 W Magnolia CA 93215
Print Name Tammie A. Wenter	Signature <i>Tammie A. Wenter</i>	Address 2104 W Magnolia Ave. CA 93215
Print Name SARAH WENTER	Signature <i>SARAH WENTER</i>	Address 2104 W Magnolia Ave. CA
Print Name Hussa Soobtra	Signature <i>Hussa Soobtra</i>	Address 1746 912 Avenue - Hanford, CA 93230
Print Name Ryan Camare	Signature <i>Ryan Camare</i>	Address 587 E. Stewart Ct - Hanford CA 93230
Print Name Angela Richards	Signature <i>Angela Richards</i>	Address PO Box 27 Arroyo VA 93207
Print Name MICHELLE FALGOUTA	Signature <i>MICHELLE FALGOUTA</i>	Address 6210 15th AVE Hanford CA 93230
Print Name Frank Olvera	Signature <i>Frank Olvera</i>	Address 5030 22nd Ave. Hanford CA 93230

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Print Name Leigh Ann Ferris	Signature <i>Leigh Ann Ferris</i>	Address 4045 Houston Ave
Print Name Roberta Mendenhall	Signature <i>Roberta Mendenhall</i>	Address 16055 N 11th Ave Hanford CA 93230
Print Name Veronica Carrillo	Signature <i>Veronica Carrillo</i>	Address 1938 S. Courtngist Ave. Hanford
Print Name FLORENCE CARDOZA	Signature <i>FLORENCE CARDOZA</i>	Address 371 BOSTON ST. CA 93230
Print Name DINO GAZMARI	Signature <i>DINO GAZMARI</i>	Address 9550 6th Ave Hanford CA 93230
Print Name MIGUEL MIVA	Signature <i>MIGUEL MIVA</i>	Address 6273 N 11th Ave Hanford CA 93230
Print Name DARIO VAZQUEZ	Signature <i>DARIO VAZQUEZ</i>	Address 17249 9th Ave Hanford, CA 93230
Print Name Terra Valadao	Signature <i>Terra Valadao</i>	Address 17319 9th Ave Hanford CA 93230
Print Name JULIE GIACOMAZZI	Signature <i>JULIE GIACOMAZZI</i>	Address 9550 6th Ave Hanford CA 93230
Print Name JOHN W. TOS	Signature <i>JOHN W. TOS</i>	Address 9870 Coelacanth Ave. Hanford CA 93230

For more information please contact cchsraorg@gmail.com

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Gary Abrams	Signature <i>GAB</i>	Address 35th & Grange W 1/2 Block Hanford CA 93230
Print Name Patrick Silva	Signature <i>Patrick Silva</i>	Address 2101 Cherrywood, Hanford 93230
Print Name Aaron Fukuda	Signature <i>Aaron Fukuda</i>	Address 7450 MAINTAIN VILLO ST. CA 93230
Print Name Frank Marquez	Signature <i>Frank Marquez</i>	Address 20720 S Clavis Ave Lemoore
Print Name Stephanie Diggins	Signature <i>Stephanie Diggins</i>	Address 481 E. Capistrano S. Hanford
Print Name STAN P. YERS	Signature <i>Stan P. Yers</i>	Address 9488 E. Laker Ave. Hanford CA
Print Name Teresa Owen	Signature <i>Teresa Owen</i>	Address 8024 Kansas Ave. Hfd CA
Print Name Michael Ventura	Signature <i>Michael Ventura</i>	Address 574 Spanish Bay Ct 93234
Print Name Angel Luna	Signature <i>Angel Luna</i>	Address 224 E. Cameron St. Hfd CA
Print Name Steve Shea	Signature <i>Steve Shea</i>	Address 7755 Fresno Ave
Print Name Shan Rodriguez	Signature <i>Shan Rodriguez</i>	Address 919 Leiland Hanford CA 93230

For more information please contact cchsrorg@gmail.com

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Vee Soares	Signature <i>Vee Soares</i>	Address 8332 Houston Ave. Hfd
Print Name Angela Soares	Signature <i>Angela Soares</i>	Address 8332 Houston Ave. Hfd
Print Name Briana Bean	Signature <i>Briana Bean</i>	Address 232 N. Lemoore Ave. Hfd 93230
Print Name John W. Warner-Dun	Signature <i>John W. Warner-Dun</i>	Address 7425 Crestmont S. Hanford CA
Print Name Justin Dutra	Signature <i>Justin Dutra</i>	Address 2055 Paralta Clay, Hanford
Print Name YETI ORTIZ	Signature <i>YETI ORTIZ</i>	Address 216 E. FRESNO HANFORD
Print Name JESS ORTIZ	Signature <i>JESS ORTIZ</i>	Address 216 E. FRESNO HANFORD
Print Name Tokyo Fukuda	Signature <i>Tokyo Fukuda</i>	Address 1501 S.L. Ave. Dr., Kingsburg CA 93231
Print Name LINDA TSUTSUI	Signature <i>Linda Tsutsui</i>	Address 15371 S. BETHEL, KINGSBURG CA 93231
Print Name Donna Kuntz	Signature <i>Donna Kuntz</i>	Address 1808 McKinley Ave. Hfd.
Print Name Dorothy Fagundes	Signature <i>Dorothy Fagundes</i>	Address 5795 Denvers, Kingsburg, CA 93231

For more information please contact cchsrorg@gmail.com

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name	Signature	Address
Valley Cedarist	<i>Valley Cedarist</i>	1709 EVERETT DR TRUMBULL, CA 91277
Kathley Rose	<i>Kathley Rose</i>	3540 W. Tulelake Ave, Tulelake
KAREN J. Stout	<i>Karen J. Stout</i>	2250 9th Ave, LATHAM
<i>STEVEN CHOW</i>	<i>STEVEN CHOW</i>	729 E. FLORENDS ST., HANFORD
STEVEN DIAS	<i>STEVEN DIAS</i>	6635 5th Ave Latham
Susan Sorensen	<i>Susan Sorensen</i>	1369 W. DOMINIC WAY
Jackie White	<i>Jackie White</i>	2180 9th Ave, Latham 93242
Todd Brandy	<i>Todd Brandy</i>	2001 N Alameda St Visalia 93291
Shanna Brady	<i>Shanna Brady</i>	1201 N Mendota St Visalia 93291
Charmee Rodriguez	<i>Charmee Rodriguez</i>	401 Alameda St Visalia 93291
Charmee Rodriguez	<i>Charmee Rodriguez</i>	2497 Fir Lane, Hanford

For more information please contact cchsvaorg@gmail.com

PRINT NAME	SIGNATURE	ADDRESS
Sharon Edwards	<i>Sharon Edwards</i>	5640 N. FLORENDS #110 93710
Deneise Lenhof	<i>Deneise Lenhof</i>	1745 E. Cambridge Ave Fresno CA 93703
GARY B JOHNSON	<i>Gary B. Johnson</i>	2494-C HARVARD AVE. KINGSBURG, CA. 93231
MARY C JOHNSON	<i>Mary C Johnson</i>	2494 C HARVARD AVE KINGSBURG, CA 93231
Patricia D Henning	<i>Patricia Henning</i>	15449 S. McCall Kingsburg, Ca 93651
Julie Olson	<i>Julie Olson</i>	Kingsburg, Ca 93651
DIANNA MYRRE	<i>DIANNA MYRRE</i>	3440 Rd. 36 KINGSBURG, CA 93631
Elaine Olson	<i>Elaine Olson</i>	1551 16th AVE. #152 Kingsburg, Ca 93631
Mary M. King	<i>Mary M. King</i>	2275 Plumosa Kingsburg CA 93631

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY [90] DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Ceraldine M. Machado	Signature <i>Ceraldine M. Machado</i>	Address 20150 Rd. 36 Thayer 93279
Print Name Marvin Machado	Signature <i>Marvin Machado</i>	Address 20150 Rd. 36 Thayer 93279
Print Name	Signature	Address

For more information please contact cchsrorg@gmail.com

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY [90] DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name Kelly Defrances	Signature <i>Kelly Defrances</i>	Address 11660 7th Ave. Hfd 93230
Print Name Emilie Lead	Signature <i>Emilie Lead</i>	Address 12566 7th Avenue Hfd 93230
Print Name	Signature	Address

For more information please contact cchsrorg@gmail.com

Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
 August 22, 2011) - Continued

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name NAOMI TAGAWA	Signature <i>Naomi Tagawa</i>	Address 247 W. Shaw St., Hanford, CA
Print Name ANTHONY D. WILCOX	Signature <i>Anthony D Wilcox</i>	Address 731 EYES AVE CARLETON CA
Print Name CARLO J. WILCOX	Signature <i>Carlo J Wilcox</i>	Address 731 Esch Ave, Carleton, 9322
Print Name JANIS L WILCOX	Signature <i>Janis L Wilcox</i>	Address 731 Esch Ave Carleton 9322
Print Name	Signature	Address

For more information please contact cchsrarorg@gmail.com

90-Day EIR Request

By signing this sheet we request that the California High Speed Rail Authority extend the public review and comment period to **NINETY (90) DAYS or until November 19, 2011** to allow the public a reasonable time to review the EIR/EIS for the Fresno-Bakersfield section of the California High Speed Rail. Without sufficient time to review and comment on this document, the Authority will be proceeding with inadequate feedback and information. The potential impact on our community is significant and we ask that the Authority respect our request and grant this project a 90-day public comment period.

Print Name MATT BRACE	Signature <i>Matt Brace</i>	Address 4655 PEMWEE AVE LATON CA 93282
Print Name LeSean Verhoeven	Signature <i>LeSean Verhoeven</i>	Address 12774 Farp Ave. 7log-1, CA 93220
Print Name ANGIE MONTEIRO	Signature <i>Angie Monteiro</i>	Address 3515 Ave 228 Juliete CA 93274
Print Name Melvin Monteiro	Signature <i>Melvin Monteiro</i>	Address 3515 Ave 228 Juliete CA 93274
Print Name Paul Stuber	Signature <i>P. J. Stuber</i>	Address 20020 84th AVE, Hanford
Print Name John Stuber	Signature <i>John Stuber</i>	Address 20020 Eighth Ave, CA 93230
Print Name Barbara Stuber	Signature <i>Barbara Stuber</i>	Address " " " "
Print Name Judy Badasci	Signature <i>Judy Badasci</i>	Address 460 Cherry Lane Lemoore CA 93245
Print Name	Signature	Address
Print Name	Signature	Address

For more information please contact cchsrarorg@gmail.com

Response to Submission BO038 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 22, 2011)

BO038-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 24, 2011)



August 17, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

The Citizens for California High Speed Rail Accountability (CCHSRA), a non-profit organization representing residents and landowners in Kings County request that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period. We urge that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are intended to make sure that governmental decisions that might affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system.

The stakes are very high with respect to the impacts that are likely to be associated with the proposed project through Kings County. There will be massive impacts on working farms and the local farm economy, all along the route, with associated social and economic impacts; there will be significant air quality, global warming, and transportation impacts; there will be very significant impacts on endangered species and wetlands; there will be very significant impacts on prime agricultural land; there will be significant public health and safety issues, and significant growth-inducing impacts. Furthermore, there are a number of possible alternatives and mitigations that should be considered, and this will require detailed analysis. All of these issues must be addressed thoroughly, and in detail, and the ability of the Authority to do an adequate and required review is directly tied to the quality of the public comment received.

Forty-five (45) days is simply not an adequate time period to allow the kind of public involvement and comment that both CEQA and NEPA require in connection with the

BO039-1

environmental review of a project of this extent and complexity. The physical work contemplated in this section of the proposed high-speed train project will occur in a geographic area that is approximately 113 miles in length. The proposed project is the first stage of what would be the *largest public infrastructure project in the history of the State of California*, and over \$4 billion dollars are proposed to be expended on the proposed project between Fresno and Bakersfield. It would be unconscionable for the Authority not to provide at least a ninety (90) day review period. The following are a few examples of projects, many smaller and less complex that were give review periods greater than 45 days and a much as 90 days review periods:

- California Bay Delta Water Conservation Plan (90 days)
- Granite Mountain Wind Project (90 days)
- PG&E San Joaquin Valley Operations and Maintenance Program Habitat Conservation Plan
- Both the DEIR and SEIR for the 241 Foothill South Toll Road in Orange County (90 days)
- The I-5 Widening Project in San Diego (90 days)
- Renewable Energy Action Team - Renewable Portfolio for Standard Energy Projects (Ivanpah Solar 90 days)
<http://www.blm.gov/pedata/etc/medialib/blm/ca/pdf/pa/energy.Par.68898.File.dat/2011%20REAT%20Milestones.pdf>
- DesertXpress High Speed Passenger Train (60-day)

Much of the area within which the project is proposed, within the Fresno to Bakersfield section, is rural and agricultural land. The residents who know the most, and whose comments are going to provide the information that both CEQA and NEPA demand be provided, are largely working farmers and their families. A forty-five (45) day review period, during the months of August and September, comes at a time, both in terms of vacation schedules and the normal course of agricultural operations in the affected area, during which farmers and local residents are *least* able to engage in the comment and review process. In order to allow those most affected with a reasonable opportunity to participate, a ninety (90) day review period is required.

Furthermore, our group and its members take very seriously the need to bring forth factual materials relating to the adverse impacts that the proposed project is likely to cause cause, and we intend to retain experts who can help the Authority fully understand such likely project impacts. The whole purpose of CEQA and NEPA is to make sure that the decision makers have the best possible information, before making a decision that might adversely affect the environment. In order to be able to have appropriate expert comment, it is absolutely vital that the comment period be extended, as we are requesting.

Again, we urge you, in the strongest terms possible, to extend the review period to provide the public ninety (90) days, not forty-five (45) days, to comment on the potential environmental impacts of the proposed project in the Fresno to Bakersfield section. Thank you for your positive response to this request.

Yours truly,

Aaron Fukuda
Co-Chairman CCHSRA

Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
August 24, 2011) - Continued

3

cc: Governor Jerry Brown
First Lady Anne Gust Brown
Cliff Rechtschaffen, Senior Advisor to the Governor
Ken Alex, Director, Governor's Office of Planning and Research
John Laird, Secretary of Resources
Karen Ross, Department of Agriculture
Joseph Szabo, FRA
The Honorable Jim Costa
Connell Dunning, U.S. EPA
Michael Jewell, U.S. Army Corp of Engineers
Michael Rubio, Senator
David Valdao, Assemblyman
Kings County Board of Supervisors
Other Interested Persons

Response to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011)

BO039-1

Refer to Standard Response FB-Response-GENERAL-07.

The Authority and FRA also take very seriously the presentation of factual information in assessing the potential environmental impacts of the proposed project. A multidisciplinary team of environmental scientists specializing in each resource area (see Chapter 9, List of Preparers, of the EIR/EIS) conducted the environmental impact analysis based on the project description using existing information and supplementing that information through fieldwork and other types of data collection. The methodologies employed to assess the impacts are consistent with current accepted practice for each discipline.

Attachment to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011) - American Farmland Trust.pdf



August 24, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

American Farmland Trust (AFT) requests that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period.

Our interest is as a private, nonprofit organization committed to the conservation of agricultural land and to promoting environmentally beneficial farming practices. We have had an office in California since 1983 and count several thousand members in the state. The San Joaquin Valley has long been AFT's primary concern in the state because of its outstanding agricultural resources, its rapid population growth, and low-density development patterns. Much of the area within which the high-speed train project is proposed, within the Fresno to Bakersfield section, is agricultural land. The significant impact on farmland is a concern that needs to be adequately addressed. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system. AFT therefore urges that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

Respectfully,

Edward Thompson, Jr.
California Director

Attachment to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011) - Audobon California.pdf



765 University Avenue
Sacramento, CA 95825
Tel. 916-649-7600
Fax 916-649-7667
www.ca.audubon.org

August 23, 2011

Mr. Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

On behalf of our more than 150,000 members and supporters statewide I respectfully request that the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project.

As you know a Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the on August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five day comment period. We urge that the Authority to extend the comment period to ninety days, or until November 10, 2011.

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are intended to make sure that governmental decisions that might affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Without an adequate opportunity for public participation and comment on the Draft EIR/EIS, the Authority will not have an adequate informational document upon which to base its decision on the routing and related decisions affecting the Fresno to Bakersfield section of the proposed high-speed train system.

We are particularly concerned that there could be very significant impacts on wetlands and wetland-related bird populations along with similar impacts on prime agricultural land. Given that there are a number of possible alternatives and mitigations that should be considered the ability of the Authority to do an adequate review is directly tied to the quality of the public comment received. Forty-five days is simply not sufficient to allow the kind of public involvement and comment that both CEQA and NEPA require on a project of this extent and complexity.

Again we respectfully urge you to extend the review period to provide the public ninety days to comment on the potential environmental impacts of the proposed project.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink that reads "Daniel Taylor".

Daniel Taylor
Director of Public Policy

Attachment to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011) - Defenders of Wildlife.pdf



California Office
1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812
www.defenders.org

August 23, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request for Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:

On behalf of Defenders of Wildlife and our more than 100,000 members and supporters in California, I am writing to request that the Board of Directors of the California High-Speed Rail Authority (Authority) extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) for the Fresno to Bakersfield section of the proposed California high speed train project. We request that the Authority extend the public comment period for this document from forty-five (45) days to ninety (90) days, or until November 10, 2011.

The purpose of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) is to ensure that when government is making decisions that might affect the environment, those decisions are made only after the decision makers are fully informed of the potential environmental impacts of their proposed actions. Therefore, it is essential that there is an adequate opportunity for public review, participation and comment on the draft environmental documents supporting those decisions.

CEQA Guidelines state that 45 days is the **minimum** period of time for public review and comment on a draft EIR that has been submitted to the State Clearinghouse. Public Resources Code §21091(b); CEQA Guidelines §15105 (d). Further, the CEQA Guidelines also state that the public review period for draft EIRs could be for longer than 60 days if there is an unusual situation. CEQA Guidelines §15105 (a).

Here, the Authority has **limited the public comment period to the minimum** number of days for review when it provided a 45-day public review period for the voluminous Draft EIR/EIS for the highly debated Fresno to Bakersfield section of the proposed high-speed train. Instead, the Authority should provide 90 days for public review and comment due to the unusual situation posed by this complicated, controversial, and difficult proposed project. For example, the physical work contemplated in this section of the proposed high-speed train project will occur in a geographic area that is approximately 113 miles in length. Moreover, the proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and more than \$4 billion dollars are proposed to be expended on the proposed project between Fresno and Bakersfield.

National Headquarters
430 17th Street, N.W.
Washington, D.C. 20036-4604
tel 202.682.9400 | fax 202.682.3331



California Office
1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812
www.defenders.org

Further, there are more than enough examples of less complicated and less extensive projects in which public agencies were able to provide a 90-day public review period. Indeed, nearly all of the renewable energy projects proposed on public land in the California desert under ARRA funding deadlines managed to provide the public with 90-day public review periods. (See, <http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy.Par.68898.File.dat/2011%20RE-AT%20Milestones.pdf>)

Thus, for all of the above reasons, we urge you to extend the public review period to 90 days in order to provide the public with sufficient time to review and comment on the potential environmental impacts of the proposed project in the Fresno to Bakersfield section. Thank you for the opportunity to provide our comments on this important matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kim Delfino
California Program Director

National Headquarters
430 17th Street, N.W.
Washington, D.C. 20036-4604
tel 202.682.9400 | fax 202.682.3331

Attachment to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011) - Friends of Harbors Beaches and Parks.pdf



August 23, 2011

FHBP Board of Directors
Joan Watt, President
Manny Klesser, Vice President
Vikki Swanson, Treasurer
Carolyn Wood, Secretary

Stephanie Barger
Denny Boan
Jim Carr
Jack Eidt
Helen Higgins
Bob Joseph
Lori Klesser
Amy Litton
Tom Maloney
Theresa Sears
Don Thomas
Tina Thompson
Mike Wellborn

Supporting Organizations

Amigos de Bolsa Chica
Audubon, Sea & Sage Chapter
Bolsa Chica Conservancy
Caspers Wilderness Park
Volunteers
Earth Resource Foundation
Equestrian Coalition of O.C.
Environmental Nature Center
Great Park Environmental
Coalition
Huntington Beach Wetlands
Conservancy & Wildlife
Care Center
Laguna Canyon Conservancy
Laguna Canyon Foundation
Laguna Greenbelt, Inc.
Newport Bay Conservancy
Sierra Club, Orange County
Surfrider Foundation,
Newport Beach Chapter
Stop Polluting Our Newport
St. Mark Presbyterian Church
Ecophillians

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Evan Henry
Jack Koating
Vic Leipzig
Matt Rayl
Claire Schlotterbeck
Dan Silver, M.D.
Jack Skinner, M.D.
Nancy Skinner
Dick Zembal

Post Office Box 9256
Newport Beach, CA 92653-
9256
949-399-3669
www.FHBP.org

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield
Section

Dear Mr. Umberg and Board Members:

Friends of Harbors, Beaches and Parks, (FHBP) requests that the Board of Directors of the California High-Speed Rail Authority extend the comment period on the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Authority has prepared on the Fresno to Bakersfield section of the proposed California high-speed train project. A Draft EIR/EIS on the Fresno to Bakersfield section of the project was released by the Authority on Tuesday, August 9, 2011, with the Authority indicating that comments on that document must be submitted by September 28, 2011. This is, essentially, a forty-five (45) day comment period.

When the Transportation Corridor Agencies (TCA) released the draft EIRs for the Orange County Tollroads, the public was given a 90 day comment period. Why on statewide project would the Authority propose fewer days to comment than the TCA?

FHBP is a county-wide non-profit formed in 1997 to focus on regional conservation and land use issues in Orange County. Since 2000, we have organized a coalition of conservation and community groups around open space, park, and water quality issues. This coalition is 80+ members strong and has started a new effort focused on regional investments and smart savings. HSR is a regional investment we all care about, but without adequate time to comment on the Draft EIR/EIS, the Authority will be lacking information in its decisionmaking process.

FHBP therefore urges that the Authority to extend the comment period to ninety (90) days, or until November 10, 2011.

Thank you,

A handwritten signature in black ink that reads "Melanie Schlotterbeck".

Melanie Schlotterbeck
Green Vision Project Coordinator

Attachment to Submission BO039 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), August 24, 2011) - The Nature Conservancy.pdf



Sacramento Field Office tel. (916) 449-2850
555 Capitol Mall, Suite 1290 Fax (916) 442-2377
Sacramento, CA 95814 nature.org

August 24, 2011

Tom Umberg
Chair, Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Request for Extension of the Draft EIR/EIS Comment Period

Dear Mr. Umberg and Board Members:

The Nature Conservancy's California Chapter strongly supports a 90 day comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Presently the draft states comments on the document must be submitted by September 28, 2011, requiring only a 45 day comment period. Ninety days is standard for major road projects in California and the draft EIR/EIS are large and complex documents.

The proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and the impacts likely to be associated with the proposed project are large and far reaching, including impacts on working farms and the local farm economy, air quality, and transportation. There will be significant impacts on endangered species and wetlands and significant growth-inducing impacts as well.

In order to allow those most affected with a reasonable opportunity to participate, a 90 day review period is required. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are in place to assure governmental decisions that may affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their

proposed actions. In order to comply with the purpose of CEQA and NEPA and have appropriate expert comment, it is absolutely vital that the comment period be extended.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We hope you will recognize the importance of extending the review period to provide the public 90 days, not 45, to comment on the potential impacts of the proposed projects in the Merced to Fresno and Fresno to Bakersfield sections. Thank you for your sincere consideration of our request.

Sincerely,

Elizabeth O'Donoghue
Director of Infrastructure and Land Use

cc: Governor Jerry Brown
Joseph Szabo, Federal Railroad Administration

Submission BO040 (Aaron Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
September 1, 2011)



August 28, 2011

Tom Umberg, Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Reiteration of Request for Extension of Draft EIR/EIS Public Review Period – Fresno to
Bakersfield and Merced to Fresno

Dear Chairman Umberg,

BO040-1

On August 17, 2011 the Citizens for California High Speed Rail Accountability submitted a letter to the California High Speed Rail Authority (Authority) requesting a public review period of 90 days. At the August 25, 2011 Authority Board Meeting, Mr. Roelof Van Ark indicated in his report that the Authority has received numerous requests for a 90-day review period, and combined with a problem distributing the EIR/EIS the Authority would be granting the public a 15-day extension. This moved the closing of the public review period to October 13, 2011. While the 15-day extension is surely appreciated by many around the region, CCHSRA and its members provided the Authority with legitimate and compelling reasons for a 90-day public review period. **We again are asking that as the lead agency in this process, the Authority extend the EIR/EIS review period to a 90-day window and allow the public to properly participate in the CEQA and NEPA Process.**

CCHSRA would like to reiterate the purpose of allowing a 90-day public review period:

- Without an adequate opportunity for the public to participate in the review and comment period of the Draft EIR/EIS, the Authority will not have adequate information to base its decisions on when reviewing and approving the alignments or the Draft EIR/EIS.
- This project will forever impact the transportation and rural landscape of our region (Kings County) and the Central Valley. Allowing a 90-day window to review these potential impacts to our region seems to be the minimum time required to fully assess the impacts to our region. It should also be noted that landowners impacted by the alignment have yet to be contacted to discuss individual impacts.
- As provided in our August 17, 2011 letter there is a precedent set for projects much smaller in scope than the High Speed Rail to utilize a 90-day window to assess the impacts the project may have.
- Much of the area impacted by the Fresno to Bakersfield and Merced to Fresno alignment is through agricultural ground. Farmers and businesses in the area are currently preparing, or are in the process of harvesting summer crops. These crops include corn, cotton, almonds, fruit, pistachios and various other crops. Much of this harvesting will conclude in October

therefore, granting a 90-day public review period will allow the agricultural community an opportunity to participate in the Draft EIR/EIS public comment period.

- CCHSRA also received copies of letters from other groups requesting the same 90-day public review period, which would indicate that other interested parties are intending to provide input to the public review process. Of notable mention were:
 - o American Farmland Trust
 - o Audubon California
 - o Defenders of Wildlife
 - o Endangered Habitats League
 - o Friends of Harbors, Beaches and Parks
 - o The Nature Conservancy
 - o California Native Plant Society

Lastly, CCHSRA would like to point out to the Authority that the Draft EIR/EIS was initially scheduled for public review in late Spring 2011, however the Authority postponed the release of the document until late Summer 2011. This afforded the Authority essentially a 90-day extension to prepare the document and it would only be appropriate that the public be afforded the same accommodation.

Again we strongly urge you to extend the public review period to ninety (90) days, not sixty (60) days, to allow the citizens impacted by this project the appropriate time to participate. We also request that you provide this extension immediately, to accommodate proper noticing to the public. We appreciate your time attention in this matter. If you have any questions you can reach me at (559) 707-8928 or via email at cchsraorg@gmail.com.

Sincerely,

Aaron Fukuda
Co-Chairman CCHSRA

cc: Governor Jerry Brown
Ken Alex, Director, Governor's Office of Planning and Research
Joseph Szabo, FRA
The Honorable Jim Costa
Other Interested Persons

Response to Submission BO040 (Aaron Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), September 1, 2011)

BO040-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO041 (Stanley Crawshaw, Citizens for California High Speed Rail Accountability (CCHSRA), September 20, 2011)

09-26-11P03:56 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO041-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

Stanley Crawshaw

[Name]

Citizens for California High Speed rail Accountability

[Organization]

9-21-11

Date

Response to Submission BO041 (Stanley Crawshaw, Citizens for California High Speed Rail
Accountability (CCHSRA), September 20, 2011)

BO041-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO042 (Sandra (1), Edward (2) Findley (1), Findley (2), Citizens for California High Speed Rail Accountability (CCHSRA), September 23, 2011)

09-23-11P01:42 RCv3

09-23-11P01:42 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

Dear Chairman and Members of the Board:

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

Signed:

Sandra Findley
[Name]

Edward D. Findley
[Name]

Citizens for California High Speed Rail Accountability
[Organization]

Citizens for California High Speed Rail Accountability
[Organization]

Sept 21, 2011
Date

9/20/11
Date

BO042-1

Response to Submission BO042 (Sandra (1), Edward (2) Findley (1), Findley (2), Citizens for California High Speed Rail Accountability (CCHSRA), September 23, 2011)

BO042-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO043 (Norman Crawshaw, Citizens for California High Speed Rail Accountability (CCHSRA), September 26, 2011)

09-26-11P03:57 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO043-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:



[Name]

Citizens for California High Speed Rail Accountability

[Organization]

09-27-11

Date

Response to Submission BO043 (Norman Crawshaw, Citizens for California High Speed Rail
Accountability (CCHSRA), September 26, 2011)

BO043-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO044 (Shawna Crawshaw, Citizens for California High Speed Rail Accountability (CCHSRA), September 26, 2011)

09-26-11P03:57 RCVD

Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO044-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

Shawna Crawshaw
[Name]

Citizens for California High Speed Rail Accountability
[Organization]

September 21, 2011
Date

Response to Submission BO044 (Shawna Crawshaw, Citizens for California High Speed Rail
Accountability (CCHSRA), September 26, 2011)

BO044-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO045 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), September 28, 2011)



CALIFORNIA
High-Speed Rail Authority

09-28-11P03:04 RCVD

Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto de Informe de Impacto Ambiental/
Declaración de Impacto Ambiental (EIR/EIS)
Audiencias Públicas
Septiembre del 2011

Please submit your completed comment card at the end of the meeting, or mail to:

Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period is from August 15 to ~~September 28~~ ^{September 28}, 2011. Comments must be received electronically, or postmarked, on or before September 28, 2011.

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

Name/Nombre: Charlene Hook
Organization/Organización: CCHSRA
Address/Domicilio: 316 5th Ave
Phone Number/Número de Teléfono: 559-992-5486
City, State, Zip Code/Ciudad, Estado, Código Postal: Corbeem, CA 93219
E-mail Address/Correo Electrónico: Chae6153@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO045-1

The direction + direction provided in Prop 1A was to follow existing transportation corridors. The alignment through Kings County does not follow an existing transportation corridor, it winds through farm ground dissecting parcels into remnant pieces. Small parcels are inefficient to farms given their size + shape. Why was I-5 + 99 removed from the alternatives? Why is not part of the Fresno to Bakersfield EIR/EIS in the report? Were there alternatives not cheaper + with less impacts? How does the Authority intend to understand the impacts to landowners, dairies + property along the alignment if they have not been contacted. How is Govt the "Uniform Act"? Our homes, farmland + dairies are not an "Existing transportation Corridor."

Response to Submission BO045 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), September 28, 2011)

BO045-1

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04,
FB-Response-GENERAL-10, FB-Response-SO-01.

Submission BO046 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 10, 2011)



Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
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September 2011

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Septiembre del 2011

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

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Name/Nombre: Charlene Hook
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 Address/Domicilio: 316 5th Ave
 Phone Number/Número de Teléfono: 559-992-5486
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 E-mail Address/Correo Electrónico: Char161353@netscape.net
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

BO046-1

The media & the public keep advertising this project will bring jobs. How does the Authority intend to guarantee jobs & will these jobs be permanent? How many jobs will be created in King County & be permanent? Did the Authority analyze how many jobs will be lost due to this project? When the project is over, King County will be left with an impassible corridor & all of the associated impacts. The jobs that were promised will be gone. The insistence of government spending to spike local markets has failed once, such as Stimulus funds, and will fail again.

Response to Submission BO046 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 10, 2011)

BO046-1

Refer to Standard Response FB-Response-SO-04, FB-Response-AG-02, FB-Response-GENERAL-14.

The analysis of potential job loss due to business displacement and relocation was performed by alternative, and the results are presented in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #11. A gap analysis of available properties was performed for the relocated businesses, and the results showed that there are suitable replacement locations in the surrounding areas, which means that employees would remain employed at these businesses. See the Draft Relocation Impact Report for the complete analysis (Authority and FRA 2012h). Employees would not lose their jobs because the property acquisition and compensation plan includes provisions to ensure that relocated businesses would remain fully operational at their new location; the plan also includes the option of renovating existing structures to fit the needs of businesses if no comparable properties exist in the surrounding area.

See Volume I, Section 3.12, Impact SO #5 (Temporary Construction Employment) for information on the number of construction jobs that would be created as a result of the project; the ability of the existing regional labor force to fill the demand for the direct construction jobs; and the resulting indirect and induced jobs. Impact SO #14 (Employment Growth), details the long-term jobs that would be created to operate and maintain the project in the region, as well as the jobs created as a result of the improved connectivity of the region to the rest of the state. The total number of new jobs created is estimated to be a 3.2% increase in total employment above the 2035 estimate of 1.4 million total jobs in the region under the No Project Alternative (Cambridge Systematics, Inc. 2010).

Submission BO047 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 10, 2011)



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10-10-11P03:02 RCVD

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Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
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Septiembre del 2011

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Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

¹³ The comment period is from August 15 to ~~September 28~~ ^{Oct 13} 2011. Comments must be received electronically, or postmarked, on or before ~~September 28~~ ^{Oct 13}, 2011.

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E-mail Address/Correo Electrónico: char61353@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO047-1

Does it not make sense to run the alignment from Bakersfield to Los Angeles? Would this not make sense so when the rail does fail it would be useful in that segment instead of creating a useless eye sore that won't be used? This would still be in the "Valley" where you can receive federal funds.

Response to Submission BO047 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 10, 2011)

BO047-1

Refer to Standard Response FB-Response-GENERAL-13.

Submission BO048 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 10, 2011)



Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
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BO048-1

Landowners located within the alignment were never contacted by any Authority staff or consultant. Many landowners discovered their property was within the alignment from accidentally discovering information leaked by staff. How does the Authority intend to understand the impacts to landowners + property along the alignment if they have not been contacted? Does it not follow then that the EIR/EIS document that is currently out is lacking information if the landowners who own, operate + understand the land they own have not been consulted?

Response to Submission BO048 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 10, 2011)

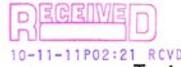
BO048-1

Refer to Standard Response FB-Response-GENERAL-16.

Submission BO049 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



CALIFORNIA
High-Speed Rail Authority



Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
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Public Hearings
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Septiembre del 2011

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Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

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Organization/Organización: CCHSRA
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City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran CA 93012
E-mail Address/Correo Electrónico: charc61353@netscape.net
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO049-1

Why was I-5 removed from the alternatives? Why is it not part of the Fresno to Bakersfield EIR/EIS? Was this alternative not cheaper & with less impacts?

Response to Submission BO049 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO049-1

Refer to Standard Response FB-Response-GENERAL-02.

Submission BO050 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)





10-11-11P02:20 RCVD

Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
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La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
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Audiencias Públicas
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Name/Nombre: Charlene Hook

Organization/Organización: CCHSRA

Address/Domicilio: 316 5th Ave

Phone Number/Número de Teléfono: 559-992-5486

City, State, Zip Code/Ciudad, Estado, Código Postal: Corcoran, CA 93312

E-mail Address/Correo Electrónico: CHAR61353@netscape.net

(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO050-1

The objective + direction provided in Prop 1A was to follow transportation corridors that already exist. The alignment through Kings County does not follow an existing transportation corridor, it winds through farm ground dissecting parcels into remnant pieces. Small parcels are inefficient to farm given their size + shapes. What happened here + what are you going to do about it?

Response to Submission BO050 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO050-1

Where the HST splits a parcel, making the pieces too small for the current owner to economically and efficiently farm, the Authority would purchase the entire parcel and auction off those portions of the remaining land not needed for the HST project.

Submission BO051 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

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La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
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Name/Nombre: Charlene Hook
 Organization/Organización: CCHSRA
 Address/Domicilio: 316 5th Ave
 Phone Number/Número de Teléfono: 559-992-5486
 City, State, Zip Code/Ciudad, Estado, Código Postal: Carscagan, CA 93212
 E-mail Address/Correo Electrónico: chack61353@netscape.net
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

BO051-1

Why was the Huzi 99 removed from the alternatives?
Why is it not part of the Fresno to Bakersfield EIR/EIS?
Was this alternative not cheaper & with less impacts?

Response to Submission BO051 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO051-1

Refer to Standard Response FB-Response-GENERAL-02.

Submission BO052 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

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Name/Nombre: Darlene Rodriguez
 Organization/Organización: CCHSRA
 Address/Domicilio: 306 FF Ave
 Phone Number/Número de Teléfono: 559-992-1272
 City, State, Zip Code/Ciudad, Estado, Código Postal: CORCORAN, CA 93212
 E-mail Address/Correo Electrónico: Rodstaz@AOC.com

BO052-1

The media and the public keep advertising that the project will bring jobs. How does the Authority intend to guarantee jobs and will these jobs be permanent? How many jobs will be created in Kings Co? Did the Authority analyze how many jobs will be lost due to this project? When this project is over, Kings Co. will be left with a impassable corridor and all of the associated impacts.

Response to Submission BO052 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)

BO052-1

Refer to Standard Response FB-Response-GENERAL-18.

For information on new job creation and the resulting impacts on the regional economy, see the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #14. See also Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information on short-term and long-term job creation (Authority and FRA 2012g).

See Volume I, Section 3.12, Impact SO #11, for business relocation, by community. For details on the business analysis, including type of businesses affected, vacancies, and the number of employees potentially impacted, see Section 5.2.3 of the Community Impact Assessment Technical Report (Authority and FRA 2012g).

Submission BO053 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



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Name/Nombre: Darlene Rodriguez
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BO053-1

(Use additional pages if needed/Usar paginas adicionales si es necesario)
The Authority originally granted 45 days for public review and extended it to today. This time frame is insufficient. Please provide a 6 month public review period.

Response to Submission BO053 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO053-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO054 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



CALIFORNIA High-Speed Rail Authority

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BO054-1

*Landowners located within the alignment were never
contacted by any authority staff or consultant. Many
discovered their property was within the alignment from
accidently discovering information leaked by staff.
How does the authority intend to understand the
impacts to landowners' property along the alignment
if they have not been contacted? Does it not follow
then that the EIR/EIS document is currently but is
lacking information if the landowners who own,
operate, and understand the land they own have
not been consulted.*

Response to Submission BO054 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO054-1

Refer to Standard Response FB-Response-GENERAL-16, FB-Response-GENERAL-07.

Response to Submission BO055 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)

BO055-1

The Authority and FRA consulted with cooperating agencies under NEPA, and with trustee and responsible agencies under CEQA, regarding specific resource areas associated with these agencies. Interested state, federal, and local agencies were also consulted throughout the process. A full listing of meetings can be found in Chapter 7 of the Revised DEIR/Supplemental DEIS.

Submission BO056 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



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BO056-1

Why was Hwy 99 removed from the alternatives? Why is it not part of the Fresno/Bakersfield EIR/EIS? Was this alternative not cheaper and with less impacts?

Response to Submission BO056 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO056-1

Refer to Standard Responses FB-Response-GENERAL-02 and FB-Response-GENERAL-10.

Submission BO057 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



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(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO057-1

IS IT TRUE THAT THE HSR WILL REPLACE
AMTRAK WITH IN THE RURAL AREAS OF
KINGS CO??

Response to Submission BO057 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO057-1

Refer to Standard Response FB-Response-GENERAL-12.

Submission BO058 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



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(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO058-1

The objective/direction provided in Prop 1A was to follow transportation corridors. The Alignment/Bypass does not follow a transportation corridor, it winds through farm land dissecting parcels into Roman pieces and taking out homes - Why have you chose to not follow transportation corridor provided in Prop 1A?

Response to Submission BO058 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO058-1

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

Submission BO059 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



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BO059-1

Why was Interstate 5 removed from alternatives?
 Why was it not part of the Fresno to Bakersfield EIR/EIS? Was this alternative not cheaper with less impacts?

Response to Submission BO059 (Darlene Rodriguez, Citizens for California High Speed Rail
Accountability (CCHSRA), October 11, 2011)

BO059-1

Refer to Standard Response FB-Response-GENERAL-02.

Submission BO060 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)



CALIFORNIA
High-Speed Rail Authority



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BO060-1

IT HAS BEEN STATED THAT THE AUTHORITY FEELS THAT GOING THROUGH AGRICULTURAL LAND IS CHEAPER AND EASIER. IS THIS TRUE??

Response to Submission BO060 (Darlene Rodriguez, Citizens for California High Speed Rail Accountability (CCHSRA), October 11, 2011)

BO060-1

The Authority has not thought that alignments on agricultural land would be cheaper and easier to permit. The project is designed to connect the most populous urban areas in California, which include cities in the Central Valley. It is not possible to develop an alignment through the Central Valley without taking agricultural land. In some cases, alternatives were developed that do not parallel existing transportation corridors, thus increasing the amount of agricultural land that would be impacted. These deviations from existing transportation corridors were necessary for a wide variety of engineering and environmental reasons, which are explained in Chapter 2 of the EIR/EIS.

Submission BO061 (Gloria Coelho, Citizens for California High Speed Rail Accountability
(CCHSRA), October 12, 2011)



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 (Use additional pages if needed/Usar paginas adicionales si es necesario)

BO061-1

Since adequate time to read EIR/EIS wasn't provided I'm asking these questions: Will landowners be able to run water pipelines under tracks if tracks are elevated on their property? If so will specific items such as access to, gauge of and depth of water pipelines be addressed? Will this be in a contract form? Also, if water supply is cut off will HSR provide funding for new pump system? I await your response to this critical question.

Response to Submission BO061 (Gloria Coelho, Citizens for California High Speed Rail Accountability (CCHSRA), October 12, 2011)

BO061-1

Refer to Standard Response FB-Response-AG-04.

Construction of the proposed project could require temporary shutdown of utility lines, such as water, electricity, or gas, to safely move or extend these lines. Shutdown could interrupt utility services to agricultural customers. Where necessary, project design and phasing of construction activities would minimize interruptions. Refer to Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS for more information.

The process for right-of-way acquisition and the rights of property owners would be handled consistent with the Uniform Relocation Assistance Program (Uniform Relocation Act) (42 United States Code [U.S.C.] Ch. 61). For more information on the Uniform Relocation Act, see Section 3.12 of the DRAFT EIR/EIS. As part of this process, Authority right-of-way agents would work with each affected property owner to address issues of concern during the appraisal process. The required property appraisal would identify affected utilities, and the agents would attempt to resolve conflicts. For example, the acquisition agreements could require that the contractor relocate the affected utilities before construction, maintain service during construction, or time the disruption to avoid active periods (e.g., during the winter idle period for annual crops). In some cases, the agents may not be able to resolve the conflict. When construction activities cannot avoid a utility, the agent would negotiate a fair compensation for loss of agricultural production. Refer to Section 3.14, Agricultural Lands, of the Draft EIR/EIS for more information.

Submission BO062 (Dina Fukuda, Citizens for California High Speed Rail Accountability (CCHSRA),
October 12, 2011)



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---	---

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BO062-1

With a \$40.3 billion cost for phase I, and \$30 billion of it unaccounted in funding, how does the state of CALIFORNIA expect to fund the construction if the state is currently in a deficit? As of now, the California state university systems have increased tuition fees twice within this year and now AB131 has the potential to be passed which will provide undocumented students opportunity to apply for state financial aid that will then limit state aid for legal residents, thus provoking universities and colleges to increase their fees. This is just one example of financial burden that the residents of California face. Add \$30 plus billion on top of education cuts, water cuts, and more. Is this the best way to educate our youth that idealism trumps logic and feasibility?

Response to Submission BO062 (Dina Fukuda, Citizens for California High Speed Rail
Accountability (CCHSRA), October 12, 2011)

BO062-1

Refer to Standard Response FB-Response-GENERAL-17.

Response to Submission BO063 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 13, 2011)

BO063-1

Pursuant to NEPA and CEQA guidelines, all public comments collected during a public comment period are formally responded to in the Final EIR/EIS. Copies of comments received during the Draft EIR/EIS comment period can be obtained upon request.

Submission BO064 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 13, 2011)



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Name/Nombre: Charlene Hook

Organization/Organización: CCHSRA

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BO064-1

The Authority originally granted 45 days for public review + extended it to 60 days. This time frame is insufficient given the volume + complexity of this document. We are asking for more time on this due to all the major impacts everywhere. Do you really feel this is too much to ask?

Response to Submission BO064 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 13, 2011)

BO064-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO065 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 13, 2011)



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BO065-1

It has been stated that the Authority feels that going through agricultural land is cheaper & easier, is this true. Would the Authority be willing to repeat this statement while under testimony? Do the Authority realize a majority of agricultural land comes with homes that will also be disrupted?

Response to Submission BO065 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 13, 2011)

BO065-1

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

Submission BO066 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 13, 2011)



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BO066-1

The Authority has stated on numerous occasions that given the great potential that this initial segment of track may be the first + last section of track laid down + that Amtrak will be able to run on this track. Knowing this, how can you continue this project here + leave a mess with a train to nowhere? The Authority had not fully addressed this issue + why?

Response to Submission BO066 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 13, 2011)

BO066-1

Neither the high-speed train (HST) System nor the Fresno to Bakersfield Section are being proposed for the purpose of installing a train line for Amtrak. The HST will operate separately from Amtrak. At the same time, as discussed in Chapter 2 of the Revised 2012 Business Plan (Authority 2012a), when the HST track is completed in 2017, it would be available for interim use by Amtrak trains until HST operations begin.

The decision over the continued operation of Amtrak service on the San Joaquin line is outside the authority of the Authority or Federal Railroad Administration (FRA). However, as described in Chapter 3, Section 3.2, of the Draft EIR/EIS, and Chapter 6, Section 6.5.1.5 in the Transportation Analysis Technical Report (Authority and FRA 2012j), it is assumed that the Amtrak San Joaquin rail service may be adjusted to function as a feeder service to the HST System. The San Joaquin stops at more stations, so it is assumed it would continue service all the way to Bakersfield and, as a feeder service to the Phase 1 HST system, the San Joaquin would become increasingly important in its support of new riders.

The Authority and FRA are not proposing a "train to nowhere." The Central Valley sections are simply the first two in a series of sections that will make up the full HST System. The size of this project precludes building it all at once. Simply put, it must begin somewhere.

The Revised Draft 2012 Business Plan lays out a feasible program for developing the HST blended system in functional phases. Phased implementation of the system will allow flexibility within the program should there be gaps in funding availability. For example, the completion of the IOS offers a discrete milestone. Should further funding not be available for the IOS, the "independent utility" provisions of the federal American Recovery and Reinvestment Act of 2009 grant agreement would allow the IOS could be used to operate an Amtrak San Joaquin service while preserving the facility for further development in the future. This would occur only as a contingency, and is not a part of the HST project.

Submission BO067 (Charlene Hook, Citizens for California High Speed Rail Accountability (CCHSRA), October 13, 2011)



Comment Card
Tarjeta de Comentarios

Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto de Informe de Impacto Ambiental/
Declaración de Impacto Ambiental (EIR/EIS)
Audiencias Públicas
Septiembre del 2011

Please submit your completed comment card at the end of the meeting, or mail to:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period is from August 15 to ~~September 13, 2011~~ ^{Oct 13} 2011. Comments must be received electronically, or postmarked, on or before ~~September 28, 2011~~ ^{Oct 13}.

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

Name/Nombre: Charlene Hook
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Any route the HSR takes through Kings County will be a very massive disruption. Corcoran + Hanford would lose the Amtrak services provided now. A many number of citizens utilize the Amtrak to get back + forth for doctor appointments, school, etc. This will definitely cause more automobiles on the road since HSR will not benefit anyone in Kings County. Does that really make any sense at all to the Authority? Why must we be forced to go through the eye sore mess, disruption + noise. Consider

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the route from Bakersfield to Los Angeles to try to benefit your cause that will not go anywhere else.

Response to Submission BO067 (Charlene Hook, Citizens for California High Speed Rail
Accountability (CCHSRA), October 13, 2011)

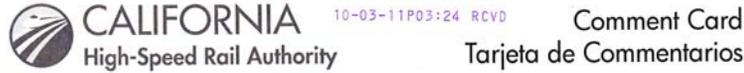
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Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-12
and FB-Response-GENERAL-14.

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Refer to Standard Response FB-Response-GENERAL-13.

Submission BO068 (Charlene Hook, Citizens for California High Speed Rail Authority (CCHSRA),
October 3, 2011)



Fresno to Bakersfield High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
Public Hearings
September 2011

La Sección de Fresno a Bakersfield del Tren de Alta Velocidad
Proyecto de Informe de Impacto Ambiental/
Declaración de Impacto Ambiental (EIR/EIS)
Audiencias Públicas
Septiembre del 2011

Please submit your completed comment card at the end of the meeting, or mail to:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección:
Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814

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(Use additional pages if needed/Usar paginas adicionales si es necesario)

The Authority have not been forthcoming with project specific information or a specific proposal that is not subject to change randomly throughout series of meetings prior to the public release of the EIR/EIS. A preliminary review indicates that the project EIR/EIS is NOT in compliance with State + Federal law + provisions to protect the public. The Authority has failed to make available to the public all documents referenced in the EIR/EIS. Due to the unwillingness of the Authority to provide timely + relevant project information impacted parties of interest have had to rely upon reviewing the 300 pages of the EIR/EIS document to try to gain a clear understanding of the project proposal + means by which the Authority will mitigate potential impacts across Kings County. The review will take a lot more time to review than what the Authority is allowing.

BO068-1

Response to Submission BO068 (Charlene Hook, Citizens for California High Speed Rail Authority (CCHSRA), October 3, 2011)

BO068-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO069 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)(Atty. for), Wittwer & Parkin LLP, October 13, 2011)

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Gary A. Patton

October 12, 2011

California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: Fresno_Bakersfield@hsr.ca.gov]

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") prepared by the California High-Speed Rail Authority for the Fresno to Bakersfield section of the proposed California high-speed train project.

This law firm represents Citizens for California High-Speed Rail Accountability ("CCHSRA"), and the comments contained in this letter are submitted on behalf of CCHSRA and its members. On behalf of CCHSRA, I would like to ask the Authority promptly to post online, immediately after the October 13th comment deadline, a copy of the comments we are submitting here, and a copy of all the comments submitted by others. CCHSRA members, and other members of the public, have an intense interest in the environmental impacts of the proposed project, and your prompt posting of comments received on the Draft EIR/EIS will help facilitate continued public involvement and understanding.

CCHSRA is a grassroots community organization that was formed to ensure that the proposed California high-speed train project does not adversely affect the economy, environment, or the quality of life of California's existing communities. The Authority's current plan would have truly devastating and negative impacts on the natural environment, on the agricultural economy of the California Central Valley, and on local communities located within the Central Valley. The Authority should either significantly revise or abandon the proposed project as currently configured. A revised EIR/EIS must be prepared and recirculated for public comment if the Authority wishes to proceed with the project.

Inadequate Comment Period

As a preliminary matter, CCHSRA reiterates its belief that the 60-day comment period established by the Authority did not provide an adequate time for the public to comment on the Draft EIR/EIS. We are attaching a copy of CCHSRA's September 14, 2011 letter, outlining why

an expanded comment period is required. We hereby incorporate that letter into these comments [Exhibit A].

Late Breaking "Revision" Proposal

As another preliminary matter, CCHSRA notes that on October 5, 2011, only a few days before the current October 13, 2011 comment deadline, the Authority published a Notice stating that a "Revised" Environmental Report for the Fresno to Bakersfield section of the proposed High-Speed Train Project will be released in the spring of 2012, and that the Authority's plan to issue such a "Revised" EIR/EIS will "afford additional time to review the information contained in the current Draft EIR/EIS." A copy of the Authority's October 5, 2011 Notice is attached to this letter as Exhibit B, and a follow up email from the High-Speed Rail Authority, which confirms our understanding of the press release, is attached as Exhibit C.

CCHSRA wants to make clear that it will use the additional time provided by the Authority's decision to issue a "Revised" Draft EIR/EIS not only to "review" the information contained in the current Draft EIR/EIS, but also to "comment" on that information as part of its comments on any "Revised" EIR/EIS issued next spring. CCHSRA absolutely reserves the right to submit additional comments on *all matters* relating to the Draft EIR/EIS prepared for the Fresno to Bakersfield section of the proposed project, once the Authority had made final its environmental documentation through the issuance of a "Revised" EIR/EIS in the spring of 2012. This will include comments on any new materials added in the "Revised" Draft EIR/EIS that the Authority now contemplates, and will include additional comments on the materials contained in the current Draft EIR/EIS, which was first released for comment in August 2011.

The California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") do not permit a governmental agency to "piecemeal" its environmental review process, or to undertake a "bait and switch" public comment process. A stable and unified project description and a stable and unified environmental analysis must be prepared, and then circulated for public review and comment. This means that the Authority cannot legally separate its Draft EIR/EIS into sequential documents, each one "revising" the former document, adding to or modifying the project description and/or the analysis of the impacts associated with the proposed project, and then foreclose comments on the *entirety* of the environmental review package once the Authority has finally and fully outlined what it is actually proposing, what alternatives it believes are available, and what it actually thinks the impacts are.

We trust that the Authority does not contemplate any such procedure in this case (and both Exhibit B and Exhibit C indicate that it does not). CCHSRA notes that such a procedure would violate the requirements of both CEQA and NEPA. CCHSRA fully intends to comment on the entire "Revised" Draft EIR/EIS, including all portions of that EIR/EIS package, and specifically including the currently-available document. CCHSRA reserves the right to submit all such comments up to and including the end of any comment period established when the "Revised" Draft EIR/EIS is released in the spring of 2012.

With respect to the comment period to be provided in the spring of 2012, please note that we would almost certainly object to a 45-day comment period as being too short for an adequate

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Submission BO069 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)(Atty. for), Wittwer & Parkin LLP, October 13, 2011) - Continued

BO069-2

public review of the "Revised" EIR/EIS now proposed. As the comments in this letter make clear, we believe that compliance with CEQA and NEPA will require a substantial revision of the current Draft EIR/EIS, and the comments we made in Exhibit A about the review period for the current document are likely also to be relevant for any "Revised" document issued by the Authority next spring.

Comments on the Current Draft EIR/EIS Document

Although CCHSRA is reserving its right to submit more extensive, specific, and detailed comments on the Draft EIR/EIS until after the Authority has released its "Revised" EIR/EIS next spring, we do wish to make a number of comments at this time, noting fundamental problems with the current EIR/EIS. These comments speak to the basic objectives of the environmental review process mandated by both CEQA and NEPA. In summary, we believe that the Authority will need fundamentally to revise the current document to comply with the requirements of both CEQA and NEPA, as the current EIR/EIS is fundamentally flawed and totally inadequate.

There are, essentially, two basic objectives of the environmental review process: (1) to provide governmental agency decisionmakers with the ability to make better decisions because they have the information to do that; and (2) to inform and engage the public in the decisionmaking process (a purpose which, in and of itself, will help governmental decisionmakers make the best decisions possible). The current process, and the current Draft EIR/EIS, is deficient on both these counts. The process, and the documents presented to the public, are unclear and confused, and they do not provide the public (and affected governmental agencies) with the information necessary properly to evaluate the project proposed, and to comment intelligently on that project. Further, because the current EIR/EIS is incomplete, unclear, and unfocused, it is totally inadequate as an informational document for the Authority, which is supposed to use this EIR/EIS to make the best possible decision it can about the proposal to construct a new high-speed train system in the State of California.

The stakes here are immense. This proposal is for the largest public works project in the history of the state of California, with a total cost of over \$60 billion dollars – and probably a cost of over \$100 billion. It is imperative that the state take the time to "do it right." Furthermore, the "risks" involved are similarly immense. At stake is not only the wise expenditure of billions of dollars of taxpayer funds, but the future of the agricultural economy of the California Central Valley, and the social and economic survival of many Central Valley communities.

Because of federal funding deadlines, which are demanding that this project be treated as a short-term "job stimulus" project, instead of the 100-year plus public infrastructure project that it actually is, the Authority is being pushed to make far-reaching decisions without adequate information and analysis. The current EIR/EIS clearly reveals that this is so, and this is the opposite of what CEQA and NEPA require. The time demands generated by the proposed use of federal stimulus funding do not trump the legal requirements of CEQA and NEPA.

CCHSRA urges the Authority (and the Governor and the State Legislature) to insist on good information, and on full public participation and review. We urge state decisionmakers to

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take the time necessary to "do it right." If California hopes to gain the benefits that may flow from the creation of a functional high-speed rail system in the state, "quick" decisions are not the most important thing. Making the "right" decisions is what is needed most. The current EIR/EIS for the Fresno to Bakersfield section of the proposed statewide project reveals that more time and analysis are needed, in order to make it possible for the state to make the right decisions about the proposed high-speed train project. The legal requirements of CEQA and NEPA require this, too.

Our general comments, outlining major problems with the adequacy of the current EIR/EIS, and identifying major deficiencies in the current EIR/EIS process, are listed below:

1. **The Current EIR/EIS Is Premature.** Information necessary to complete a legally adequate environmental analysis is not yet available to the Authority, and/or has not been furnished to the public. Without a stable project description that documents the entirety of the proposed project, in all of its aspects, the entire public participation and agency review process is compromised. Information that is not now available, and that must be made available in connection with environmental review, includes, but is not limited, to the following:

- **High Speed Rail Business Plan.** As we understand it, the High Speed Rail Business Plan that will outline how the project will actually be structured and operated is currently scheduled for release on November 1, 2011. The Business Plan is expected to contain a close look at funding, ridership and other information pertinent to the feasibility of these proposed Central Valley projects. The current Draft EIR/EIS makes clear that the supposed benefits of the proposed project, including the possible reduction of Greenhouse Gas Emissions (GHG), the possible reduction in Vehicle Miles Traveled (VMT), and the possible increase in high wage jobs (and similar possible benefits) all rely on the completion of an integrated high-speed train (HST) system that actually connects major destinations in Southern California with major destinations in Northern California. Until the Business Plan is completed and has undergone the statutorily required review, it is impossible adequately to analyze project proposals for any individual sections of the HST system, since the benefits are contingent on the successful completion of the HST system as a whole. Environmental review of both of the Central Valley Draft EIR/EIS documents should be put on hold unless and until a Business Plan is approved that demonstrates the feasibility of the HST system as whole.

BO069-4

- **HST Alignments Connecting the Central Valley to Metropolitan Areas.** A number of the HST alignments are still in contention and/or are undergoing additional study, including but not limited to the route between Los Angeles and Bakersfield. The "program level" EIR for the Central Valley to Bay Area section of the proposed project is under legal challenge, and a court decision on the adequacy of the program level EIR/EIS on that section is pending in the Sacramento Superior Court. What is done in terms of routing outside the Central Valley will affect proposed routing decisions (and their impacts) within the Central Valley. Furthermore, because the possible benefits of the

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Submission BO069 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)(Atty. for), Wittwer & Parkin LLP, October 13, 2011) - Continued

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proposed HST system will only be achieved if and when connections to the Bay Area and the Los Angeles Metro Area have been accomplished, it is premature to consider specific routings within the Central Valley. Unless and until the HST system is clearly defined, and there is a stable project description, which means that all alignments are known and found to be feasible (including in terms of timing, funding and engineering), the Central Valley portions of the proposed HST project should be put on hold.

BO069-5

- **Air Quality Conformity Determination.** According to the Draft EIR/EIS for the Fresno to Bakersfield section of the proposed HST project, “the HST project is not currently included in the Fresno COG, KCAG, TCAG, or Kern COG transportation conformity determination.” While the Draft EIR/EIS indicates that “it is anticipated that the next revision of the Fresno COG, KCAG, TCAG, or Kern COG RTPs will include the operation of the HST and that the associated conformity determination will likely include the HST project” (Draft EIR/EIS for the Fresno to Bakersfield section at page 3.3-38), the proposed HST project cannot be approved until there is an Air Quality Conformity Determination. That determination contains information needed for a complete and legally adequate environmental review, consistent with the requirements of both CEQA and NEPA.

BO069-6

- **Lack of a Least Environmentally Damaging Alternatives Analysis.** Both the Merced to Fresno and the Fresno to Bakersfield sections of the proposed HST project require Clean Water Act compliance and CWA 404 permits. In order for such permits to be issued, the US Army Corp of Engineers must take into consideration the least environmentally damaging alternatives project alternatives. Neither of the currently circulating Draft EIR/EIS documents provides a LEDPA option as required for the CWA 404 permits, which means that the environmental analysis contained in the current Draft EIR/EIS is inadequate and incomplete.

BO069-7

- **Williamson Act Parcels and Their Status.** Both of the Draft EIR/EIS documents for the proposed Central Valley sections lack complete lists of parcels enrolled in the Williamson Act, as well as an accurate description of each parcel’s Williamson Act status. This information must be contained in the draft documents so that that the respective counties, and the public, can evaluate and comment on the impacts of the cancellation requests.

BO069-8

- **Adequate Ridership Analysis.** As the Authority has been informed on numerous occasions (particularly in connection with its consideration of its program level HST options in the Central Valley to Bay Area section of the proposed statewide project), the “ridership model” and “ridership” analysis used by the Authority is deficient, and must be reworked and reevaluated. The proposed routing for all sections of the project must be based on a competent and accurate ridership model, and the design of the project must reflect such an accurate ridership analysis. Attached as Exhibit D is a critique of the Authority’s current ridership model and ridership analysis. The Authority

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BO069-8

must utilize an accurate model and analysis in designing its proposed HST project, and all sections thereof. Therefore, the current Draft EIR/EIS must be revised and recirculated.

BO069-9

2. **The Draft EIR/EIS Improperly Tiers from the Prior Environmental Documents.** “Tiering” refers to the coverage of general environmental matters in a broad, certified program level EIR/EIS. Typically, the project level environmental document incorporates by reference (and summarizes) the broader discussions in the Program EIR, and then concentrates on project-specific impacts, mitigation and alternatives. In order for a project EIR to tier appropriately (consistent with the requirements of CEQA):

- The project must be consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified;
- No substantial changes can be proposed in the project which will require major revisions of the environmental impact report;
- No substantial changes can have occurred to the circumstances under which the project is being undertaken; and
- No new information that was not known and could not have been known at the time the program EIR was certified as complete, can have become available.

In this case, the Draft EIR/EIS fails to explain or document how it can be properly held to tier from the prior 2005 Program EIR/EIS. In responding to this comment, the Authority must provide a detailed explanation of how the current project level Draft EIR/EIS meets the tiering requirements under CEQA. In addition, the Draft EIR/EIS fails to state how it relies on information from the first-tier programmatic environmental review documents prepared in connection with the overall, statewide HST project. Again, a detailed explanation must be provided as to how the current Draft EIR/EIS relies on information from the first-tier documents.

As an example, it does not appear that the alternative alignments in the Draft EIR/EIS for the Fresno to Bakersfield section were analyzed in the prior first-tier document (i.e., in the 2005 Programmatic EIR/EIS). According to the current Draft EIR/EIS, the routing alternatives considered for the Fresno to Bakersfield Section of the HST are based on alternatives selected by the Authority and the Federal Railroad Administration (FRA) at the conclusion of the Tier 1 EIR/EIS for the Proposed California High-Speed Train System 2005 Final Program EIR/EIS, and the Bay Area to Central Valley HST Final Program EIR/EIS, completed in 2008, and the Bay Area to Central Valley HST Revised Final Program EIR, completed in 2010 (See the Draft EIR/EIS for the Fresno to Bakersfield section at page 2-1). Since both the 2008 and 2010 EIR/EIS documents focused on the Bay Area to the Central Valley, it is unclear how this could be true. The current Draft EIR/EIS can really only have tiered from the 2005 Final Program EIR/EIS for the entire statewide project, yet, the

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alignments in the current Draft EIR/EIS do not appear to be consistent with the alignments analyzed in the 2005 Programmatic EIR/EIS. The Authority must explain in its response to this comment, or in its proposed "Revised" Draft EIR/EIS, how the proposed project in the Fresno to Bakersfield section is consistent with the alignments and projects analyzed in Tier 1 EIR/EIS documents, and from which of such documents the current Draft EIR/EIS is supposed to tier.

The current Draft EIR/EIS also improperly tiers from earlier documents because circumstances have significantly changed since the Tier 1 environmental documents were completed. Such changed circumstances include but are not limited to: changes in ridership projections (not yet finalized); dramatic increases in fares to ride the proposed HST; and increasing costs to complete the HST System, including specifically both the cost of the total project and the costs now expected for the two Central Valley sections. These changes in circumstances are substantial, and render the information, analysis and assumptions in the Tier 1 documents out of date. Whatever Tier 1 documents the Authority may be relying on, they are no longer able to provide the evidence needed to support conclusions reached in the current Draft EIR/EIS. Specifically, conclusions concerning the benefits of the proposed project on job creation, greenhouse gas reductions, air quality emissions, and VMT reductions, among others, all need to be reexamined in the current Draft EIR/EIS. The current Draft EIR/EIS cannot rely on the Tier 1 documents for analysis, conclusions or mitigation, and must instead include a new and current analysis of conditions and impacts in the Central Valley, specifically, and that can be expected on a system wide and cumulative basis.

BO069-10

3. **The Draft EIR/EIS Fails To Provide A Proper Analysis of Alternatives.** It is absolutely clear that CEQA and NEPA require any EIR or EIS to describe and analyze a reasonable range of alternatives. The current Draft EIR/EIS fails the test, presumably because it erroneously relies on earlier, so-called Tier 1 documents that the Authority considers to have "settled" the questions. As noted, the current Draft EIR/EIS is not properly tiered on earlier documents, and that means that this document must truly consider potential alternatives that could avoid routing the proposed HST through the middle of hundreds of productive farms, since the proposed routing places the future of the agricultural economy of the Central Valley at significant risk. CCHSRA asks, specifically: why not really examine and analyze an I-5 alternative? We ask the Authority to analyze this alternative, and other reasonable alternatives, in a redrafted and recirculated EIR/EIS.

BO069-11

4. **The Draft EIR/EIS Improperly Piecemeals Consideration of Project Impacts.** CEQA forbids public agencies from "piecemealing" or segmenting a project by splitting it into two or more parts, and then analyzing the parts independently. It is clear that neither the statute nor the courts will permit "environmental considerations ... [to]... become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences" (*Burbank Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592).

BO069-11

CEQA requires consideration of the whole of a project, and a "project" is defined as "the whole of the action that may result in either a direct or reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines Section 15378). In this case, the "whole project" is the complete, statewide HST System. To consider one of the Central Valley "sections" of the total project as "the project," would violate the anti-piecemealing requirements of CEQA, and would allow exactly what the public is concerned about, namely the approval of a "train to nowhere." In order properly to evaluate the proposed Fresno to Bakersfield section of the state's HST project, and to "do it right," the state should reissue a revised Draft EIR/EIS on the total HST system, once key alignment choices have been resolved and outstanding information, such as the Business Plan, have been completed.

CCHSRA clearly understands that this approach (legally required by both CEQA and NEPA) is in conflict with the idea that final and binding project decisions must be made immediately so that the state can put "shovels into the ground" by the fall of 2012, to meet deadlines related to federal stimulus funding. In fact, as mentioned earlier, this proposed project is *not* a "jobs program;" it is the biggest public works and infrastructure project ever proposed in the State of California. The proposed project will potentially cost more than \$100 billion dollars, and will be in place for 100 years or more. Its impact on farmland, and on the natural environment, and on the agricultural economy of the state, and on many Central Valley communities, will be immense – and for the most part immensely adverse. The serious demands of CEQA and NEPA, besides making basic good sense, require that California take the time to "do it right," and to provide both the public and the governmental agencies involved with an opportunity really to find the best alternatives available, and to understand all of the possible benefits and the possible adverse impacts, before actually putting those "shovels in the ground."

BO069-12

5. **The Project Description Contained In The Draft EIR/EIS Is Inadequate.** A stable and consistent description of the proposed project is a prerequisite to a legally sufficient EIR/EIS. Without a stable and full project description, the public and decision-makers are left to guess about the true scope of a project, and about its actual impacts, both positive and negative. As a result, the courts have found that even if an EIR/EIS is adequate in all other respects, the use of a "truncated project concept" mandates the conclusion that the lead agency did not proceed in a manner required by law.

In this case, the description of the "project" varies from section to section in the Draft EIR/EIS, and is generally inconsistent and unfocused. For purposes of deriving the supposed benefits of the "project" related to regional economic growth and the growth of high wage jobs, GHG emission reductions, reductions in vehicle miles traveled, and a reduction in air pollution, a description of the "project has been achieved by scaling the proposed statewide "project" to a four county area that is described as being "within the HST system."

¹ For example, the Draft EIR/EIS analysis of impacts associated with Regional Growth incorrectly relies on a

Submission BO069 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)(Atty. for), Wittwer & Parkin LLP, October 13, 2011) - Continued

BO069-12

Contrast this description of the proposed "project" to the narrow description of the "project" in the alternatives section: "This Fresno to Bakersfield EIR/EIS (Tier 2) evaluates proposed alignments and stations in site-specific detail to provide a complete assessment of the direct, indirect, and cumulative effects of the proposed action, considers public and agency participation in the screening process, and was developed in consultation with resource and regulatory agencies, including USEPA and USACE. FRA and the Authority intend this document to be sufficient to support Section 404 permit decisions and Section 408 permit decisions (as applicable) for alteration/ modification of completed federal flood risk management facilities and any associated operation and maintenance, and real estate permissions or instruments (as applicable)" (See Fresno to Bakersfield Draft EIR/EIS, at page 1-2).

This latter description is the basis for many other project-specific impact analyses (e.g. biological and wetlands; noise and vibration; agricultural land). In these impact analysis examples, the proposed "project" is narrowly defined as tracks and related facilities in the four county area; within that "project" description, impact areas are even more precisely defined. Further complicating this question of what the proposed "project" is supposed to be for purposes of impact analysis, the Regional Growth section also relies on the Bay Area to Central Valley section of the statewide project to support the conclusion that HST alternatives would reduce farmland conversion (See the Fresno to Bakersfield Draft EIR/EIS at pages 3.18-26). This approach contravenes both CEQA and NEPA, both of which require a stable project description to ensure thorough and consistent analysis of impacts and comparison of alternatives.

Beyond this fundamental problem with the project description, the Draft EIR/EIS also makes it difficult to find a coherent, complete and consistent project description. Moreover, the Draft EIR/EIS fails to delineate all of the characteristics of the alternatives for the Fresno to Bakersfield section. Major elements of the project are not described and those elements that are described are not described in sufficient detail to support analysis of all project-related impacts. Significant questions remain about what the Authority proposes as the whole "project" subject to analysis in this Draft EIR/EIS; those questions include but are not limited to the following questions,

methodology for modeling job and other growth that assumes a fully functioning HST system in place and "scales" benefits based on that system based either on the statewide system described in the 2005 programmatic EIR/EIS or on the Bay Area to Central Valley system, or on some combination of both. This approach is incorrect on its face and in no way represents the impacts or benefits of the proposed project alternatives, but according to the Draft EIR/EIS, "The analytical process to estimate the growth inducement of the HST system for the Bay Area to Central Valley Program EIR/EIS required significant modeling tools and data. The following key steps summarize the process: Define transportation investments. The future baseline conditions of the No Project Alternative and the economic modeling process was used to forecast the incremental changes associated with the HST system. Estimate transportation benefits. Using results from the California Statewide High-Speed Rail Travel Demand Model, benefits such as reduced travel times and/or costs of the HST system for air, highway, and conventional rail trips were estimated using travel demand model results. Congestion, pollution, crash reduction benefits and accessibility benefits were directly estimated using travel demand model results for the HST system in comparison with the No Project Alternative. Mode shift benefits arising from the introduction of HST service were estimated by scaling benefits calculated for the statewide program EIR/EIS using HST ridership and other output from the travel demand model. (Authority 2003, Appendix F; Fresno to Bakersfield Draft EIR/EIS at pages 3.18-7 to 8).

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all of which must be answered in detail in the Authority's response to our comments, or in a "Revised" Draft EIR/EIS:

- Are the respective Merced to Fresno and Fresno to Bakersfield "projects" limited to the segments between Merced and Fresno and Fresno and Bakersfield, respectively, including the trains (rolling stock), tracks, grade separated right-of-way, stations, train control, power systems, and maintenance facilities? If so, what type of train will be using the track? The DEIR/S's provide inconsistent representations concerning the type of train.
- What is the alignment and therefore what will be the ultimate impacts? According to every diagram the alignments all constitute "Preliminary Draft/Subject to Change - HST Alignment is Not Determined (See e.g. Figure 3.14-1). When will the alignment be determined? When it is, it will be appropriate to complete "project-specific" Draft EIR/EIS documents and recirculate them for public and agency review and comment.
- When will a train selection be made and when will trains be operating on the tracks? Could those trains be Amtrak type trains for some period of time? Could they be freight trains or trains that accommodate both freight and passengers?
- How many train trips and trips per hour of the day/day of the week/holiday period (by hourly period) will be made?
- What happens if one or both Central Valley sections are only partially completed (e.g. what if portion of tracks constructed in the Central Valley only will not be connected to major population centers in the Bay Area and in the Metro LA area for an extended period of time? When will the whole system be completed? Where is the funding coming from for system completion? Clearly, the impacts of the proposed construction in the Central Valley will be dramatically different if the project remains tracks only in the Valley between Fresno and Bakersfield and/or to Merced for a long and undetermined period of time. This is a scenario that must be analyzed in a revised and recirculated Draft EIR/EIS.
- For which categories of impact analyses (e.g., air quality, transportation, etc.) is the proposed project considered to be the "HST System," as described in the 2005 Programmatic EIR/EIS? In responses to these comments, or in a "Revised" Draft EIR/EIS, please describe the "project description" basis for any and all assumptions including but not limited to reductions in GHG, air quality benefits, VMT reductions, regional economic and job growth benefits, cumulative impacts, etc. In addition, if HST system wide assumptions were used to derive Central Valley "project" benefits (e.g., for greenhouse gas emission reductions), describe why that is appropriate when there is no

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certainty that the HST system will be completed or completed in a timely manner.

It appears that many of the project-specific and cumulative impacts are based on the completion of the whole project as described in the 2005 Final Programmatic EIR/EIS (e.g. air quality benefits, GHG reductions, regional economic and job growth benefits, reductions in VMT and air travel, etc.). Yet, there is no evidence that these "project" impacts are based on a "project" that is anything more than tracks and possibly station planning. To be legally adequate, the Draft EIR/EIS must be revised to include clear descriptions of the proposed project and project alternatives. In addition, because funding is not assured for the remainder of the system and because funding is possibly not even available to ensure that there will be operating trains on the proposed tracks, the Authority must prepare and recirculate a "Revised" Draft EIR/EIS provides an analysis of various scenarios, including, but not limited to the following:

- Tracks only between Fresno and Bakersfield/Tracks only between Merced and Fresno.
- Tracks plus (fill in number and type) of train operations for both segments.
- Tracks plus other funded system elements (e.g. stations, and if so where?). Maintenance yards? Other?)
- Partial project completion (should be based on what funding is currently available and/or an approved "Business Plan").

In summary, the Draft EIR/EIS does not contain a unified, complete, and stable project description, and the various inconsistent and unfocused project descriptions contained in the document make the Draft EIR/EIS not only confusing, but also legally inadequate. There is no evidence that the full HST System "project" will be built, yet this seems to be assumed for purposes of analyzing the project-specific impacts of both the Merced to Fresno and the Fresno to Bakersfield sections. Further, the Draft EIR/EIS fails to analyze the numerous impacts that would occur if the Central Valley sections were only partially completed, which will likely be the case, given the lack of necessary funding at either the state or federal level, coupled with a gross underestimation of the costs needed to assemble property; to make landowners and businesses whole; and to relocate major private facilities, among other things. To be legally adequate, the Draft EIR/EIS must describe what impacts to traffic and transportation, parks, infrastructure, land use, jobs/housing balance, general plan consistency, air quality, finances, aesthetics, vehicle miles traveled (and all other impacts) that would occur if the Fresno to Bakersfield section is only partially completed.

6. **The Project Description Is Incomplete.** A somewhat related but different point is that the "project" description contained in the Draft EIR/EIS is incomplete. Where infrastructure improvements are integral to, and planned in conjunction with a

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proposed project, those facilities must be considered as part of the proposed project and their impacts must be analyzed together with the proposed project's other impacts. For example, where a residential development requires construction or expansion of roads or sewer plants, construction of those expanded or new facilities must be analyzed along with the project. See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214. Here, the proposed project will require numerous infrastructure components, but the Draft EIR/EIS fails to analyze all the impacts of constructing the proposed project components. It is irrelevant that the infrastructure improvements may require separate, later approvals. See *CEQA Guidelines* Section 15378(c).

The Draft EIR/EIS defers the description of, and the analysis of the impacts of, numerous essential infrastructure components of the proposed project, including but not limited to:

- **Power sources and power lines.** According to the Draft EIR/EIS, "The project would not include the construction of a separate power source, although it would include the extension of power lines to a series of power substations positioned along the HST corridor. These new substations are needed to even out the power feed to the train system" (Fresno to Bakersfield Draft EIR/EIS at page 2-12). In the section on regional growth, the Draft EIR/EIS states: "HST-induced growth could require the development of more incremental energy production and/or transmission capacity, particularly in Fresno, Kings, Tulare and Fresno counties, compared to the No Project Alternative" (See Draft EIR/EIS at pages 3.18-26). Yet, there is no description of these power sources and power line, even though they are part of the proposed project/and integral to project function. The Authority must redraft and recirculate its Draft EIR/EIS to provide this information, and to analyze all impacts associated with this project-related infrastructure.
- **Source of Power.** The Draft EIR/EIS states that the HST will use less than 1% of the state's future electricity consumption, and that by paying a premium for the electricity consumed, it could be powered by 100% clean, renewable energy sources (See the Draft EIR/EIS at page 2-12). The Authority must describe the source(s) of power for the proposed project and analyze the project-specific and cumulative impacts associated with development of any additional power, including renewable energy sources, needed for the proposed project plus cumulative demand.
- **Number and type of Trains.** It is not clear from the Draft EIR/EIS whether there will be train service on these tracks. In some sections, test trains are alluded to and in others it appears that the proposed project does not include train service. In responses to these comments or in the "Revised" Draft EIR/EIS that it proposes to release, the Authority must describe and analyze in detail the proposed train service, including type of train, train service – stops;

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intervals; etc. Furthermore, the impacts of that proposed train service must also be analyzed.

- **Drainage Ditches, Wells, and Water-Related Facilities** The Draft EIR/EIS makes clear that the proposed project will require the relocation/construction of an unknown numbers of existing drainage channels and ditches, drains, sumps, wells and other water related systems and facilities. These new or replacement facilities and systems are part of the proposed project and therefore must not only be described in a revised project description, but also must be analyzed for their short-term construction related impacts and long term impacts on ground and surface water, water quality and flows, habitat and species, as well as other impacts.
- **Closed, Blocked and Relocated Roads, and Over and Underpasses.** The Draft EIR/EIS makes it clear that the proposed project will require the closure and relocation of unknown numbers of roads, as well as the construction of substantial numbers of new under and overpasses. The impacts associated with both the closure and blockage of existing roads (including farm roads) as well as the construction of new roads, and over and underpasses, must not only be described in a revised project description, but also analyzed for their short term and long-term impacts on transportation, ground and surface water, water quality and flows, habitat and species, agricultural land and agricultural production, air quality, greenhouse gas emissions, vehicle miles traveled, roadway congestion and other impacts.

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7. **The Draft EIR/EIS Fails To Describe A Project Consistent With Proposition 1A.** Proposition 1A was adopted by the people of the State of California at the general election held on November 4, 2008. That Proposition, as adopted by the people, is now codified in Section 9, Chapter 20, commencing with Section 17041 of the *Streets and Highways Code*. The Proposition clearly defines the proposed statewide HST system, which is the overall "project" of which any specific section, including the proposed Fresno to Bakersfield section, is only a part. Funding is available for construction under the Proposition only when that construction is for a "usable segment" of one of the corridors defined in Proposition 1A. The term "usable segment" is itself defined in *Streets and Highways Code* Section 2704.01 (g). In addition to a requirement that any construction of a part of the overall project be upon a "usable segment" of the full system, the segment or section must be, when construction is completed, "suitable and ready for high-speed train operation" (*Streets and Highways Code* Section 2704.08(d)). The Draft EIR/EIS for the Fresno to Bakersfield connection does not, in its project description sections, or in any other part of the Draft EIR/EIS, demonstrate that the requirements of Proposition 1A can or will be met by the construction proposed and analyzed in the Draft EIR/EIS. CCHSRA poses these specific questions: on what basis can the Fresno to Bakersfield section be held to comply with the "usable segment" requirement contained in Proposition 1A? Further, how does construction of the proposed section comply with the requirement that the section, after construction, be "suitable and ready for high-speed train service?"

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8. **Essential Information Concerning the Project Setting Is Not Included.** A thorough description of the environmental setting is essential to an analysis of impacts. Here, the Draft EIR/EIS lack even basic information concerning the project setting necessary for an adequate evaluation of project-specific impacts. Examples of information missing from the Draft EIR/EIS includes, but is not limited to the following:
 - The existing vehicle mix and vehicle miles traveled for agricultural operations that would be severed and interrupted by the proposed project alignments and associated facilities must be included. Without this information, it is not possible to support the conclusion that VMT will actually be reduced by the proposed HST project alternatives.
 - Existing utilities (e.g., pipelines, sumps, pumps, wells, drainage systems, etc.) and facilities on agricultural lands that would be severed and interrupted by the proposed project alignments and related facilities must be specified.
 - Essential information concerning biological resources is missing. For example, field studies were only completed for a portion of the study area for impacts.
 - Information about housing and rental prices in the respective study areas must be included in the Draft EIR/EIS.

This and other information about the project setting must be provided in a redrafted and recirculated Draft EIR/EIS, to allow an adequate opportunity for public review and comment, and to support an adequate impact analysis.

9. **The Draft EIR/EIS Lacks Appropriate Thresholds of Significance.** Determining whether a project may result in a significant adverse environmental effect is a key requirement of both CEQA and NEPA. According to CEQA Guidelines Section 15064(a), a determination of significant effects "plays a critical role in the CEQA process." Guidelines Section 1502.16 provides that an EIR must describe direct and indirect effects and their significance. CEQA specifically anticipates that agencies will use thresholds of significance as an analytical tool for judging the significance of the impacts of a proposed project (See CEQA Guidelines Section 15064.7). Because a requirement to provide mitigation is triggered by the identification of a significant impact, the failure of the Draft EIR/EIS to identify all of the significant impacts of the proposed project also results in a failure properly to mitigate these impacts. This is the case in numerous impact areas, including but not limited to agriculture, transportation, air quality, and greenhouse gas emissions.

The Authority must revise and recirculate a Draft EIR/EIS which will use modified significance criteria truly to gauge the benefits and impacts of the proposed project and alternatives. A proper set of proven criteria would assess the respective impacts of the proposed project and reasonably feasible alternatives on farm animals and livestock, vehicle miles traveled, impacts to disadvantaged communities, and the like.

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Absent adequate thresholds of significance, the impact analyses and the proposed mitigations contained in the Draft EIR/EIS cannot be complete or adequate. General Plans for the jurisdictions in the study area should be used as a source of additional thresholds, in addition to other applicable policies, plans and regulations.

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10. Socioeconomic and Environmental Justice Impacts. The Draft EIR/EIS analysis of socioeconomic and environmental justice impacts is defective for numerous reasons, including the lack of evidence to support key conclusions concerning project benefits. According to the Draft EIR/EIS, “[p]roject benefits were considered on a regional scale, whereas potentially adverse impacts associated with the project were evaluated at the community or neighborhood level” (See Fresno to Bakersfield Draft EIR/EIS at page 3.12-4). A thorough review of the section suggests that project benefits were derived from applying the benefits of the completed HST system to the region and that project impacts were NOT evaluated on a property specific basis. In addition, significant communities impacted by the project have no access to materials in their language (including specifically the full version of the Draft EIR/EIS); nor were such communities adequately consulted. In fact, outreach to these and other impacted individuals and businesses has been deferred until after project approval, which is contrary to the requirements of CEQA and NEPA.

Statements in the Draft EIR/EIS concerning the purported regional project benefits are included in the document without any significant factual foundation or evidence in the record. Examples of such statements include, but are not limited to, the following examples:

- “Overall, the proposed project would provide economic benefits and facilitate broader economic expansion for the entire region. These benefits would accrue near term from project construction spending. Long-term project operation would provide travel-time savings and improved connectivity of the region to the rest of California” (Draft EIR/EIS at page 3.12-5).
- “Operation of the project would provide economic benefits and facilitate broader economic expansion for the entire region. The economic advantages include user benefits (travel-time) savings, cost reductions, accident reductions) and accessibility improvements for the region’s citizens through improved connection of the Central Valley to the rest of California. These benefits accrue not only to travelers on the HST, but also to travelers using other transportation modes in the region because trips would be diverted from highways and airports, resulting in reduced congestion (Cambridge Systematics Inc. 2005, 2007)” (See the Draft EIR/EIS at page 3.12-69).
- “The broad-based economic growth [allegedly caused by the proposed project] would lead to increased fiscal benefits for local jurisdictions through expansion in both property and sales tax base for the region” (See the Draft EIR/EIS at page 3.12-69). No study or evidence has been cited or provided to justify this statement, and such assertions should either be specifically

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supported (so that intelligent public review and comment can take place), or they must be stricken from a redrafted and recirculated EIR/EIS.

- “The overall increase in sales tax revenues resulting from the HST System has been estimated as \$46 million...(Kantor 2008)” (See Draft EIR/EIS at page 3.12-71).
- “A 2010 study ... determined that the HST System would encourage more compact and efficient growth in the region” (See Draft EIR/EIS at pages 3.12-69 to 70). The Draft EIR/EIS cites to Calthorpe Associates 2010 as a justification for this statement, but the Calthorpe Associates study assumed a statewide HST system in actual operation.

Contrary to these assertions, there is evidence that the project as proposed will result in significant unavoidable impacts including significant loss of jobs, destruction of disadvantaged communities and neighborhoods and other socio-economic, environmental justice and community impacts. “Project” benefits are improperly based on the overall HST system being in place, though there is no guarantee that it will ever be constructed, and on other unsupported assumptions related to the overall HST system. Such assumptions include but are not limited to pre-economic downturn assumptions concerning the cost of HST travel, unproven and high ridership numbers (particularly for the Central Valley), and assumptions about the cost, timing and feasibility of the completion of connections between the Central Valley tracks and the rest of the state system.

If CCHSRA has missed supporting evidence found in the voluminous materials that comprise the Draft EIR/EIS, please summarize such evidence for us, and advise us, in the Authority’s response to these comments, or in any revised Draft EIR/EIS produced by the Authority, where in the record there is any supporting evidence for the above conclusions.

11. As a final comment, a series of CA HSRA Progress Reports for the years 2009, 2010, and 2011 are attached to this letter as Exhibits E, F, and G.

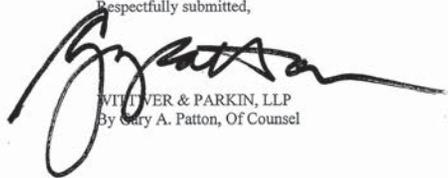
Exhibit E includes CA HSRA Project Reports for the Year 2009 – January to December; Exhibit F includes CA HSRA Project Reports for the Year 2010 – January to December; Exhibit G includes CA HSRA Project Reports for the Year 2011 – January to July. These materials demonstrate the prematurity of the current Draft EIR/EIS, and otherwise help document and substantiate the comments made herein.

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Conclusion

Thank you for taking our comments seriously. We will look forward to making additional comments on the entirety of the environmental review package related to the Fresno to Bakersfield section of the proposed high-speed train project when a "Revised" EIR/EIS is circulated for comment sometime in the spring of 2012.

Respectfully submitted,



WITTWER & PARKIN, LLP
By Gary A. Patton, Of Counsel

cc: Governor Jerry Brown
Members, California State Legislature
County of Kings
City of Bakersfield
CCHSRA

Response to Submission BO069 (Gary A. Patton, Citizens for California High-Speed Rail Accountability (CCHSRA)(Atty. for), Wittwer & Parkin LLP, October 13, 2011)

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Comments received on the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS and the responses to those comments are provided in Volumes IV and V of the Final EIR/EIS.

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Refer to Standard Response FB-Response-GENERAL-20, FB-Response-GENERAL-21.

The Authority and FRA circulated the Draft EIR/EIS to the public from August 15 to October 13, 2011. After reviewing the substantive comments received during the public and agency review of the Draft EIR/EIS, the Authority decided to reintroduce alignment alternatives west of Hanford. In response to concerns raised by stakeholders in metropolitan Bakersfield, the Authority and FRA also decided to evaluate another alternative in Bakersfield that would minimize impacts on residential and community facilities. The Authority and FRA determined that the introduction of these new alternatives and refinements being considered for the existing Fresno to Bakersfield route alternatives required publication of a Revised DEIR/Supplemental DEIS, which was released for public review in July 2012. A 90-day comment period was provided, through October 19, 2012. The Final EIR/EIS contains responses to all the comments received on the Draft EIR/EIS (Volume 4) and the Revised DEIR/Supplemental DEIS (Volume 5).

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The Business Plan, released on November 1, 2011, lays out a phased implementation strategy that focuses on putting the first operational segment of a high-speed rail system into place, which starts with the construction of the Initial Construction Section in the Central Valley. By implementing the program in phases, work can and will be matched to available funding. This approach is consistent with how other major infrastructure programs are implemented. As the system is implemented over time, and as more people use the system, there will be reductions in Greenhouse Gas Emissions as a result of reduced Vehicle Miles Traveled and less reliance on auto and air travel for intercity travel within the state's major urban centers. Construction of the HSR system will begin with the Initial Construction Section in the Central Valley. If conditions warrant, it can be used by Amtrak's San Joaquin service which will provide a faster and therefore even more attractive travel option. As the system is expanded into an Initial

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Operating Section, connections can be made with regional and local rail systems, it will attract more riders and contribute to reduced VMT and GHG emissions. As the system continues to expand, these benefits will continue to accrue to the state and its residents.

The Draft 2012 Business Plan, released on November 1, 2011, lays out a phased implementation strategy that focuses on putting the first operational segment of the California High-Speed Rail (HSR) System into place (Authority 2011a). This strategy starts with the construction of the Initial Construction Section in the Central Valley. By implementing the program in phases, work can and will be matched to available funding. This approach is consistent with how other major infrastructure programs are implemented.

As the system is implemented over time and as more people use the system, there will be reductions in greenhouse gas (GHG) emissions as a result of reduced vehicle miles traveled (VMT) and less reliance on auto and air travel for intercity travel between the state's major urban centers. Construction of the HSR System will begin with the Initial Construction Section in the Central Valley. If conditions warrant, this section can be used by Amtrak's San Joaquin service. This section will provide a faster and therefore even more attractive travel option. As the system is expanded into an Initial Operating Section, connections can be made with regional and local rail systems, and the Initial Operating Section will attract more riders and contribute to reduced VMT and GHG emissions. As the system continues to expand, these benefits will continue to accrue to the state and its residents.

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Refer to Standard Response FB-Response-GENERAL-02.

In 2012, the Authority prepared the *Bay Area to Central Valley High-Speed Train Partially Revised Final Program Environmental Impact Report (EIR)* (Authority 2012d) to address the November 2011 Town of Atherton court rulings regarding the 2010 *Bay Area to Central Valley High-Speed Train (HST) Revised Final Program Environmental Impact Report (EIR)* (Authority 2010a). The partially revised EIR was challenged in court by the Town of Atherton and the document was upheld. Therefore, the route from the Bay Area to the Central Valley has been defined.

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The routing between the Bay Area and Central Valley does not define the corridor that would be used for the HST project from Fresno to Bakersfield. All alignment corridors considered for the connection between the Bay Area and Central Valley are well north of Fresno. The decision on the route between the Bay Area and Central Valley is independent of the decision on the route between Fresno and Bakersfield. The Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) identified a preferred corridor for the Fresno to Bakersfield Section. The project-level Fresno to Bakersfield Section EIR/EIS has evaluated a range of alignment alternatives within the preferred corridor.

Abundant substantial evidence in the record demonstrates that the project description provided in Chapter 2, Alternatives, of the EIR/EIS is more than adequate for the environmental analysis of the project. The project description provides detailed information on the alternatives carried through the environmental analysis, like the horizontal and vertical locations of track, cross sections of the infrastructure with measurements, precise station footprints with site configuration, and temporary construction staging sites and facilities. The project description also contains a "project footprint" overlaid on parcel maps. The project footprint shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity.

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An Air Quality Conformity Determination, which is required before project construction, is currently being prepared to accompany the issuance of the Record of Decision by FRA. While emissions generated in the area would decrease with the operation of the project (primarily as a result of a mode shift from auto and air travel to the high-speed train), the air quality analysis has identified emission rates from the project for NO_x, VOCs, and CO during the construction phase that exceed the conformity de minimis thresholds. As such, a formal general conformity compliance demonstration is required and general conformity requirements will be met through efforts to use the cleanest, reasonably possible construction equipment fleet (Mitigation Measure AQ-1), and then through a Voluntary Emissions Reduction Agreement (VERA) between the Authority and the San Joaquin Valley Air Pollution Control District (Mitigation Measure AQ-4). FRA will prepare

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and sign the "General Conformity Determination" for the project.

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The Fresno to Bakersfield Section of the HST project requires Clean Water Act (CWA) compliance and CWA Section 404 permits. Section 404 permitting, which is the responsibility of the U.S. Army Corps of Engineers (USACE), is a separate process from the Authority/FRA decision on the project. However, the processes are interrelated by the NEPA process and the requirements of the CWA. The Fresno to Bakersfield Section of the HST project cannot proceed without a Section 404 permit. In order for these permits to be issued, the USACE will require that the project represent the least environmentally damaging practicable alternative (LEDPA). As part of the determination of the LEDPA, the project must go through the NEPA environmental review process. In order to simplify the Section 404 process, the Authority and FRA have worked with the USACE to include potential LEDPAs in the EIR/EIS. For example, once the purpose and need were determined, detailed study alternatives were developed, including alternatives that could be considered for selection as the LEDPA for purposes of the Section 404 permit. The impacts for the Draft EIS/EIR were analyzed and circulated for public comment, and a Revised DEIR/Supplemental DEIS was prepared and circulated for public comment.

This is one aspect of the process by which the USACE will select the LEDPA, but that selection is based on the statutes and regulations that apply to issuance of the Section 404 permit. The Section 404 permit will be issued for the LEDPA, effectively eliminating the other alternatives analyzed in the EIR/EIS, and will include substantive conditions that in turn will minimize impacts on biological resources within the Study Area. The USACE will rely on the EIR/EIS as the basis for its environmental analysis of the LEDPA.

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Refer to Standard Response FB-Response-AG-07.

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The ridership model is not deficient, but "produces results that are reasonable and within

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expected ranges for the current environmental planning and Business Plan applications”, according to a ridership and revenue peer review panel of leading U.S. and international experts in travel forecasting (Independent Peer Review Panel 2011).

The ridership model has been the subject of litigation challenges (*Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2008-8000022 and *Town of Atherton, et al., v. California High-Speed Rail Authority, et al.*, Sacramento Superior Court Case No. 34-2010-8000679). As part of the Atherton litigation, the Superior Court concluded that: “Cambridge Systematics’ analysis is clearly not inadequate or unsupported and Respondent reasonably relied on Cambridge Systematics’ conclusions in approving the ridership model after extensive debate regarding ITS’s criticisms of the model. Respondent’s thorough explanation regarding its selection is contained in the record.”

The ridership and revenue model was developed by a nationally recognized leader in forecasting, Cambridge Systematics, Inc. (CS). A full description of the model development and the forecasts is available on the Authority’s website (Authority and FRA 2011f) and will also be available when the Final EIR/EIS is published.

A range of ridership forecasts have been used in the EIR/EIS to evaluate potential negative and positive impacts of the HST. For negative impacts such as noise or traffic around stations, a high level of ridership and HST activity was assumed. For positive impacts such as energy savings or greenhouse gas emissions reductions, a low level of ridership and HST activity was assumed. In each case, the ridership is conservative and reasonable for the evaluation of impact.

Appendix C is a memo addressed to the Ridership Peer Review Panel by Elizabeth Alexis, CARRD [Alexis, Sept. 2011]. The memo makes numerous observations, speculations, and suggestions, but does not provide credible evidence that the model is unsuitable for use in the environmental analyses. The introduction presents a list of seven areas of concern, and the body of the memo covers most, but not all of them, and also covers a number of other issues. The seven areas of concern are addressed below first, and then the additional items are addressed.

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1. The high rate of diversion from trips currently taken by car. The diversion from automobiles is almost as high as that from airplanes for San Francisco to Los Angeles trips.

This point is not further addressed in the detailed discussion. That a large percentage of HSR ridership is expected to be diverted from cars is not surprising given that under the no-build condition, about 47 percent of the trips are made by car between the San Francisco Bay Area and the SCAG region. By contrast, we forecast that about 51 percent of the high speed rail ridership in 2030 would be diverted from automobiles.

2. The high sensitivity to frequency at a normal level of headways, CARRD’s lead-off statement in this section, “As the Panel has noted, the current headway coefficient is inappropriate.” [Alexis, Sept. 2011, p.8], is incorrect. In fact, the PRP confirmed the appropriateness of the headway coefficient, as follows: “CS calculated the elasticity of total HSR ridership with respect to HSR headway at approximately -0.30 (see last two rows of Table 14 in Cambridge Systematics 2011). This elasticity is about the same size that the panel would expect, based on experience with urban transit and accounting for the expectation that headway is likely to be less important in intercity than in urban transit. It also compares well to elasticities found in a national survey in Switzerland, covering trips 10-300 km in length, whose values are shown in Table 2 [of the PRP report]. Furthermore, the panel feels that if the original model had kept the estimated coefficient (which was approximately one-fifth as large as the value they constrained it to), the resulting elasticity would have been too low to be plausible. Therefore, we conclude that in the end, this problem with the model did not misrepresent traveler behavior in important ways.” (Independent Peer Review of the California High-Speed Rail Ridership and Revenue Forecasting Process, Findings and Recommendations from April-July 2011 Review Period, August 1, 2011, Section 3.4, Page 6). The remainder of CARRD’s discussion of frequency on Pages 7-9 is speculation regarding reasons and motives for constraining the frequency coefficient in the original model development. The actual process is documented in the materials submitted to the Peer Review Panel and is available publicly on the Authority’s website.

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3. The insensitivity of the model to access and egress issues,

The supporting discussion starts with the observation that a previous model by CRA only considered trips by people “travelling to some place near another station”.

CARD passes over that the CRA model was a “black box” model with no documentation open to outside review (unlike the current model). There are advantages of including all trips within the state and systematically determining who might use high speed rail (see point #1).

So, starting from an unsupported position that one has to be close to a freeway or an airport or a high-speed rail station to use it, CARRD makes the argument that people could not possibly come to the stub end stations in the numbers forecast. The consistent statewide forecast model weighs the pros and cons of driving, taking the train or going to the airport, for over 21 million place-to-place trips, and assigns reasonable probabilities, including zero. The model does not prejudicially decide that Merced and Anaheim are “beet root”[1] stations (Alexis, September 2011, p. 6) and therefore incapable of attracting riders from elsewhere.

Finally, CARRD suggests that because drivers have slogged through “up to 100 miles” of Rte 99 to get to Merced every one of them would continue to drive south another 200-300 miles rather than take a high-speed train taking less time and costing less (also Alexis, p.6). This reflects an enthusiasm for Central Valley driving that the model suggests is not widely shared, and upon reflection, is unlikely in the face of a comfortable, fast, cost-effective alternative.

4. The lack of sensitivity to significant socio-economic differences that exist between regions in California,

Actually, the HSR model is quite sensitive to the specifics of the various regions of the State. It considers household sizes (1, 2, 3, and 4+), income levels (low, medium, and high), auto ownership levels (0, 1, and 2+), and the number of workers in the household levels (0, 1, and 2+) and results in 99 different logical household types considered by the model.

Thus the model has quite different projections of the current and future make-up of the San Joaquin Valley than for San Mateo County. The Sacramento region

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is different from Orange County, Los Angeles from Kern County, etc., and all of these differences feed into the model forecasts in an appropriate way for the environmental and financial planning work relying on them.

CARRD’s observation (p.4) that mostly college-educated people ride high-speed trains in Spain is interesting, since less than 3% of Spain’s population has a university degree[2]. The lowest level of California college graduates cited by CARRD is in King’s County, with 12%, four times higher. The highest cited is Palo Alto, home to CARRD, with 79%.

Does this mean that Californians are at least four times as likely to take high speed trains? Or that Palo Altans are 25 times more likely to take high-speed rail than Spaniards? Of course not; such isolated comparisons are meaningless. Actual California HST ridership will depend on the quality of the specific service, and its price, time, & frequency compared to the air and road alternatives. These are the characteristics that the model evaluates systematically and differentially for each of over 21,000,000 individual zone-to-zone interchanges in the state.

5. The treatment of longer distance commuters as high-end business travelers, CARRD’s summary phrase covers of a host of concerns over the treatment of commuting and opinions on how to organize a rail network to handle long-distance commuters and other travellers. None of them affect the forecast in a significant way, and CARRD is confused on several points. The issues raised are the following:

a) survey “unrepresentativeness” – only a few commuters surveyed; pp, 12 & 13 various, including p. 13 para 6.

The issue of the “unrepresentativeness” of the survey sampling process has been discussed, and dismissed, previously. Specifically, this issue was addressed in the Standard Responses to a question raised by CARRD as part of the Bay Area to Central Valley HST Revised Final Program EIR. This response should probably include the key arguments of the Standard Response.

b) CS model evenly spread out commuters through the peak times; p. 13 para 3. The travel model forecasts ridership for a composite six hour peak period; three hours in the morning peak period and three hours in the afternoon peak period. A ten hour off peak period is modeled. “Peaks within the peak period” are not included in the

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travel model. This level of modeling is commensurate with the needs for an EIR / EIS and appropriate for a project of statewide scope, where many trips extend into several time periods.

c) CS assigned a very high value of time to long-distance commuters; p. 14, para 2
The value of time assigned long-distance commuters resulted from this group being included with business travellers in the main mode choice model. CS and PB are working on what to say about the relative importance of this issue and whether the value of time is in fact unreasonably high.

d) Commuters as high-end business travellers affect calibration of demand from Central Valley airports.

This is one of a number of unsupported suppositions in the CARRD document. A wide variety of potential models were investigated in the original model development but these models were abandoned due to an inability to find a meaningful relationship, lack of estimation data, or lack of a procedure to forecast necessary input data for future ridership forecasts.

e) Serving commuters is generally money-losing, p. 13, para 2,
This is correct, but in the case of CAHST, commuters are primarily carried at the north and south ends of the runs, after the peak of inter-regional traffic, and seats are available. With no need to provide additional capacity, the fares commuters pay (higher than the Metrolink or Caltrain prices, in exchange for much faster service) more than cover the costs that they generate.

f) One of Caltrain's most profitable businesses is Baby Bullet commuters SJ to San Francisco, p. 13, para 4.

We have found no evidence that Baby Bullet service is profitable, even operationally, nor that there are other profitable businesses run by Caltrain.

g) Regional models should be used to forecast regional commuter usage, p. 14, para 5.

CS has, from the start, used regional models for this forecasting work.

6. The lack of induced travel,

This issue is not further discussed in the memorandum so CARRD's concern is unclear. However the model does estimate induced travel, which makes up two to three percent of the HSR ridership forecast for various alternatives and scenarios.

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7. The presumption of high rates of population growth.

CARRD supports their concern with three assertions on p. 14, one of which is wrong, one that is not provable, and one which does not affect the environmental impact analysis:

1) "[Since] earlier this decade... more people are moving out of California than are moving in." This is incorrect, according to a recent Brookings Institution study of Census Bureau estimates[3] which shows a net in-migration from 2000 through 2008 of 1.75 million legal immigrants from outside the U.S., versus a net out-migration domestically of 1.36 million, for a net of 390,000 in-migrants through some of the most difficult years for California.

2) "...growth over the last decade is half of the growth originally forecast". This is impossible to refute or prove since the "original" forecast is not given.

3) "current forecasts include quite high levels of growth." The environmental analysis is based on the official California Department of Finance forecasts of growth from the mid-2000's that are indeed higher than recent post-recession forecasts. However this creates an upper-end estimate of potential negative impacts for analysis and mitigation in key areas such as traffic impacts around stations, and noise and vibration. If the forecast is lower, fewer impacts would be created, but a maximum reasonable situation has been evaluated as required in the EIR/EIS work.

CARRD's final suggestion that the sensitivity of the forecast to population growth be tested is reasonable and the 2012 Business Plan forecasts have used several alternative population and employment growth scenarios to define a low and a high case. Both forecasts were decreased from the DOF forecast used for the EIR/EIS forecasts, to just 1% per year, similar to the California growth rate observed by the Census in the decade 2000-2010.

Additional CARRD issues:

A. The model should not include all trips made in California, pp. 1 & 2.

CARRD suggests that the model should not cover all trips made between regions in California, and should be limited judgementally to those trips that originate "near" a high-speed rail station. Nonetheless, the approach of the model to include all trips is quite

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reasonable, and has several advantages:

- a. It provides a more complete picture of travel within the state, which is used to provide context and information for the environmental analyses and cost benefit evaluations.
- b. It allows the model to systematically and consistently determine whether the traveller would change modes based on cost and time tradeoffs. For example some air travellers today drive 50-100 miles to get to an airport to fly to the other end of the state, e.g. Monterey to the San Jose airport to fly to San Diego, and some of them may be willing to drive a similar distance to catch a high-speed train. Other travellers may drive several hundred miles such as from Yuba City to Bakersfield, and may be willing to park at Merced to take the train rather than drive the whole distance. Rather than arbitrarily exclude Monterey or Yuba City trips, as CARRD suggests, the model evaluates the characteristics of the trip, the household, and the alternative modes, and calculates a probability that HST would be taken.

The CARRD expectation that auto shares in Table 4 and Figure 3[4] should be the same is wrong, since each reports auto mode shares for different markets. Figure 3 shows inter-regional trips of around 375 miles state-wide with an average auto share of 40%. Table 4 shows auto shares for trip from one zone in the LA Basin to another in the Bay Area, assuming 1 person per auto, with a mode share of 5-10%. This is totally in line with expectations, since a) the auto is more attractive when groups are travelling and can share the costs, and b) because many other long distance trips do not have the air service access that LA-SF has, making the auto more attractive state-wide. Overall, the MTC-SCAG region mode share for autos under the no-build condition is expected to be 47 percent; under the Phase 1 condition, the mode shares are expected to be: HSR: 38%; Auto: 28%; Air: 34%.

B. Conduct of stated preference surveys, p.6, para 2

CARRD states mistakenly that the original stated preference survey sample excluded all residents of Monterey and half of California counties. For both air and rail traveller intercept surveys, half of the total surveys, no such limits were imposed. For the telephone surveys of auto and rail travellers, it is correct that half of the State's counties were excluded. However this is not a significant issue, since the 29 counties

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included account for more than 92% percent of the State's population.

C. Methods of calibration p. 3, paras 3 to 6

CARRD advances an argument that CS manipulated the frequency coefficient to "dampen demand" for air travel at airports ("presumably those in the Central Valley") and added constants to the Bay Area and SCAG airports because the model was behaving badly and underestimating non-Central Valley airport demand. The CARRD arguments regarding the motivation for the constraint of the frequency coefficient are speculative. The reasonableness of the value of the frequency coefficient after constraint is documented under Item 2, above.

CARRD further speculates that "presumably the same types of factors that limit demand for air travel would apply in some manner to high speed rail, which is a close enough substitute for air that a nested model structure is used. There are however no similar dampening mechanisms for high speed rail demand from the Central Valley." The nesting structure for the main mode choice also includes conventional rail in the same nest as high speed rail and air travel. There was no need to include constants for conventional rail similar to those necessary to calibrate the model to reasonably reproduce air travel demand.

High speed rail was grouped into the same nest as conventional rail and air travel because travelers on one of those public modes are more likely to switch to travel on another of those modes than to travel by auto. This increased sensitivity relates to all components that contribute to the utility of travel on those modes, not just the constants.

D. Cost of driving

On pp. 9 & 10, CARRD questions how the costs of driving were used in the model. The model has used one of several acceptable approaches to addressing the non-fuel costs of auto travel in a demand model, and this approach was used consistently from estimation of the model through application.

The following summarizes CS' previous responses to similar arguments:

- The SP survey used to collect data for the model estimation provided each respondent with four choice experiments representing travel on a particular origin-destination pair. Over the entire survey, the implied cost of auto use ranged from 5 to 42 cents per mile, with an average of 15 cents per mile (in 2004 dollars, since the survey was done

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- in 2004). This wide range was used to estimate the importance of auto cost in trip making and mode choice decisions, and is normal stated preference survey design.
- Respondents were told that these cost ranges were developed by design to reflect a range of gas price scenarios. The instructions read as follows: "We would like you to make a selection even though travel times and fuel costs for the car mode may vary in the future due to traffic congestion and changes in fuel price per gallon. Air fares may also vary from current prices."
 - The cost was described as "fuel cost" in the survey for simplicity, but the range of costs offered in the choice experiments purposely stretched the usual bounds, to provide information people's sensitivity to travel cost. The value would be interpreted by the respondent as "cost" and was used to compare the cost of auto travel to the costs for the competing modes. Costs for other modes were characterized as "fares" but were not specific about whether they included or excluded taxes.
 - When the model was calibrated, we used a cost that included not just fuel, but also some operating costs. This choice was made to maintain consistency with the existing MTC and SCAG models, which used this approach. Different modelers handle this differently, and there is no industry consensus. However, the use of one method versus the other does not affect the final outcome as long as there is consistency between model validation and application.
 - Travel costs for auto, air, and rail have been treated consistently from estimation through calibration and application.

E. group travel

- On pp. 11 & 12, CARRD questions how the model reflects groups that travel together. CARRD is correct that the mode choice model does not divide the cost of auto travel by the number of travelers. However, it does account for the effects of group travel in other ways that reflect the complexity of how group travel decisions are made. The following summarizes CS' previous responses to similar arguments:
- Travelers' decision to travel individually or as a group is taken into account in two model components - the trip frequency model component and the mode choice model component.
 - CARRD's analysis assumes that the impact of group travel should be accounted for in mode choice only. Such an approach has obvious appeal, but would have affected the model in other ways. Our model determines travel alone or travel in a group as part of

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- the trip frequency model. In effect, the model says that the decision to travel alone or in a group is made in conjunction with the decision to make a long distance trip.
- The travel alone or in a group decision then impacts destination choice and mode choice. Moving the group size decision to mode choice only would, in effect, be saying that a traveler decides to make a trip, decides where to go, and then says "oh, others have decided on exactly the same trip; I can share my cost with them when I determine the mode of travel." Though that may sometimes be the case (such as when a college student tries to hitch a ride home with friends,) that's not usually how these decisions are made.
 - Auto travel is more attractive for those traveling in a group, and the reverse is true for air and rail travel. Our model accounts for this.

F. Operating schedule

CARRD p. 8 bottom two paras, and p.12 criticize the level of service provided in the modelling and suggests that a rail operator would provide less service than specified.

- High-speed rail operators have reviewed the operating plan for the EIR/EIS service and did in fact suggest that the year 2035 schedule of trains be reduced from 8 in the peak hour between San Francisco – Los Angeles to increase the reliability of service and ease of operation. And to provide enough capacity to handle the forecast traffic, they suggested running more double train-sets.
- Reducing trains per hour would have the effect of producing somewhat fewer riders and local negative impacts for noise and traffic around stations. Thus the analyses made with the higher numbers of trains and riders fully cover a maximum reasonably foreseeable scenario, as required in an EIR/EIS.
- Reducing the number of trains does not have the major impact on the riders forecast that CARRD suggests: a 10% reduction or increase in trains per hour produces a change on the order of 2% in riders, as CS demonstrated in to the Peer Review Panel (CS March 2011, rev Jun 2011) and as has been shown in several runs with alternative levels of HST service.
- None of the high-speed rail operators recommended the low level of service advocated by CARRD, given the forecast of traffic. In the recent business planning work the traffic forecast for a Phase 1 uses 5 trains per direction in the peak hours from San Francisco to Los Angeles, and 4 trains in the off-peak hours.

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v. California levels of service are much lower than in the Japanese Shinkansen lines leaving Tokyo (12-13 trains per hour). And, contrary to CARRD's assumption that all Europe HS service has fewer trains per hour, the CA HST has fewer trains per peak hour between San Francisco and Los Angeles than the TGV from Paris to Lyon and south to the scattered population of the French southeast.

vi. In criticizing the operation as too frequent and carrying too many commuters, CARRD fundamentally misunderstands the flow of traffic in the CAHST. For example they say that "selling Bakersfield – LA tickets will often mean empty seats from San Francisco to Bakersfield." A look at the loadings for an Anaheim - San Francisco Phase 1 service shows that this is not the case (see daily load table below), -- the peak load is actually between Fresno and the junction between the Bay Area and Merced legs, not in the LA Basin or Bay Area. In fact the LA-Bakersfield rider is being replaced by riders from Bakersfield to the Bay Area or Sacramento/Merced, or a Fresno – Bay Area rider. The service that is offered is reasonable for the market demand in the California string of overlapping short and long inter-regional markets.

The daily load table also shows that the commuters within the Bay Area and LA Basin do not add to capacity required and create a need for subsidy, contrary to CARRD's assertion. The commuters are the butter on the bread of the fundamental intercity service and fill available capacity for a strong positive contribution to the operation's bottom line. This too finds a counterpart overseas in the patterns of usage of the Japanese Shinkansen, which carry significant numbers of commuters at prices significantly higher than the parallel conventional trains. 5]

G. Tables 5 & 6 in CS memo [6]

CARRD notes that the statewide averages for business and commute trips seem implausible given that only two small regions have trips that are lower than the average.

This is because in these tables the order of the region names is incorrect. The corrected tables are shown below. Now it should be clearer that SCAG with a very high volume of trips had the lowest trip rate in 2000 by far, and that SCAG and Fresno/Madera are the two regions with trip rates lower than the average as forecast for 2030.

Table 5. Average Annual Interregional Long Distance Round Trip Journeys per Capita by Geographic Area – 2000 <CORRECTED>

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Region	Business	Commute	Recreation	Other	Total
AMBAG	0.71	2.88	0.38	0.01	3.99
Central Coast	0.73	3.02	0.47	0.01	4.24
Far North	0.79	3.48	0.76	0.02	5.06
Fresno Madera	0.52	2.29	0.41	0.01	3.24
Kern	0.60	2.56	0.53	0.03	3.72
South SJ Valley	0.60	2.65	0.49	0.02	3.76
Merced	0.75	3.22	0.60	0.03	4.60
SACOG	0.77	2.25	1.95	0.62	5.59
SANDAG	0.44	1.53	1.52	0.49	3.99
San Joaquin	0.64	2.62	0.47	0.25	3.98
Stanislaus	0.64	2.70	0.44	0.01	3.79
W Sierra Nevada	1.14	4.82	0.99	0.03	6.98
MTC	0.24	0.45	2.75	0.47	3.91
SCAG	0.28	0.59	0.66	0.19	1.72
Statewide Average	0.38	1.11	1.21	0.27	2.96

Table 6. Average Annual Interregional Long Distance Round Trip Journeys per Capita by Geographic Area – 2030 <CORRECTED>

Region	Business	Commute	Recreation	Other	Total
AMBAG	0.69	2.75	0.34	0.01	3.79

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Central Coast	0.67	2.79	0.42	0.01	3.89
Far North	0.74	3.22	0.66	0.02	4.65
Fresno Madera	0.49	2.10	0.35	0.01	2.95
Kern	0.55	2.26	0.41	0.02	3.24
South SJ Valley	0.53	2.32	0.40	0.01	3.26
Merced	0.69	2.88	0.48	0.03	4.08
SACOG	0.84	2.93	2.39	0.65	6.82
SANDAG	0.46	1.57	1.93	0.66	4.63
San Joaquin	0.60	2.44	0.40	0.20	3.64
Stanislaus	0.56	2.33	0.37	0.01	3.27
W Sierra Nevada	1.02	4.30	0.87	0.03	6.22
MTC	0.27	0.50	3.15	0.54	4.46
SCAG	0.28	0.56	0.91	0.28	2.02
Statewide Average	0.39	1.19	1.34	0.32	3.23

Footnotes:

[1] The term "beet root station" bears some explanation. According to Wikipedia: "TGV Haute-Picardie is a railway station on the LGV Nord-Europe between Lille and Paris. Geographically, it is located about ten kilometers west of Péronne, between the towns of Saint Quentin and Amiens. When built, it was criticized by the press for being too far from any of the towns to be useful. It is located near a trunk road rather than a connecting railway line: it was often nicknamed la gare des betteraves, or 'beetroot station', as it is surrounded by beetroot fields."

[2] http://www.expatica.com/es/education/higher_education/higher-education-in-spain-1896_11005.html

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[3] Frey, William H., "The Great American Migration Slowdown: Regional and Metropolitan Dimensions", Metropolitan Policy Program at the Brookings Institution, Washington, D.C., December 2009. See p. 18, Appendix C.

[4] The detailed discussion references several figures and tables without indicating the source document. A search of documentation submitted to the Peer Review Panel matched the references with a memo from Cambridge Systematics to the Peer Review Panel entitled "Information Requested in Section 3.2 Validation and Documentation of the Independent Peer Review of the California High-Speed Rail Ridership and Revenue Forecasting Process, 2005-10, Draft Report for Internal Review (February 7, 2011)", March 31, 2011, revised June 8, 2011 (Cambridge Systematics, Inc. 2011).

[5] For example, 8.6% of East Japan Railways Shinkansen passenger miles and 4.8% of revenues were from commuter passes in FY 2009. East Japan Railways, "2009 Fact Sheets", p. 19 (in English and Japanese).

[6] See footnote in point 1 of response to CARRD memo re: which document this might be.

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Refer to Standard Response FB-Response-GENERAL-01.

When a portion (i.e., the Fresno to Bakersfield Section) of a larger program (i.e., the HST System) is designed at the project level, the design will inevitably include refinements. This is because the project level design is taken to a greater level of completeness (in this case, 15% completeness) than was the design of the larger program. This further design refinement includes changes from the conceptual design reviewed in the program EIR/EIS. Those changes, while still part of the overall program, are being analyzed at the project level in the Fresno to Bakersfield Section EIR/EIS, as required by CEQA and NEPA. The current CEQA/NEPA analysis affords public disclosure of the proposed Fresno to Bakersfield Section, including refinements from the conceptual design analyzed at the program level, project-specific information about the potential significant impacts of constructing and operating this HST section, alternatives, and mitigation measures to reduce the significant impacts where feasible. The Fresno to Bakersfield EIR/EIS is a stand-alone document that relies upon past work

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undertaken by the prior HST System program EIR/EISs, but does not tier directly from them in the sense of CEQA Guidelines Section 15152. This is the proper sequencing of analyses from general analysis at the conceptual program level to more detailed analysis at the project level.

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Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02.

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Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-20.

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Refer to Standard Response FB-Response-GENERAL-13.

The Authority has tiered the environmental review of the California HST System. Based on two first-tier program EIR/EISs, the Authority selected train technology, general track alignments, and preferred station locations. Subsequently, the Authority divided the HST System into geographically smaller pieces, called HST sections, for second-tier EIR/EISs. Moving from a first-tier project to a more limited geographic scope second-tier project is precisely what tiering is for (Pub. Res. Code §21093; Guidelines §15152; 40 CFR 1502.20). At a practical level, the HST system is simply too big to be addressed in a single second-tier EIR, or even just two or three. It was within the Authority's discretion to define the second-tier projects, and the only question is whether the Authority's division of the second-tier projects is supported by substantial evidence. The record shows it is. Each project has logical termini at cities selected to have HST stations at the first tier, has sufficient length to allow for an analysis of environmental impacts on a broad scope, and has independent utility separate and apart from any other section (see *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712, 733 [upholding EIR that treated as the "project" at issue one freeway segment within a long-term, multi-segment regional plan]).

As noted in this comment, the project EIR/EIS for the Fresno to Bakersfield Section provides project-specific construction and operational impacts in those environmental

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areas where the impact analysis is dependent on site-specific design and operational characteristics. Where project impacts are related to the whole system, such as GHG emissions, emissions of regional pollutants such as nitrogen oxides, and regional growth, the impact analysis is based on the relationship of the Fresno to Bakersfield Section to the whole system since this project section is tiered from the whole system. This approach does not contravene CEQA or NEPA. A stable project description has been provided. Train technology, alternative track alignments, and preferred station locations were defined in the first-tier program EIRs and have not changed. Track alignment and station alternatives were further identified, refined, and evaluated in the project-level EIR/EIS, as well as the impacts of the train technology, power traction system, and maintenance facilities first defined in the first-tier program EIR/EISs and detailed in Chapter 2 of the Fresno to Bakersfield EIR/EIS.

The Draft EIR/EIS and Revised DEIR/Supplemental DEIS analyzed a reasonable range of alignment alternatives within the preferred corridor selected in the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005). Therefore, all of the alignment drawings state that the final alignment has not been selected. The preferred alignment for the Fresno to Bakersfield Section is provided in the Final EIR/EIS.

Section 2.2.2 of the EIR/EIS provides adequate description of the trainsets that would operate on the Fresno to Bakersfield Section to evaluate the impacts of train operations. As stated in that section, the trains would be electrically powered from an overhead contact system. They would be typically be 9 to 11 feet wide, consisting of two trainsets, each approximately 660 feet long and consisting of eight cars. A train or two trainsets would seat up to 1,000 passengers, and be approximately 1,320 feet long with 16 cars.

Information on the number and frequency of train operations in the Fresno to Bakersfield Section are provided in Section 2.5.2 of the EIR/EIS. Additional information on the operating plan is provided in Appendix 2-C.

The purpose of an EIR/EIS is to provide an evaluation of the reasonable range of alternatives proposed for the project. This has been done in the Fresno to Bakersfield Section EIR/EIS. This comment suggests a rule that a lead agency must define its project based on available funding. CEQA includes no such rule, and courts cannot

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impose procedural or substantive requirements beyond those explicitly stated in the statute or Guidelines (Pub. Res. Code §21083.1). Such a rule would force lead agencies to re-define their projects every time funding changes, a result in direct conflict with the "rule of reason" that governs EIRs (Laurel Heights Improvement Assn. v. UC Regents (1988) 47 Ca1.3d 376, 406-407).

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Refer to Standard Response FB-Response-GENERAL-21, FB-Response-PU&E-01, FB-Response-PU&E-02, FB-Response-HWR-01, FB-Response-HWR-02.

As stated in Chapter 1, Project Purpose, Need, and Objectives, of the EIR/EIS, the Authority proposes to construct, operate, and maintain an electric-powered HST System in California. When completed, the nearly 800-mile train system would provide new passenger rail service to more than 90% of the state's population. More than 200 weekday trains would serve the statewide intercity travel market. The first section of the California HST System requires a section of over 100 miles of high-speed track to test the high-speed trains. Chapter 2, Alternatives, describes the project components and alternatives, including train type, service, and proposed station locations. Chapter 2 also describes testing and maintenance procedures to ensure the performance and safety of train operations. Appendix 2-C, Operations and Service Plan Summary, in Volume 2, Technical Appendices, of the EIR/EIS includes the operation and service plan summary. The impacts of the proposed train service are analyzed in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the EIR/EIS.

Extensions of power lines to substations along the HST corridor are included in the environmental footprint of the project, shown in Appendix 3.1-A, Parcels within HST Footprint, in Volume 2, Technical Appendices, of the EIR/EIS. Identification of power sources and power lines that could possibly be incrementally developed to service project-related growth in the San Joaquin Valley would be highly speculative. Although the California Environmental Quality Act (CEQA) requires an agency to analyze a project and its reasonably foreseeable phases and consequences, CEQA does not require a lead agency to engage in speculation (see CEQA Guidelines §§ 15144, 15145, 15151, 15064, subd. [d][3]). "Analyzing whether a project may have a significant effect necessarily involves some degree of forecasting but perfect prescience is not required."

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(*Marin Mun. Water Dist. v. KG Land Cal. Corp.* [1995] 235 Cal.App.3d 1652, 1662.) CEQA "does not demand what is not realistically possible given the limitation of time, energy and funds. 'Crystal ball' inquiry is not required." (*Rio Vista Farm Center v. County of Solano* [1992] 5 Cal.App.4th 351, 378, internal quotations and citations omitted). "An EIR is not required to include speculation as to future environmental consequences of future development that is unspecified and uncertain. (*National Parks & Conservation Assn. v. County of Riverside* [1996] 42 Cal. App. 4th 1505, 1515; see also *Ebbetts Pass Forest Watch v. California Dept. of Forestry and Fire Protect* [2008] 43 Cal. 4th 936 [Ebbetts Pass].)

For instance, in Ebbetts Pass, the California Supreme Court considered whether a CEQA functional-equivalent document, in that case, a timber-harvesting plan (THP), adequately analyzed potential future herbicide use, the precise details of which were unknown at the time the THP was prepared. Regarding "speculativeness and its opposite, foreseeability," the Supreme Court cited the appellate court's decision in the case favorably as follows: "[W]hen a proposed act, such as the application of herbicides, is included in general discussion of the act and its possible environmental effects, [it] need not include detailed analysis of specific acts that cannot reasonably be foreseen at the time the [environmental document] is prepared." (43 Cal. 4th at p. 954, citing *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* [2007] 40 Cal. 4th 412, 428 [Vineyard]; Laurel Heights I, supra, 47 Cal. 3d at pp. 396, 398-99.)

The THP at issue acknowledged that "there exists a reasonable probity that some form of herbicide may be used to control vegetation post-harvest." (Ebbetts Pass, supra, 43 Cal. 4th at p. 955.) The THP also explained that "[d]ecisions about spraying are made after harvest based on conditions on the ground. These conditions include amount of competing vegetation present and its future growth potential, level of moisture retention capability in the specific soil, survival success rates of the planted conifer seedlings, amount of insect or rodent damage, and other factors that are not known at this time." (Ibid.) The Supreme Court explained that "[w]here the exact parameters of generally foreseeable future actions cannot confidently be predicted, the full-disclosure goals of CEQA ... may nonetheless be met with analysis that 'acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives ... and discloses

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the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact." (ibid., quoting Vineyard, supra, 40 Cal. 4th at p. 434.)

This comment argues that the THP should have included more detailed, site-specific discussion regarding the potential use of herbicides, but the Supreme Court rejected this contention. Applying the substantial evidence test, the Court found that the Department of Forestry had not abused its discretion by accepting the THP's finding that the precise parameters of future herbicide could not be predicted, and hence failing to demand a more detailed, site-specific analysis of impacts and mitigation measures. (Ebbetts Pass, supra, 43 Cal.4th at p. 955.)

With respect to the Fresno to Bakersfield EIR/EIS, it analyzes the reasonably foreseeable consequences of the project, including the potential for utility relocation and access constraints. As such, the EIR/EIS's analysis complies with CEQA. (See Ebbetts Pass, supra, 43 Cal.4th at p. 955; see also *No Oil Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 233 [finding that an EIR for an oil exploration project must contain some discussion of a reasonably foreseeable oil pipeline's environmental impacts, but the discussion may be general where there is uncertainty as to whether the specific details of construction].)

Agency consultation and coordination will continue, and the information provided will be used to inform the final design developed during the design/build process. Engineers from the regional consultant team have worked with irrigation districts to address concerns and resolve conflicts. Project design features are described and environmental impacts are evaluated in the EIR/EIS, including floodplain impacts and changes to existing drainage patterns. In general, it is anticipated that the HST project would use existing drainage facilities where appropriate. Also, please see FB-Response-HWR-04.

Typical roadway crossings are described and illustrated in Chapter 2, Alternatives, of the EIR/EIS. Roadway crossings relevant to the Fresno to Bakersfield Section of the HST System are provided in Appendix 2-A, Road Crossings, in Volume 2 of the EIR/EIS. Temporary and permanent impacts associated with roadway modifications and closures are analyzed in Chapter 3, Affected Environment, Environmental Consequences, and

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Mitigation Measures, of the EIR/EIS in Section 3.2, Transportation; Section 3.3, Air Quality and Global Climate Change; Section 3.4, Noise and Vibration; Section 3.11, Safety and Security; Section 3.12, Socioeconomics, Communities, and Environmental Justice; and Section 3.14, Agricultural Lands.

The project must be sufficiently definite to conduct environmental review, but not so defined as to preclude modifications to the project in response to environmental review. To fulfill its role of ensuring that the public and decision-makers have "enough information to ascertain the project's environmentally significant effects, assess ways of mitigating them, and consider project alternatives, an EIR must provide 'an accurate stable and finite project description ...' [citations]." (*Sierra Club v. City of Orange* [2008] 163 Cal.App.4th 523, 533.) The activity must be sufficiently definite in order to conduct a meaningful environmental impact review. (See *McQueen v. Board of Directors* [1988] 202 Cal. App. 3d 1136, 1143 ["An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity."].)

At the same time, however, the CEQA process, if working properly, will often result in project changes reducing the severity of environmental effects. "The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (Kings County, supra, 221 Cal. App. 3d at pp. 736-738.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modifications which must be genuine. It must be open to the public, premised on a full and meaningful disclosure of the scope, purposes, and effects of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. [citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* [1986] 42 Cal.3d 929, 936.)

Some commenters on the Fresno to Bakersfield Draft EIR/EIS have asserted that the project description is inadequate due to the "15% engineering" design level, which provided the basis for the environmental analyses. In light of the principles discussed

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above, however, it should be clear that final engineering design plans are not necessary at this time, and may even frustrate the CEQA process, which is intended to provide a project with enough flexibility to respond to environmental issues that are revealed through the environmental review process.

The Court of Appeal's decision in *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20 (Dry Creek Citizens) is informative. There, petitioners challenged the adequacy of the EIR prepared by the county for the proposed expansion of a surface sand and gravel mining operation in the Dry Creek floodplain area. (Id. at 23.) Specifically, petitioners alleged that the EIR's project description was incomplete because its conceptual description of a water diversion channel and associated features, which were added to the project in response to concerns voiced over downstream water rights, was inadequate. Petitioners asserted that "only precise engineering designs provide the necessary detail to analyze the environmental consequences of the entire project under CEQA." (Id. at p. 27.) The court rejected this claim, reasoning that CEQA only requires "a 'general description' of a project's technical characteristics." (Id. at p. 28.) In reaching the conclusion that engineering plans were not required for the diversion channel, the court stated that such plans would likely include "extensive detail beyond that needed for evaluation and review of the environmental impact," possibly in violation of CEQA Guidelines Section 15124 (regarding "project description"). (Id. at p. 36.) The court advised that an "EIR must achieve a balance between technical accuracy and public understanding." (Id. at p. 28.)

Here, the 15% design for the Fresno to Bakersfield Section provides sufficient detail to allow for meaningful environmental evaluation, but does not define the project to such an extent that the Authority cannot make changes to the project before final approval, consistent with the court's direction in *Dry Creek Citizens* and with CEQA and the CEQA Guidelines, generally.

The project description, and related impact assessments, should also account for reasonably foreseeable future phases or consequences of the project. An EIR should evaluate any reasonably foreseeable future phases or consequences of a project. In *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 736 (Laurel Heights I), the California Supreme Court

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articulated a two-prong test to determine when future phases or consequences should be assessed as part of a project. Specifically, an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope of project or its environmental effects. (47 Cal.3d at p. 396.)

Laurel Heights I involved a university's proposal to transfer a biomedical research facility in a predominantly residential neighborhood. The Supreme Court held the EIR inadequate for, among other reasons, failing to address the reasonably foreseeable impacts associated with the university's ultimate intention to expand the new facility within a few years after opening it. (Id. at p. 399.) The proposed initial research operations would occur in 100,000 square feet of a building. The operations would then be expanded, perhaps within just a few years, to include the full 354,000 square feet available in the structure.

The court rejected the university's arguments that, because the proposed expansion had not yet been formally approved, the EIR's analysis could be limited to the project in its initial form. Evidence in the record indicated that, despite the lack of a formal approval, the university's ultimate plans were clear. Thus, because the expansion was reasonably foreseeable, and was likely to change the scope or nature of the initial project or its environmental effects, the EIR should have informed the public and decision-makers of the impacts that were likely to result from the expansion. (*Laurel Heights I*, 47 Cal.3d at p. 396.)

Applying the two-prong test to the Fresno to Bakersfield Section of the High-Speed Train System, the EIR/EIS complies with the Supreme Court's direction in *Laurel Heights I* by analyzing the project's reasonably foreseeable components, such as infrastructure components, parking facilities, power facility requirements, maintenance facilities, and changes to road accesses, that could have significant environmental effects. (See, e.g., Chapter 2, "Alternatives," in the EIR/EIS.)

Final design plans are not necessarily required in order to formulate mitigation measures in compliance with CEQA. CEQA does not require a project to be finally

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designed in order to formulate legally compliant and effective mitigation measures. Instead, CEQA permits an agency to defer final design and the formulation of mitigation measures where an agency commits to mitigating the significant impact of the project through adherence to specific performance standards that will be achieved. Under CEQA, it is generally "improper to defer the formulation of mitigation measures until after project approval; instead, the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts must occur before the project is approved. [citation.] However, when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measures in the EIR, as long as it commits to mitigating the significant impacts of the project. Moreover, ... the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. [citation.]" (*Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 906 [Oakland Heritage]; see also *City of Maywood v. Los Angeles Unified School Dist.* [2012] 208 Cal.App.4th 362, 409 [City of Maywood].)

For instance, in *Oakland Heritage*, an EIR for a mixed use development included a chapter analyzing potential impacts from "seismicity." (195 Cal.App.4th at 888.) The EIR revealed that the project site was near two active fault lines that presented potentially significant seismic hazards, including "the potential for strong ground shaking." (Ibid.) The EIR concluded that, "[i]n the event of a major earthquake in the region, seismic shaking could potentially injure people and cause collapse or structure damage to the proposed structures." (Id. at p. 889.) These impacts were categorized as "[p]otentially [s]ignificant." (Ibid.)

The EIR explained that, as part of the investigation of seismic impacts, the developer had conducted a "preliminary or 'Master Plan' geotechnical investigation to determine overall engineering feasibility and to inform the preliminary designs." (*Oakland Heritage*, supra, 195 Cal.App.4th at p. 892.) According to the EIR, this master plan provided the "geotechnical engineers [with] ... a broad understanding of the site conditions while delineating areas on the site that are especially favorable for development or could be problematic from a soils engineering perspective." The EIR also explained that "[b]ased on [the] master plan-level geotechnical investigation," the developer would prepare "[a]

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site specific, design level geotechnical investigation for each site area [which would] determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements." (Id. at p. 889.)

The EIR required that "before the issuance of a building permit for any portion of the project site," the developer would submit a design-level investigation "for each parcel" that would "be in accordance with applicable city ordinances and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground acceleration expected from known active faults." (Id. at p. 889.) Also, the EIR required that the design level investigation would be reviewed by a project structural engineer, a registered geotechnical engineer, and submitted to "the City Building Services Division ... 'to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.'" (Id. at p. 893.) The EIR concluded that "[c]onsidering the rigorous investigation process required under the engineering standard of care, compliance with state laws and local ordinances, and regulatory agency technical reviews, the mitigation measures ... will reduce the risk of seismic hazards and ensure that impacts associated with development [of the] ... Project area would remain less than significant." (Id. at p. 910.)

The appellate court summarized the legal framework applicable to the mitigation of potentially significant environmental impacts, explaining: "[F]or [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process ..., the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated. [citations.] [citation.] Furthermore, a condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance." (*Oakland Heritage*, supra, 195 Cal.App.4th at p. 906.)

With respect to the EIR/EIS, where formulation of mitigation measures is not possible at this time, the mitigation measures comply with CEQA by committing the Authority to ensuring that a performance standard will be met and setting forth means of achieving

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those standards. For instance, Mitigation Measure N&V-MM#1 requires monitoring of construction noise to verify compliance with noise limits and sets forth numerous means to meet the required noise limits. (See EIR/EIS, pp. 3.4-52 to 3.4-53.) In some instances, the Authority will pursue necessary permits and approvals from other agencies, such as the U.S. Army Corps of Engineers (Clean Water Act Section 404 water quality permit) and the California Department of Fish and Wildlife (Section 1600 et seq. streambed alteration agreement and Section 2080.1 incidental take permit). These permitting processes, including commitment to a compensatory mitigation plan as a prerequisite to issuance of the Section 404 permit, will also include mitigation commitments that further refine the associated mitigation measures and ensure that the environmental impacts of the project will be reduced. As noted, reliance on regulatory standards is a common means of mitigation under CEQA. (See Oakland Heritage, supra, 195 Cal.App.4th at p. 906.)

If, following certification of a final EIR, changes to the project or to the circumstances surrounding the project require "major revisions" to the EIR or reveal "new, significant information," a subsequent EIR or supplement to the EIR would be required. A previously certified EIR is generally presumed valid. (See Pub. Resources Code, § 21167.2.) The Legislature has anticipated, however, that, in some instances, changes to a proposed project or its surrounding circumstances subsequent to the certification of an EIR may necessitate additional environmental review for further discretionary approvals for the project if changes implicate new or more significant environmental impacts. To that end, Public Resources Code Section 21166 and its corresponding CEQA Guidelines Sections 15162 and 15163 require a lead agency to prepare a Subsequent EIR or Supplement to an EIR to allow a project to be modified in response to substantial changes in circumstances or information. To determine if additional environmental review is warranted, an agency with approval power over a project must ask whether "substantial changes are proposed in the project which will require major revisions of the [EIR] "; "substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the [EIR] "; or "new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available." (Pub. Resources Code, § 21166, subs. (a)-(c).)

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With respect to the Fresno to Bakersfield Section of the HST System, the Authority has investigated, and the EIR/EIS has disclosed, all that it reasonably can with respect to the project and its reasonably foreseeable consequences. If, however, unforeseen circumstances arising in the future result in the need to modify the project description, the Authority will need to consider at that time whether such changes necessitate preparation of a Subsequent EIR or Supplement to the EIR, as set forth in Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164.

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Refer to Standard Response FB-Response-GENERAL-13.

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Please note that vehicle miles traveled (VMT) is estimated using a regional traffic model, for all vehicle miles driven, and compared between the no project alternative and the project alternatives. These estimates include long regional trips that are "removed" when travelers use the HST instead of driving. On average, roadway overpasses would be provided approximately every 2 miles along the track. It is estimated that the proposed project would result in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. Although this would lengthen some local trips, including those required for movement of farm vehicles, the frequency of roadway overpasses will minimize these distances. Although VMT for farm vehicles is not segregated in the traffic model, additional distances traveled by farm vehicles to cross the HST tracks are expected to be negligible relative to regional VMT reductions. For more details on roadway overcrossings, see Sections 2.2.4 and 2.2.5 of the Revised DEIR/Supplemental DEIS.

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Refer to Standard Response FB-Response-PU&E-03, FB-Response-AG-04.

In Section 3.6, Public Utilities and Energy, Table 3.6-14 and Table 3.6-15 show the number of conflicts for each type of utility that could be affected by the proposed project under various alignments. The Authority is actively assimilating information on existing and planned utilities. The designs presented in the Revised DEIR/Supplemental EIS are preliminary (15% to 30% complete). The Authority will coordinate with utility owners to

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refine this information, identifying and evaluating all known facilities within or extended into the footprint during future design phases

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Refer to Standard Response FB-Response-BIO-03.

Thank you for your comment. Section 3.7. Biological Resources, of the Revised DEIR/Supplemental DEIS provides information related to the affected environment (Section 3.7.4) and to the associated environmental consequences (Section 3.7.5). Furthermore, the Biological Resources Technical Report provides additional information. Although field studies were completed for a portion of the study area (the area where permission to enter was granted), the field studies also included observations from public rights-of-way and aerial photograph interpretation—both common practices used to assess biological resources.

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See Section 5.2.2 in the Community Impact Assessment Technical Report for the analysis of the residential displacements, which includes a comparison of the housing values of displaced properties with those of potential replacement housing. The results showed that the price distribution of vacant home prices was similar to that of the displaced properties in each of the areas with a high number of residential relocations.

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Refer to Standard Response FB-Response-GENERAL-01.

The EIR/EIS specifically identifies the thresholds or significance criteria used to analyze the potential impacts of the HST. They are identified in the impact sections (i.e., Sections 3.1 to 3.19), typically in the discussion entitled "Methods for Evaluating Impacts." The Final EIR/EIS includes a refined discussion of impact "context" and "intensity" under NEPA in each impact section in order to clarify how NEPA significance conclusions were reached.

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Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-10, FB-Response-GENERAL-14.

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101311_Attachments.pdf

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Gary A. Patton

September 14, 2011

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

RE: Extension of Comment Period for Merced to Fresno
And Fresno to Bakersfield Draft EIR/EIS Documents

Dear Chairperson Umberg and Board Members:

This letter is submitted on behalf of Citizens For California High-Speed Rail Accountability (CCHSRA), a group of concerned residents, farmers, business people, and landowners who are concerned that the currently proposed high speed train project will have significant negative impacts throughout the state, and particularly on agricultural operations in the proposed Fresno to Bakersfield segment.

On behalf of CCHSRA, I am requesting that your Board take immediate action to provide an adequate comment period for the above-noted environmental review documents. Specifically, we urge the Authority to extend the time to comment on these two EIR/EIS documents until mid February, 2012, thus providing members of the public and those directly affected by the proposed project with at least 6 months to respond and provide comments on the two Draft EIR/EIS documents released by the Authority on August 9, 2011.

Attached is a copy of a letter making an identical request for the Fresno to Bakersfield EIR/EIS, submitted to you by the Griswold LaSalle law firm on behalf of the J.G. Boswell Company. We join in their request, and incorporate their arguments here, and we note that the need for and the justification for a six-month review period applies equally to *both* of the Draft EIR/EIS documents currently open for comment.

In fact, since this is a statewide project, which the Authority has chosen to design and review in segments, a competent and truly responsive set of comments on the impacts that will be created on any particular segment must take into account the impacts of the proposed project on other segments. This means that the CCHSRA must do more than review the 17,000 pages of the Draft EIR/EIS for the Fresno to Bakersfield segment that is of primary importance to CCHSRA and its members. CCHSRA's comments on the Bakersfield to Fresno Draft document must also take into account the contents of the Merced to Fresno Draft EIR/EIS, and the previously-certified statewide programmatic EIR/EIS. In short, the Griswold LaSalle letter is conservative in stating that members of the public are being asked to review 17,000 pages of

EXHIBIT A