

21 FEDERAL AGENCY COMMENTS

21 FEDERAL AGENCY COMMENTS (Part 1)

Submission 1683 (Allison M Jacobson, U.S. Department of the Interior, Bureau of Reclamation, June 23, 2020)

1683-3509

San Jose to Merced (JM)

COMMENT & RESPONSE LOG

Project: CHSR - San Jose to Merced (JM)		Updated: 06/16/20		WBS:											
Client: CHSRA		Submittal: San Jose to Merced Project Section Draft EIR/EIS (Public Draft)					Responses								
Comments		Reviewers Name		Date		Dispositions		Responses		Responders Name		Date		Verification (QC name/date)	
Comment Number	Page/Section Number	Comments	Reviewers Name	Date	Dispositions	Responses	Responders Name	Date	Verification	Dispositions Code: A = Have Incorporated / Will Incorporate; B = Have Clarified / Will Clarify; C = Delete Comment; D = Will Incorporate in Next Submittal; E = Discuss / Clarify with Authority					
1683-3510	1	Purpose & Need - 1.1.5	This section lists Reclamation only as a cooperating agency. Needs to identify Reclamation's action and list activities that would occur on Reclamation land that are analyzed in the document. Suggest including this text: "The HSR alignment crosses Reclamation lands and facilities. Reclamation may issue rights of entry permits for pedestrian surveys and ground disturbing investigations, such as geotechnical investigations, or other information gathering activities. It may grant temporary construction permits for the relocation of facilities and equipment such as pipes, canals, and pumps. If the facilities are relocated outside of Reclamation's ownership, the Authority will acquire any needed land rights necessary for future operations and maintenance needs and/or relocated Reclamation features. After construction, the Authority will transfer to Reclamation necessary land rights. Reclamation will grant or transfer land rights as appropriate to the Authority."	Katie Flahive	06/22/20										
1683-3511	2	Global	Reclamation's correct title is Bureau of Reclamation, under the US Department of the Interior. US Bureau of Reclamation and USBR are incorrect.	Katie Flahive	06/22/20										
1683-3512	3	Public Utilities - 3.6.5.1	It looks like the only Reclamation facilities considered here are within Merced County. I believe we have some lands and facilities in Santa Clara and maybe San Benito too. Suggest working with our lands team to make sure all our facilities are included.	Katie Flahive	06/22/20										
1683-3513	4	Public Utilities - 3.6.6.2	What will the effects to Reclamation facilities and lands be during construction? Which PUE(s) apply?	Katie Flahive	06/22/20										
1683-3514	5	Public Utilities - 3.6.6.2	Will any water from Reclamation/Reclamation's facilities be used during construction? If so, this needs to be identified in PUE #2 Temporary Impacts from Water Use.	Katie Flahive	06/22/20										
1683-3515	6	Public Utilities - 3.6.6.2	What will the effects to Reclamation facilities and lands be post construction, during project operation? Which PUE(s) apply?	Katie Flahive	06/22/20										
1683-3516	7	Cumulative - 3.19.4.3	Suggest including BF Sisk Safety of Dams Project, BF Sisk Dam Raise and Reservoir Expansion Project, and Del Puerto Canyon Reservoir Project in cumulative analysis.	Katie Flahive	06/22/20										
1683-3517	8	Other NEPA/CEQA Considerations - 7	Department of Interior agencies are required to analyze a project's effects to Indian Trust Assets. Indian Trust Assets (ITAs) are legal interests in property held in trust by the United States for Indian Tribes or individuals. The Secretary of the Interior, acting as the trustee, holds many assets in trust. Examples of objects that may be trust assets are lands, minerals, hunting and fishing rights, and water rights. While most ITAs are on reservations, they may also be found off-reservations. Please included the following statement: "Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. There are no Indian reservations, rancherias or allotments in the project area. The closest ITA 1 is approximately 20 miles south of the project area, in San Benito County. Given the nature of the proposed action and the location of the nearest ITA, the Project will have no effect on ITAs."	Katie Flahive	06/22/20										
1683-3518	9	Other NEPA/CEQA Considerations - 7	Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoids adversely affecting the physical integrity of such sacred sites. Executive Order 13007 applies to Federal project on Federal lands. Please include an analysis of Indian sacred sites or a statement that the project would not be located on Federal lands and therefore would not affect access to or use of Indian sacred sites.	Katie Flahive	06/22/20										
1683-3519	10	Additional	All permits and consultations must also identify Reclamation's action, and Reclamation must be provided the documents to review throughout the processes. All consultations and permits must be completed as such prior to ROE permit issuance.	Katie Flahive	06/22/20										
1683-3520	11	V1-01	Cover page identifies the incorrect region name for Reclamation. It should be U.S. Department of Interior	R. Emerson	06/16/20										
1683-3521	12	V1-02	Bureau of Reclamation, Interior Region 10 - California - Great Basin. Cover page identifies the incorrect region name for Reclamation. It should be U.S. Department of Interior	R. Emerson	06/16/20										
1683-3522	13	Page 1/V1-04	Bureau of Reclamation, Interior Region 10 - California - Great Basin. California High Speed Rail (HSR) is a repeat acronym in second paragraph and should just be HSR.	R. Emerson	06/16/20										
1683-3523	14	Page 4/V1-04	The fact sheet does not note any Cooperating Agencies involved for this project	R. Emerson	06/16/20										
1683-3524	15	Page 5/V1-04	Under Federal Permits and Approvals: U.S. Bureau of Reclamation should be rewritten to be consistent with our appropriate naming conventions and to how other DOI agencies are referenced in this section. It should read: U.S. Department of Interior/Bureau of Reclamation.	R. Emerson	06/16/20										

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1683-3525	16	Page S-5/V1-06	Global: U.S. Bureau of Reclamation is incorrect. It should be U.S. Department of the Interior, Bureau of Reclamation or just Bureau of Reclamation.	R. Emerson	06/16/20			
1683-3526	17	Page S-20/V1-06	First use of "HOV" without acronyming.	R. Emerson	06/16/20			
1683-3527	18	Page S-20/V1-06	The cultural resource impacts are addressed but all of the other impacts should also include statements that they would also be required to mitigate adverse impacts and/or undergo applicable environmental compliance to address impacts.	R. Emerson	06/16/20			
1683-3528	19	Page S-22/V1-06	First paragraph under Section 5.8.3 references "No Project Alternative in comparison to the project alternatives". This is backwards for NEPA. NEPA requires each project alternative to be compared equally to the No Action Alternative.	R. Emerson	06/16/20			
1683-3529	20	Page S-23 to S-25/V1-06	For each alternative - they should be compared to the NAA not just themselves for NEPA.	R. Emerson	06/16/20			
1683-3530	21	Page 1-11/V1-07	Global: U.S. Bureau of Reclamation is incorrect. It should be U.S. Department of the Interior, Bureau of Reclamation or just Bureau of Reclamation.	R. Emerson	06/16/20			
1683-3531	22	Page 2-19/V1-08	Are the irrigation and drainage ditches that would be affected shown in a figure anywhere? Would be helpful to have a reference since the others here have one.	R. Emerson	06/16/20			
1683-3532	23	Page 2-57/V1-08	Which drainage and irrigation ditches are going to be impacted? Where is the description of what will be impacted and how it will be addressed?	R. Emerson	06/16/20			
1683-3533	24	Page 2-59/V1-08	Figure 2-39 shows waterways being shifted - is there land acquisition associated with these to offset impacts to local owners?	R. Emerson	06/16/20			
1683-3534	25	Page 2-69/V1-08	Is there an equivalent figure for water infrastructure that would be affected?	R. Emerson	06/16/20			
1683-3535	26	V1-08	No where in this section does it address Cooperating Agency actions associated with the project as mentioned under the Executive Summary.	R. Emerson	06/16/20			
1683-3536	27	V1-08	This section does not identify where figures are located that show how water supply infrastructure or other projects might be affected or affect the MSR project, e.g. Reclamation facilities (Pacheco and Santa Clara conduits, etc.) and Santa Clara Valley Water facilities are ver near the proposed alignment of the proposed tunnels in the Pacheco section, but these are not described in this section or pointed to in other sections of the document for the reader to find.	R. Emerson	06/16/20			
1683-3537	28	Page 3.1-8/V1-09	Under utility relocations - states that additional ROW needed to be acquired is included in project footprint. Is this the same for all water infrastructure that is "shifted" in the project?	R. Emerson	06/16/20			
1683-3538	29	Page v/V1-14	USBR should be Reclamation for acronym	R. Emerson	06/16/20			
1683-3539	30	Page 3.6-9/V1-14	NEPA was previously acronymed	R. Emerson	06/16/20			
1683-3540	31	Page 3.6-18/V1-14	Footnote 3 is incorrect. The DMC is owned by Reclamation and operated by San Luis & Delta-Mendota Water Authority on behalf of Reclamation pursuant to an O&M agreement with Reclamation.	R. Emerson	06/16/20			
1683-3541	32	Page 3.6-25/V1-14	Does not address Reclamation infrastructure that is operated and maintained by Santa Clara Valley Water District pursuant to an O&M agreement that is near the proposed alternative alignments (i.e. Santa Clara conduit and tunnel, Pacheco conduit and tunnel).	R. Emerson	06/16/20			
1683-3542	33	Page 3.6-29/V1-14	San Benito also operates and maintains Reclamation facilities but it is unclear here whether any would be affected by the project.	R. Emerson	06/16/20			
1683-3543	34	Page 3.6-31/V1-14	Reclamation supplies irrigation and municipal water supplies	R. Emerson	06/16/20			
1683-3544	35	Page 3.6-32/V1-14	Statement at end of SLWD is true for all south-of-Delta CVP contractors. Not sure why just this one district is called out for this.	R. Emerson	06/16/20			
1683-3545	36	Page 3.6-54/V1-14	The statement "Conversion of agricultural land within the project footprints in Merced County, and also in Santa Clara County and San Benito County, would reduce water consumption because the land would no longer be used for agricultural purposes, and water allocated to the agricultural land for irrigation would no longer be used." is not completely accurate. This will actual vary depending on location and water district landowners affected. As noted above, CVP contractors south-of-Delta are often not receiving full allocations due to hydrologic and environmental requirements. If land is taken out of production, that water that would have gone to that land is likely to be used on other lands a particular district rather than no longer being used or needed. The 90% estimated reduction is also likely way over stated.	R. Emerson	06/16/20			
1683-3546	37	Page 3.6-54/V1-14	This section only focuses on the use of water during construction. Is there a separate analysis somewhere that addresses impacts to existing infrastructure and water supplies while the project is being constructed?	R. Emerson	06/16/20			
1683-3547	38	Page 3.6-57/V1-14	I see the last paragraph addresses relocation of water infrastructure. Is there a listing of those in an appendix that may be affected similar to the other utilities described above this?	R. Emerson	06/16/20			
1683-3548	39	Page 3.8-31/V1-16	States that CVP has a few tunnels in the Diablo Range that are within a few miles of the propose tunnels in Morgan Hill, Gilroy, and Pacheco Pass subsection. What is the closest that the proposed tunnels would be to the San Felipe facilities? Are there any potential impacts to our tunnels from the project? Not clear to me so far in this document.	R. Emerson	06/22/20			
1683-3549	40	V1-27	BF Sisk Safety of Dam's and Dam Raise projects are not included as cumulative projects.	R. Emerson	06/22/20			

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1683-3511

The Authority has revised the text as suggested in Section 1.1.5, Lead Agencies, Cooperating Agencies, and Responsible Agencies, of the Final EIR/EIS.

1683-3515

Reclamation fee and easement lands that are temporarily affected (e.g., the construction staging areas near the tunnel portals) will be restored to their original condition. Construction of the HSR would require relocation of Reclamation facilities and these are shown in Volume 3, Preliminary Engineering for Project Design Record, of the Draft EIR/EIS as Proposed Reclamation Easements, such as for the relocated Pacheco 120-inch conduit. HSR would require an easement where HSR facilities are located within Reclamation fee and easement lands such as at Lake Road, San Felipe Road, near SR 152 and the tunnel portals, Delta-Mendota Canal, San Luis Wasteway, Santa Fe Grade, as shown in Volume 3.

Operation of the alternatives would involve HSR trains traversing surface and subsurface track and HSR system O&M activities at stations and maintenance facilities. The Authority does not anticipate impacts on Reclamation facilities or Reclamation operations from operation of trains and system maintenance activities. There are no expected impacts from water consumption for system O&M; as designed, operation of HSR trains and system maintenance activities would not use Reclamation water or Reclamation facilities.

1683-3514

Regarding Reclamation lands and infrastructure, please refer to the response to submission SJM-1663, comment 2069.

Regarding construction water supply, please refer to the response to submission SJM-1683, comment 3545.

As designed, the project would not require water from Reclamation/Reclamation's facilities to be used during construction. Sources for construction water supply will be determined, coordinated, and permitted as part of Detailed Design Post-ROD.

1683-3517

The commenter is correct; there are no Indian reservations, rancherias, or allotments in the project area. The closest ITA is approximately 20 miles south of the project area, in San Benito County. Given the nature of the project and the location of the nearest ITA, the project will have no effect on ITAs. Because ITAs are not cultural resources and there are none in the project area, the EIR/EIS does not address them. The Final EIR/EIS includes information to this effect in Section 3.17.6.1, Archaeological Resources.

1683-3522

The comment states that an acronym has been repeated in the Fact Sheet. The duplication is noted and will be corrected in the Final EIR/EIS materials.

1683-3510

Table 2-18 in Section 2, Alternatives, of the Draft EIR/EIS includes a list of anticipated permits and approvals required for the project, which includes the actions by the Bureau of Reclamation. Therefore, this language has not been included in Section 1.1.5, Lead Agencies, Cooperating Agencies, and Responsible Agencies, of the Final EIR/EIS as requested.

1683-3516

Please see the updated projects list in Appendix 3.19-A, Cumulative Nontransportation Plans and Projects Lists, of the Final EIR/EIS; the Sisk Safety of Dams Project and Sisk Dam Raise and Reservoir Expansion Project have been added.

The Del Puerto Canyon Reservoir Project was not added. This proposed reservoir is located west of the City of Patterson in Stanislaus County, which is outside the study area for the San Jose to Merced Project Section EIR/EIS and outside of the cumulative RSA.

1683-3518

In the locations where the project crosses federal (Reclamation) lands there are no sacred sites as defined in Executive Order 13007. The Final EIR/EIS includes information to this effect in Section 3.17.6.1, Archaeological Resources.

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1683-3523

Comment noted. Please refer to Section 1.1.5, Lead Agencies, Cooperating Agencies, and Responsible Agencies, of the Draft EIR/EIS for Cooperating Agencies involved in this project.

1683-3519

Comment noted. Thank you. Table 2-18 Anticipated Environmental Reviews, Permits, and Approvals in Chapter 2, Alternatives, includes permits that may be required from Reclamation. The Authority will follow agency requirements for each permit.

1683-3521

The Authority has revised the Title Page of the Final EIR/EIS as suggested.

1683-3512

Appendix 3.6-A, Public Utilities and Energy Facilities, of the Final EIR/EIS has been revised to incorporate information provided by the commenter.

The Pacheco Conduit was included in Appendix 3.6-A as potable water utility owned by Reclamation in need of relocation between 3270+50 to 3305+00 for all four alternatives. A 66-inch SCVWD pipeline at station 3022+23 (Alternative 4) along Emory Street in San Jose was identified in Appendix 3.6-A as being a potable water line that will be protected in place. The same pipeline was identified in Volume 3, Preliminary Engineering for Project Design Record, for Alternatives 1-3. New entries in Appendix 3.6-A have been added for Alternatives 1-3 corresponding to the 66-inch SCVWD line that was shown on the plans as protected in place.

The contractor would identify critical facilities planned to be interrupted during final engineering design and construction and would notify and coordinate with utility service providers concerning interruption of critical facilities.

Appendix 3.6-A, Tables 1a through 1d identify existing major utilities and energy facilities within the public utilities RSA, including Reclamation facilities and other water supply facilities, and identifies the anticipated disposition of affected utilities and facilities (relocate, realign, protect in place, abandon in place). Reclamation infrastructure is situated within (and under) easements and fee lands in Santa Clara and San Benito County. The Pacheco Pass segment and Gilroy/East Gilroy segment of all alternatives would cross Reclamation easements and fee lands in several places, both in the portal areas and also along the Reclamation conduits. Construction of the alternatives would involve land clearing and grading, excavation, tunneling, and relocation, realignment, protection in place, or abandonment in place of subsurface utilities. Potential construction impacts on Reclamation lands and surface and subsurface infrastructure from construction of the alternatives are evaluated in Impacts PUE#1, PUE#2, PUE#3, and PUE#4.

Reclamation's fee and easement lands that would be temporarily affected by construction activities (e.g., the construction staging areas near the tunnel portals) would be restored to their original condition. HSR would require relocation of Reclamation facilities and these are shown in Volume 3 of the Draft EIR/EIS as Proposed Reclamation Easements, such as for the relocated Pacheco 120-inch conduit. HSR would require an easement where HSR facilities are located within Reclamation's fee

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1683-3512

and easement lands such as at Lake Road, San Felipe Road, near SR 152 and the tunnel portals, Delta-Mendota Canal, San Luis Wasteway, Santa Fe Grade, as shown in Volume 3. As designed, the proposed project would not require any new public utility easements (new utilities) affecting Reclamation's fee and easement lands, but would require relocation of existing utilities.

Operation of the alternatives would involve HSR trains traversing surface and subsurface track and HSR system O&M activities. There are no expected impacts because operations would not use Reclamation water facilities.

1683-3520

The Authority has revised the Title Page of the Final EIR/EIS as suggested.

1683-3524

The Authority has undertaken a global check of the Final EIR/EIS to revise "U.S. Bureau of Reclamation" to "U.S. Department of the Interior, Bureau of Reclamation", abbreviated to "Reclamation".

1683-3513

Section 3.6.6.2, Public Utilities, of the Draft EIR/EIS evaluates construction impacts to Reclamation facilities in Impacts PUE#1, Planned and Accidental Temporary Interruption of Utility Service, and PUE#4, Existing Major Utilities Requiring Relocation or Removal. These PUEs could impact Reclamation facilities. In addition, PUE-IAMF#3 requires the Authority's construction contractor to provide advance notification where utility service interruptions are unavoidable. Construction would be coordinated to avoid interruptions of utility service to hospitals and other critical users.

In accordance with PUE-IAMF#4, prior to construction, the contractor shall prepare a technical memorandum documenting how construction activities would be coordinated with utility service providers to minimize or avoid interruptions of utility service.

1683-3509

The Authority appreciates your comments on the Draft EIR/EIS. In subsequent individual comments, the U.S. Department of the Interior, Bureau of Reclamation provided specific detailed comments. Each of these specific comments is addressed below.

1683-3537

Yes, to the extent that the preliminary design has identified necessary relocation of utilities, the additional right-of-way required has been included in the project footprint. Final utility relocations will be revisited during final design.

1683-3538

The Authority has undertaken a global check of the EIR/EIS to revise "U.S. Bureau of Reclamation" to "U.S. Department of the Interior, Bureau of Reclamation", abbreviated to "Reclamation".

1683-3536

Chapter 8, Preferred Alternative, is intended to describe key concerns and identify the preferred alternative based on community and environmental factors. As a result, no changes were made to the text in the Final EIR/EIS. Major utilities and infrastructure and potential impacts to these facilities are described in Section 3.6, Public Utilities and Energy. Additional information about facilities affected by the project can be found in Appendix 3.6-A, Public Utilities and Energy Facilities. More detailed drawings are available in Volume 3, Preliminary Engineering for Project Design Record.

1683-3542

Section 3.6.5.1, Public Utilities, of the Final EIR/EIS has been revised to clarify whether facilities owned by Reclamation and operated by San Benito County are within the resource study area (RSA). Potential impacts on facilities in the RSA are evaluated in Impacts PUE#1, PUE#3, and PUE#4.

Response to Submission 1683 (Allison M Jacobson, U.S. Department of the Interior, Bureau of Reclamation, June 23, 2020) - Continued

1683-3527

The text on page S-20 of the Draft EIR/EIS, including the cultural resources impacts mentioned in the comment, are related to Section S.7, No Project Alternative Impacts, of the Draft EIR/EIS. Under the No Project Alternative, the HSR project would not occur and therefore no project-related mitigation of impacts would be required.

1683-3528

The Authority has clarified the text as suggested in Section S.8.3, Comparison of Impacts for the Project Alternatives, of the Final EIR/EIS.

1683-3530

The Authority has undertaken a global check of the Final EIR/EIS to revise "U.S. Bureau of Reclamation" to "U.S. Department of the Interior, Bureau of Reclamation", abbreviated to "Reclamation".

1683-3532

The comment asks which drainage and irrigation ditches would be affected. Major utilities, including water lines (including irrigation water lines) of at least 20 inches in diameter, as well as stormwater canals of at least 42 inches in diameter are identified on the engineering plans in Volume 3, Preliminary Engineering for Project Design Record. Major water utilities requiring relocation or protection in place are included in Appendix 3.6-A, Public Utilities and Energy Facilities. Design of smaller utilities would be completed as part of Detailed Design Post-ROD in coordination with utility companies and government entities.

1683-3548

It is unclear what is meant by the reference to "the San Felipe Facilities." However, several Reclamation tunnels/conduits are located within the project footprint, including the Santa Clara Conduit, Hollister Conduit, and Pacheco Conduit. The closest any known Reclamation conduits are to a proposed tunnel is approximately 300 feet vertical distance between the Pacheco Conduit and Tunnel 2 near station 3501+00. The Tunnel 2 west portal is at least 926 horizontal feet from the Pacheco Conduit. The Santa Clara and Hollister conduits would be protected during construction and would not be affected. However, portions of the Pacheco Conduit would be relocated by the project. Please refer to the Volume 3 Roll Plots for the preliminary design that shows more details regarding the location and extent of relocation needed for the Pacheco Conduit.

1683-3531

The comment asks whether the irrigation and drainage ditches that would be affected are shown in a figure. Appendix 3.8-A, Waterbodies Crossed by the Project Alternatives, summarizes all waterbodies, including channel structures, that would be crossed by the project alternatives. Figures 3.8-9 through 3.8-21 in Section 3.8, Hydrology and Water Resources, of the EIR/EIS provide further graphic illustrations of water resources affected by the project. Maps of all waterbodies, including constructed watercourses (such as irrigation and drainage ditches), are included in Appendix B, Waterbody Descriptions and Figures, of the Hydrology and Water Resources Technical Report. Major utilities, including water lines (including irrigation water lines) of at least 20 inches in diameter, as well as stormwater canals of at least 42 inches in diameter are identified on the engineering plans in Volume 3, Preliminary Engineering for Project Design Record; however, design of smaller utilities would be completed as part of Detailed Design Post-ROD in coordination with utility companies and government entities.

Response to Submission 1683 (Allison M Jacobson, U.S. Department of the Interior, Bureau of Reclamation, June 23, 2020) - Continued

1683-3533

The comment asks whether land acquisitions are associated shifting of waterways. Please refer to Section 3.8, Hydrology and Water Resources, which states that all four alternatives would require similar acquisitions along approximately 90 miles of the proposed alignment between San Jose and the Central Valley—ranging from approximately 2,990 acres under Alternative 4 to approximately 3,300 acres under Alternative 2. These acquisitions would include any land required for realignment of waterways.

1683-3534

Appendix 3.8-A, Waterbodies Crossed by the Project Alternatives, summarizes all waterbodies, including channel structures, that would be crossed by the project alternatives. Figures 3.8-9 through 3.8-21 in Section 3.8, Hydrology and Water Resources, of the EIR/EIS provide further graphic illustrations of water resources affected by the project. Maps of all waterbodies, including constructed watercourses (such as irrigation and drainage ditches), are included in Appendix B, Waterbody Descriptions and Figures, of the Hydrology and Water Resources Technical Report. Major utilities, including water lines (including irrigation water lines) of at least 20 inches in diameter, as well as stormwater canals of at least 42 inches in diameter are identified on the engineering plans in Volume 3, Preliminary Engineering for Project Design Record; however, design of smaller utilities would be completed as part of Detailed Design Post-ROD in coordination with utility companies and government entities.

1683-3539

The Final EIR/EIS has been revised to reflect the editorial edit suggested.

1683-3540

Table 3.6-2, Footnote 3, has been revised to incorporate information provided by the commenter.

1683-3541

The description of existing water supply infrastructure in Section 3.6.5.1, Public Utilities, of the Final EIR/EIS has been revised to incorporate information provided by the commenter.

1683-3543

The text of Section 3.6.5, Affected Environment, in the Final EIR/EIS has been revised as suggested.

1683-3549

Please see updated projects lists in Appendix 3.19-A, Cumulative Nontransportation Plans and Projects Lists, of the Final EIR/EIS. These two projects have been included.

1683-3526

The Authority has revised the first use of this acronym in the Final EIR/EIS.

1683-3529

Impacts of the No Project Alternative are summarized in Section S.7, No Project Alternative Impacts, in the Draft EIR/EIS. These impacts have not been incorporated into Tables S-3 and S-4, which focus on a comparison of the action alternatives. Additionally, a discussion of impacts of the No Project Alternative is provided in each resource topic in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS.

1683-3535

The cooperating agency actions included in the Executive Summary are also included in Section 1.1.5, Lead Agencies, Cooperating Agencies, and Responsible Agencies. Public and agency involvement are discussed in detail in Chapter 9, Public and Agency Involvement, of the EIR/EIS.

1683-3544

The Authority acknowledges that all recipients of water from the CVP receive only a portion of the contract water allocation due to restrictions on pumping from the delta. This statement has been deleted from the Final EIR/EIS as it is not essential to the impact analysis provided and to avoid an inaccurate understanding of water restrictions amongst the water districts provided.

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1683-3545

Water use required for construction of the proposed project was compared to existing water use on agricultural properties within the study area, regardless of the source of the water provided to that property. Stated another way, for those properties, or portions thereof, that may experience a reduction in irrigated acreage as a result of construction of the proposed project, the reduction would occur regardless of the source of that water or where the water may be reallocated to. Thus, construction of the project would result in a reduction of water use on that particular property. Using existing water use as a basis of comparison, the Authority maintains that the average reduction in water use of approximately 90% is accurate.

1683-3546

The comment correctly characterizes Impact PUE#2 as focused on the use of water during construction. Analysis of potential impacts to existing water infrastructure during construction is provided in Impacts PUE#1 and PUE#4. As described therein, "water utility lines including potable water, agricultural irrigation and drainage systems..would be permanently relocated or protected in place through agreements between the Authority and utility service providers"

Impacts on surface waters (including constructed channels and basins) are analyzed in Section 3.8, Hydrology and Water Resources. Impacts on agricultural infrastructure including irrigation and drainage facilities are analyzed in Section 3.14, Agricultural Farmland. Appendix 3.6-A, Public Utilities and Energy Facilities, lists affected irrigation facilities, canals, drains, and pump stations. Appendix 3.6-C, Water Use Assessment, presents an analysis and evaluation of anticipated water use requirements for both construction and operation of the California HSR System for the project. This appendix also identifies current water use within the project footprints, and available water supply sources to meet the anticipated HSR water demand for construction.

1683-3525

The commenter requested the Authority use appropriate naming conventions for Department of Interior agencies. The Authority has undertaken a global check of the EIR/EIS to revise "U.S. Bureau of Reclamation" to "U.S. Department of the Interior, Bureau of Reclamation", abbreviated to "Reclamation".

1683-3547

Appendix 3.6-A, Public Utilities and Energy Facilities, lists affected irrigation facilities, canals, drains, pump stations, and other water infrastructure. Relocations of public utilities, including public water infrastructure, are also identified on the Preliminary Engineering for Project Definition plans in Volume 3 of the Draft EIR/EIS. Impacts on surface waters (including constructed channels and basins) are analyzed in Section 3.8, Hydrology and Water Resources. Impacts on agricultural infrastructure including irrigation and drainage facilities are analyzed in Section 3.14, Agricultural Farmland.

Submission 1386 (Connell Dunning, US Environmental Protection Agency, June 17, 2020)

San Jose - Merced - RECORD #1386 DETAIL

Status : Action Pending
Record Date : 6/18/2020
Submission Date : 6/17/2020
Interest As : Federal Agency
First Name : Clifton
Last Name : Meek

Stakeholder Comments/Issues :

Hi Mark-

Please find attached EPA's comments on the Draft Environmental Impact Statement for the California High Speed Rail San Jose to Merced Project Section. We appreciate the continued commitment of the California High Speed Rail Authority to work closely with state and federal resource and regulatory agencies to address concerns early and avoid and minimize impacts to environmental resources.

Best,

Clifton

Clifton Meek, Life Scientist
U.S. EPA, Region 9
Environmental Review Branch - Transportation Team
75 Hawthorne Street, TIP-2
San Francisco, CA 94105

phone: 415-972-3370
meek.clifton@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 17, 2020

Mark McLoughlin
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Subject: Draft Environmental Impact Statement for the California High Speed Rail San Jose to Merced Project Section, California (EIS No. 20200091)

Dear Mr. McLoughlin,

Thank you for the opportunity to review the Draft Environmental Impact Statement for the California High Speed Rail San Jose to Merced Project Section. Our review was completed pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act. We note that effective October 22, 2018, the EPA no longer includes ratings in our comment letters. Information about this change and the EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

1386-188

Throughout development of the DEIS, the EPA has appreciated the commitment of the California High Speed Rail Authority to work closely with state and federal resource and regulatory agencies to address concerns early and avoid and minimize impacts to environmental resources. Through a collaborative approach of monthly agency meetings and iterative reviews, the EPA has had the opportunity to provide feedback and have our comments addressed through multiple revisions to the environmental document. We are particularly encouraged by the extensive coordination that has occurred between CHSRA and local conservation organizations on project design changes and mitigation measures to ensure hydrological and ecological connectivity is maintained through Coyote Valley and the Soap Lake Floodplain. These areas have been the focus of several recent conservation efforts to reduce the threats from development pressures to unique ecological and hydrologic features and wildlife movement. We encourage CHSRA to continue coordination with wildlife agencies and local conservation organizations as the design progresses to ensure design elements are properly sized and sited to accommodate the needs of aquatic and terrestrial species throughout the San Jose to Merced project section.

The EPA has no further comments on the DEIS. We look forward to continued collaboration with your agency to identify further avoidance and minimization measures, and to finalize a compensatory mitigation plan for any unavoidable impacts to wetlands and waters of the U.S. When the Final EIS for this project section is available for review, please provide a copy to Clifton Meek, the lead reviewer for this project, at the same time the Final EIS is formally filed online. Mr. Meek can be reached by phone at 415-972-3370 or by email at meek.clifton@epa.gov.

Submission 1386 (Connell Dunning, US Environmental Protection Agency, June 17, 2020) - Continued

Sincerely,
**CONNELL
DUNNING**
For Jean Prijatel
Manager, Environmental Review Branch

Digitally signed by
CONNELL DUNNING
Date: 2020.06.17 10:11:03
-07'00'

cc via email:

Dave Shpak, California High Speed Rail Authority
Mike Avina, California High Speed Rail Authority
Dan McKell, California High Speed Rail Authority
Zachary Fancher, U.S. Army Corps of Engineers
Bryan Matsumoto, U.S. Army Corps of Engineers
Susan Meyer Gayagas, U.S. Army Corps of Engineers

Response to Submission 1386 (Connell Dunning, US Environmental Protection Agency, June 17, 2020)

1386-188

Comment noted. Thank you.

Submission 1431 (Kim Forrest, US Fish and Wildlife Service, June 22, 2020)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

San Luis National Wildlife Refuge Complex
 Post Office Box 2176
 7376 South Wolfsen Road
 Los Banos, California 93635

18 June 2020

High-Speed Rail Authority (HSRA)
 San Jose to Merced Project Section: Draft EIR/EIS
 100 Paseo de San Antonio, Suite 300
 San Jose, CA 95113

RE: Comments on Draft EIR/EIS for San Jose to Merced Project Section

Dear High-Speed Rail Authority:

1431-508

As pointed out by the Central Valley Joint Venture Management Board and the Grassland Water District, the Draft EIR/EIS uses an incorrect boundary for the Grasslands Ecological Area (GEA). Therefore, miles of the proposed Project facility would not be part of the impacts analysis. The omitted GEA areas contain very important and sensitive habitat, so the GEA boundary is the more appropriate boundary for analysis. The HSRA previously used the correct GEA boundary when conducting preliminary evaluations of significant environmental issues; in fact, in a letter to me dated 27 September 2019, the HSRA stated: *“The California High-Speed Rail Authority (Authority) is aware of the ecological significance of the GEA, including its habitat value for the Pacific flyway and its status as a wetland complex of international significance as recognized in the United Nations Ramsar Convention. The Authority is committed to mitigating impacts in the GEA...”*

1431-509

In recognition of the rich and critically important natural resources of the GEA, conservation agencies and NGOs have focused attention and funding on this area for 100 years. The GEA is a critical area for Pacific Flyway waterfowl, providing wintering habitat for 20% of the population; averaging 1/2-million birds, with peaks of one million. It is the largest remaining block of wetlands in what was once a vast Central Valley ecosystem – only 5% remains. Several federally listed threatened and endangered species occur in the GEA. The importance of the ecosystems represented and protected by the GEA cannot be overstated. Our prior comments have emphasized the fragility and importance of these areas and the likely harm that would result from this project. None of the issues raised previously have been satisfactorily addressed over the past 15 years.

1431-510

Agency land managers, Grassland Water District, GEA landowners, and non-governmental conservation organizations have long advocated for the Project to follow a route that does not bisect the GEA and uses existing rail and freeway routes, such as



1431-510

Altamont Pass. There remains substantial debate about the nature and extent of disturbance that the Project would cause from noise, lighting, vibration, glare, and connectivity of wildlife corridors. Your analysis is vague, non-specific, high-level, and impractical; with no clear, realistic, and guaranteed plan for mitigating damages, such as acquisition of land and water and restoring habitat. There is no accountability. There is no description of how your plans dovetail with agency requirements. There is no funding for advance mitigation nor a commitment of future funding. “Deferred mitigation” is no real commitment, and doesn’t concretely capture fixing the damages that will be done by this project. The mitigation needed to truly compensate for the damage done by this project may very well be so massive that it is undoable. You have kicked the mitigation issue down the road for 15 years.

1431-512

As a biologist/manager working in the GEA for 25 years, I cannot imagine how the impacts could possibly be mitigated. When considered with the cumulative negative impacts to this fragile ecosystem that have occurred over the past century, I believe that this last insult to the ecological integrity of the GEA risks its ecological collapse.

Sincerely,

Kim Forrest
 Refuge Manager

- Cc: Polly Wheeler, Assistant Regional Director/NWRS; USFWS
 Mike Fris, Assistant Regional Director/Ecological Services; USFWS
 Stacy Armitage, Refuge Supervisor; USFWS
 Mark Pelz, Chief - Natural Resources Division; USFWS
 Dale Garrison, CVPIA Refuge Water Supply Coordinator/CVJV Board; USFWS
 Trisha Cole, San Joaquin Valley Division Chief, Ecological Services; USFWS
 Nina Bicknese, Wildlife Biologist; Ecological Services; USFWS
 Claudia Funari, Senior Biologist; Endangered Species Program; USFWS
 Ric Ortega, General Manager; Grassland Water District
 Ellen Wehr, General Counsel; Grassland Water District
 Sean Allen, Sr. Fish & Wildlife Habitat Supervisor; Los Banos WA, CDFW
 Steve Miamoto, Wildlife Habitat Supervisor II; Salt Slough WA, CDFW
 Krista Tomlinson, Supervisory Senior Environmental Scientist, CDFW
 Andy Gordus, Toxicologist; CDFW
 Jake Messerli, Chair; Central Valley Joint Venture Board
 Mark Biddlecomb, Director of Operations, Western RO; Ducks Unlimited
 Meghan Hertel, Director – Land and Water Conservation; Audubon California
 Michael Lynes, Director of Public Policy; Audubon California
 Matt Kaminski, Regional Biologist; Ducks Unlimited
 Kim Delfino, California Program Director; Defenders of Wildlife
 Rachel Zwillinger; Defenders of Wildlife
 Rod Webster; Merced Sierra Club

Response to Submission 1431 (Kim Forrest, US Fish and Wildlife Service, June 22, 2020)

1431-508

Refer to Standard Response SJM-Response-BIO-4: Grasslands Ecological Area Boundary.

The comment states the GEA is not correctly delimited. Please refer to Figure 3.7-4 in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS for information about GEA. The comment further states the impacts analysis does not analyze the GEA in total. Please refer to Section 3.7.5.1, Definition of Resource Study Area, for information about the RSA or area of impact analysis.

1431-509

The comment stated the impacts on the GEA have not been addressed in the Draft EIR/EIS. The Draft EIR/EIS includes mention and assessment of the GEA in six resource sections. Please refer to Section 3.7, Biological and Aquatic Resources; Section 3.8, Hydrology and Water Resources; Section 3.12, Socioeconomics and Communities; Section 3.13, Station Planning, Land Use, and Development; Section 3.16, Aesthetics and Visual Quality; Section 3.19, Cumulative Impacts. The GEA is also assessed in Chapter 4, Section 4(f)/6(f) Evaluation; Chapter 5, Environmental Justice; and in Chapter 8, Preferred Alternative.

1431-510

To clarify lighting conditions for HSR infrastructure, additional text has been added to Chapter 2, Alternatives, of the Final EIR/EIS. Additional text clarifying the impact analysis related to noise and vibration and lighting has also been added to Section 3.7, Biological and Aquatic Resources, of the Final EIR/EIS. Wildlife connectivity, corridors, and movement is addressed extensively in Section 3.7 and the Wildlife Corridor Assessment.

1431-512

Specific mitigation commitments have been included in the Final EIR/EIS as mitigation measures. Compensatory mitigation will be determined in coordination with regulatory agencies, including USFWS, in the Compensatory Mitigation Plan. Compensatory mitigation will comply with the requirements included in the Final EIR/EIS and Biological Opinions, and to meet the requirements of agency permits. Compensatory mitigation is not being deferred until after construction of the project.

21 FEDERAL AGENCY COMMENTS (Part 2)

Submission 2123 (Clifton Meek, United States Environmental Protection Agency, Region 9, June 2, 2021)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 2, 2021

Serge Stanich
Director Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, California 95814

Subject: Supplemental Draft Environmental Impact Statement for the California High Speed Rail San Jose to Merced Project Section (EIS No. 20210041)

Dear Mr. Stanich,

The U.S. Environmental Protection Agency has reviewed the Supplemental Draft Environmental Impact Statement for the California High Speed Rail San Jose to Merced Project Section. Our review is provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

2123-6239

This SDEIS was prepared as a limited revision to the previously published DEIS, for which we provided comments in a June 17, 2020 letter. The primary focus of this limited revision SDEIS is to provide background information, impact analysis, and mitigation measures for the monarch butterfly (*Danaus plexippus*) and Southern California/Central Coast population of the mountain lion (*Puma concolor*). Based upon our review, the EPA has no comments on the revisions included in this SDEIS. We look forward to continued collaboration with your agency as project design progresses to identify additional avoidance and minimization measures and to finalize a compensatory mitigation plan. When the Final EIS for this project section is available for review, please provide a copy to Clifton Meek, the lead reviewer for this project, at the same time the Final EIS is formally filed online. Mr. Meek can be reached by phone at 415-972-3370 or by email at meek.clifton@epa.gov.

Sincerely,

For Jean Prijatel
Manager, Environmental Review Branch

CC Via Email: Chris Diwa, California High Speed Rail Authority
Dan McKell, California High Speed Rail Authority

Response to Submission 2123 (Clifton Meek, United States Environmental Protection Agency, Region 9, June 2, 2021)

2123-6239

Comment noted.