

Submission 785 (Thomas V Bickauskas, BLM Ridgecrest Field Office - Bureau of Land Management, April 28, 2020)

Bakersfield - Palmdale - RECORD #785 DETAIL

Status : Action Pending
Record Date : 4/30/2020
Affiliation Type : Business and/or Organization
Submission Date : 4/28/2020
Interest As : Business and/or Organization
Submission Method : Project Email
First Name : Thomas V
Last Name : Bickauskas
Professional Title : Associate Field Manager
Business/Organization : BLM Ridgecrest Field Office - Bureau of Land Management
Address : 300 S. Richmond Rd.
Apt./Suite No. :
City : Ridgecrest
State : CA
Zip Code : 93555
Telephone : (760) 384-5430
Email : TBickaas@blm.gov
Cell Phone :
Email Subscription :
Add to Mailing List :
EIR/EIS Comment : Yes
Attachments : BLM HSR draft EIS comments - Bakersfield to Palmdale.pdf (239 kb)

Stakeholder Comments/Issues :

Dear Sir or Ma'am,
 The Bureau of Land Management submits the attached comments on the Draft EIR/EIS for the Bakersfield to Palmdale section.

cc: Paul Rodriquez, BLM project manager
 Carl Symons, Ridgecrest Field Manager

Tom Bickauskas
 Associate Field Manager
 BLM Ridgecrest Field Office
 (760) 384-5430
 tbickaas@blm.gov



**United States Department of the Interior
 BUREAU OF LAND MANAGEMENT**

Ridgecrest Field Office
 300 S. Richmond Rd.
 Ridgecrest, CA 93555
 www.blm.gov/california



April 28, 2020

File Code: 6280

California High Speed Rail Authority
 770 L Street, Suite 620 MS-1
 Sacramento, CA 95814

RE: Agency comments on Draft EIR/EIS for High Speed Rail – Bakersfield to Palmdale section

Dear California High-Speed Rail Authority,

785-749

The Bureau of Land Management (BLM) submits these comments in response to the comment period for the Draft EIR/EIS, Bakersfield to Palmdale section. The consideration of multiple alternatives shows careful consideration of the Pacific Crest Trail (PCT), a Congressionally designated National Scenic Trail. Permanent impacts to the Pacific Crest Trail, of which we help to maintain, will result. The High Speed Rail (HSR) Authority can reduce both the temporary and permanent impacts through additional mitigation.

BLM Manual 6280, the BLM's management standard for Congressionally Designated National Scenic and Historic Trails (National Trails) programmatic policy (1.6) includes the following:

“To the greatest extent possible, the BLM shall manage National Trails so as to safeguard the nature and purposes of the trail and in a manner that protects the values for which the components of the System were designated, recognizing the nationally significant scenic, historic, cultural, recreation, natural, and other landscape values

Our partner and Congressionally designated PCT manager, the U.S Forest Service, has similar direction to “Administer each National Recreation, National Scenic, and National Historic Trail corridor to meet the intended nature and purposes of the corresponding trail (FSM 2353.31).” We have discussed the issue so you'll see common themes in our comments.

785-750

The size and character of the HSR installation, where it is above ground and near PCT, results in a significant diminution of the PCT experience, as is documented on pages 3.16-85 through 3.16-

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785-750 | 88. Table 3.15-6 -Comparison of Build Alternative Impacts for Parks and Recreation Resources documents under the visual impacts of the HSR Operations to the PCT. Unaddressed impacts, even with mitigations proposed, include disruptions of the quiet nonmotorized nature of the trail and unnatural visual scenery.

785-751 | 1) At the crossing of the PCT and Tehachapi-Willow Springs Rd / Cameron Road, the proposal to realign the PCT to allow one single, direct crossing of the HSR alignment presents the least impacting way for the two to coexist. Alternatives 1, 2 (proposed alternative) and 5 propose this realignment and BLM finds any of those alternatives acceptable. Mitigations need more attention, though.

785-752 | 2) Three PCT easements for the current alignment were acquired for the United States with Land and Water Conservation (LWCF) funds. LWCF contains specific provisions to prevent repurposing these easements. The easements were purchased in June 1982 from California Portland Cement Company. While the project proposes to convert some of these easements to a non-recreational use, securing a new permanent trail easement location for the United States, at an agreed upon location satisfies the intent of the LWCF law. The proposed perpendicular 845 foot reroute meets the needs of the PCT.

785-753 | 3) The analysis of Federal Transportation Act section 4f properties, such as the PCT, concludes impacts become de minimus after applying the mitigation measures. Connectivity should not represent the only standard for preventing harm to the Nature and Purpose of the trail. The visual environment and soundscape rank equally important to connectivity. Noise impacts, mainly startle response from stock animals, remains unavoidable and significant, but can be improved upon. For this reason, we request to work with your engineers to design a better underpass to benefit equestrian users. While a box culvert could allow passage safely for equestrians and hikers, a viaduct supported on concrete pillars suits the trail's equestrian users and would work better from a visual and sound perspective. We should eliminate the possibility of a stock animal being startled while inside the culvert.

785-754 | 4) Mitigation Measure PCT-MM#1 lacks a proposal to mitigate the unnatural appearance of the viaduct at the crossing of the PCT. This measure should be strengthened by coloring the concrete viaduct to a natural color which matches the local surroundings. Native vegetation restoration, while committed in MM#1, could further specify using local plant species to improve the success of revegetation. Additionally, hydro-seeding application provides a faster, more consistent result than broadcast seeding relying solely on natural precipitation. The cost difference for a National Scenic Trail should not prevent adopting the better method since the impacts to the designated trail require successful mitigation. We believe more on-site actions can be undertaken to further reduce the harm to the Nature and Purpose of the trail. Without mitigation of sight and soundscape, a conclusion of de minimus effects which relies mainly on connectivity for satisfaction seems too narrowly focused.

785-755 | 5) The cumulative effects analysis includes only one crossing of the PCT. The next section

785-755 | Palmdale to Burbank also plans to cross the PCT. Since the planning of the alignment exists today, the impact presents a Reasonable and Foreseeable event affecting the National Scenic Trail. Please include this in the Cumulative Effects Analysis.

785-756 | In summary, the relocation alternatives present the best method to minimize harm to the PCT's Nature and Purpose. HSR Authority needs to work on better mitigation of the scenic quality and soundscape around the trail, especially for equestrians. Redesigning the box culvert, coloring concrete and revegetating with local native plant seeds make positive steps to making HSR and PCT compatible.

If you require additional information, please contact my staff, Craig Beck, Supervisory Recreation Planner at the Ridgecrest Field Office. He can be reached by email cbeck@blm.gov or office telephone (760) 384-5440.

Sincerely,

Carl Symons, Field Manager

Response to Submission 785 (Thomas V Bickauskas, BLM Ridgecrest Field Office - Bureau of Land Management, April 28, 2020)

785-749

The Authority has shown reductions in both the temporary and permanent impacts on the PCT through the mitigation described in the Draft EIR/EIS and this Final EIR/EIS. Mitigation Measure PCT-MM#2 provides for continued consultation among the BLM, USFS, the Pacific Crest Trail Association (PCTA), and the Authority regarding the PCT. PCT-MM#2 describes the creation of a Trail Facilities Plan, which would be created with involvement from BLM. The commenter's suggestion that additional mitigation measures are needed is discussed in Responses to Comments 785-750, 785-751, 785-753, and 785-754, contained in this chapter.

785-750

Specific mitigation has been cross referenced in Section 3.15, Parks, Recreation, and Open Space, in this Final EIR/EIS to address noise and visual impacts on the PCT. Mitigation Measure N&V-MM#8 would require the placement of passive and active warning signs warning trail users of an upcoming train crossing and the approximate time for the crossing. Mitigation Measure AVQ-MM#3 would reduce visual impacts by adding design enhancements to the viaducts and columns to reduce the incompatibility of visual character by decreasing color contrast and reflection from the HSR structure, and reducing the magnitude of the overall impact.

785-751

The Authority acknowledges that Alternatives 1, 2 (Preferred Alternative), and 5 propose a realignment of the PCT that the BLM finds acceptable. PCT-MM#2 in particular allows for continued consultation with the BLM and other stakeholders regarding additional mitigation. Furthermore, design refinements were completed and incorporated into the project plans. For further discussion of the design modifications, refer to Appendix 3.1-B of this Final EIR/EIS. One design refinement realigns Tehachapi Willow Springs Road to the west of the B-P Build Alternatives, adds a connection from Tehachapi Willow Springs Road to the existing dirt Oak Creek Road near the creek, and replaces the existing at-grade PCT crossing across Tehachapi Willow Springs Road with a grade-separated crossing. This design refinement eliminates impacts on a PCT parking area, and the parking area would no longer require relocation as previously described in the Draft Section 4(f) evaluation in the Draft EIR/EIS. This design refinement also replaces the existing at-grade crossing of the PCT across Tehachapi Willow Springs Road with a new grade-separated crossing (Tehachapi Willow Springs Road bridge over the PCT). This design refinement would increase safety for PCT users because they would no longer have to cross Tehachapi Willow Springs Road, which has a posted speed limit of 55 miles per hour.

785-752

The Authority acknowledges that the proposed perpendicular 845-foot reroute of the PCT presented in the Draft EIR/EIS meets the needs of the PCT and satisfies the intent of the Land and Water Conservation Fund. It should be noted that the 845-foot realignment referenced in the Draft EIR/EIS was incorrect. The actual length of the PCT realignment is 2,110 feet. This has been corrected in this Final EIR/EIS.

The commenter suggests that three PCT easements, purchased with Land and Water Conservation Funds, will be converted to a non-recreational use. The Authority reached out to the commenter for additional information on the properties identified in this comment, but the commenter did not provide any additional information. Based on review of the California Department of Parks and Recreation and National Park Service websites, the Authority has not been able to confirm there are Section 6(f) properties in the resource study area for the B-P Build Alternatives.

Response to Submission 785 (Thomas V Bickauskas, BLM Ridgecrest Field Office - Bureau of Land Management, April 28, 2020) - Continued

785-753

The evaluation of the PCT in Chapter 4, Final Section 4(f)/6(f) Evaluations, of this Final EIR/EIS has been revised to address the comments from the PCTA, BLM, and USFS to more clearly explain the basis for a *de minimis* determination for the PCT. With regard to the suggested design refinements of the PCT crossing in this comment, the alignment in this area is now on viaduct with ample open area for equestrian crossing. For further discussion of the design modifications, refer to Appendix 3.1-B of this Final EIR/EIS. N&V-MM#8 has been designed to reduce impacts on equestrian uses on the trail by providing startle effect warning signage. The Authority is committed to working with the BLM, USFS, and the PCTA to further refine the design of this crossing.

785-754

The Authority is committed to working with BLM, USFS, and the PCTA to further refine the design of this crossing. Mitigation Measure AVQ-MM#3, described in Section 3.16, Aesthetics and Visual Quality, of this Final EIR/EIS, would reduce visual impacts by adding design enhancements, which may include concrete coloring, to the viaducts and columns to reduce the incompatibility of visual character by decreasing color contrast and reflection from the HSR structure, and reducing the magnitude of overall impact. AVQ-MM#3 will be applied to impacts on the PCT. Also, a reference to Mitigation Measure BIO-MM#6, Prepare and Implement a Restoration and Revegetation Plan, has been added to address the comment regarding native vegetation restoration. As described in Section 4.6.1.1, a constructive use can occur only in the absence of a permanent incorporation of land into a transportation facility. Therefore, once a permanent use is identified, there can be no constructive use. Even if there were no permanent use or *de minimis* impact determination there would still be no constructive use because the activities, features, or attributes that qualify the PCT for protection under Section 4(f) would not be substantially diminished by the proximity impacts.

785-755

A discussion of the PCT crossing by the Palmdale to Burbank Project Section has been added to Section 3.19, Cumulative Impacts, in this Final EIR/EIS.

785-756

The Authority acknowledges that Alternatives 1, 2 (Preferred Alternative), and 5 propose a realignment of the PCT that BLM finds acceptable. With regard to the need for additional mitigation, refer to Responses to Comments 785-749, 785-750, 785-751, 785-753, and 785-754, contained in this chapter.

Submission 693 (Justine C Vaivai, Bureau of Indian Affairs - Pacific Regional Office, March 5, 2020)

Bakersfield - Palmdale - RECORD #693 DETAIL

Status : Action Pending
Record Date : 3/9/2020
Response Requested :
Affiliation Type : Federal Agency
Submission Date : 3/5/2020
Interest As : Federal Agency
Submission Method : Project Email
First Name : Justine C
Last Name : Vaivai
Professional Title : Environmental Protection Specialist
Business/Organization : Bureau of Indian Affairs - Pacific Regional Office
Address : Division of Environmental, Cultural Resources Management and Safety - 2800 Cottage Way, Room W-2819
Apt./Suite No. :
City : Sacramento
State : CA
Zip Code : 95825
Telephone : (916) 978-6037
Email : Justine.Vaivai@bia.gov
Cell Phone :
Email Subscription :
Add to Mailing List :
Stakeholder Comments/Issues :

Good morning,

My name is Justine Vaivai and I am an Environmental Protection Specialist with the Bureau of Indian Affairs. I work for the Pacific Regional Office in Sacramento, CA.

693-249 | I had a question regarding the Bakersfield to Palmdale Project Section Draft EIR/EIS for the California High-Speed Rail Project. We received a letter regarding this proposed project and I wanted to know if the project borders Tribal Trust land.

Please let me know when you can. I can be reached by phone at 916-978-6037 or at justine.vaivai@bia.gov. Thank you for your time.

Justine Vaivai
Environmental Protection Specialist
Bureau of Indian Affairs - Pacific Regional Office
Division of Environmental, Cultural Resources Management and Safety
2800 Cottage Way, Room W-2819
Sacramento, CA 95825
Office Phone: (916) 978-6037

EIR/EIS Comment : Yes

Response to Submission 693 (Justine C Vaivai, Bureau of Indian Affairs - Pacific Regional Office, March 5, 2020)

693-249

The commenter asks if the project borders Tribal Trust land. None of the B-P Build Alternatives under consideration border Tribal Trust land. See the map of the HSR system and Tribal Trust lands posted on the Authority's website at www.hsr.ca.gov/programs/cultural_resources/tribal_relations/territories_map.aspx.

Submission 806 (Christina Castellon, Bureau of Land Management, California, April 8, 2020)

Bakersfield - Palmdale - RECORD #806 DETAIL

Status : Action Pending
Record Date : 5/7/2020
Affiliation Type : Federal Agency
Submission Date : 4/8/2020
Interest As : Federal Agency
Submission Method : Email
First Name : Christina
Last Name : Castellon
Professional Title : Realty Specialist - Bakersfield Field Office
Business/Organization : Bureau of Land Management, California
Address : 3801 Pegasus Dr.
Apt./Suite No. :
City : Bakersfield
State : CA
Zip Code : 93308
Telephone : 661-391-6159
Email : ccastellon@blm.gov
Cell Phone :
Email Subscription :
Add to Mailing List : Yes
EIR/EIS Comment : Yes
Attachments : 803_BLM_CommentsCombined.pdf (294 kb)

Section 3.17 Cultural Resources



Impact/Resource Name	B-P Build Alternative				CEQA Level of Significance Before Mitigation	Mitigation Measure	CEQA Level of Significance After Mitigation
	Alternative 1	Alternative 2	Alternative 3	Alternative 5			
P-15-002189 (CA-KER-2189)	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Significant: The construction of access roads associated with the proposed project would result in a finding of Substantial Adverse Change under all the B-P Build Alternatives. A treatment plan would be prepared in consultation with the parties listed in the MOA that would provide additional detail regarding the methods and implementation of the mitigation measures described herein.	CUL-MM#1, CUL-MM#2, and CUL-MM#3 (where applicable)	Less than Significant
P-15-002954 (CA-KER-2954)	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Significant: The construction of underground alignments associated with the proposed project would result in a finding of Substantial Adverse Change under all the B-P Build Alternatives. A treatment plan would be prepared in consultation with the parties listed in the MOA that would provide additional detail regarding the methods and implementation of the mitigation measures described herein.	CUL-MM#1, CUL-MM#2, and CUL-MM#3 (where applicable)	Less than Significant
BP-IS-4 (P-15-019266/CA-KER-10540)	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Substantial Adverse Change	Significant: The construction of surface and elevated alignments associated with the proposed project would result in a finding of Substantial Adverse Change under all the B-P Build Alternatives. A treatment plan would be prepared in consultation with the parties listed in the MOA that would provide additional detail regarding the methods and implementation of the mitigation measures described herein.	CUL-MM#1, CUL-MM#2, and CUL-MM#3 (where applicable)	Less than Significant

Submission 806 (Christina Castellon, Bureau of Land Management, California, April 8, 2020) - Continued

Twhtley Mar 30

806-794

?????- how would underground alignment affect the site? This does not match what is stated in Table 3.17-16, where is stated that there is no effect under all alternatives

3.17.9 NEPA Impact Summary

The following section summarizes the impacts of the Bakersfield to Palmdale Project Section B-P Build Alternatives and compares them to the anticipated impacts of the No Project Alternative. Table 3.17-16 provides a comparison of the potential impacts of the B-P Build Alternatives to cultural resources, summarizing the more detailed information provided in Section 3.17.7, Environmental Consequences.

Table 3.17-16 Comparison of Bakersfield to Palmdale Project Section Build Alternative Effects on Historic Properties

Property	B-P Build Alternatives			
	Alternative 1	Alternative 2	Alternative 3	Alternative 5
Construction Impacts				
Archaeological Properties				
P-15-002959/CA-KER-2959	Phased	Phased	Phased	Phased
P-15-010030/CA-KER-5917	Phased	Phased	Phased	Phased
BP-JS-1 (P-15-019272/CA-KER-10546)	Phased	Phased	Phased	Phased
BP-IS-1 (P-15-019263/CA-KER-10537)	Phased	Phased	Phased	Phased
P-15-018645 (CA-KER-10171)	Phased	Phased	Phased	Phased
BP-IS-2 (P-15-019264/CA-KER-10538)	Phased	Phased	Phased	Phased
BP-LH-7 (P-15-019281/CA-KER-10555)	Phased	Phased	Phased	Phased
BP-IS-3 (P-15-019265/CA-KER-10539)	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact
BP-JS-3 (P-15-019274/CA-KER-10548)	No Effect/ No Impact	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact
P-15-010031 (CA-KER-5918)	Phased	Phased	Phased	Phased
P-15-002750 (CA-KER-2750)	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact
P-15-002189 (CA-KER-2189)	Phased	Phased	Phased	Phased
P-15-002954 (CA-KER-2954)	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact	No Effect/No Impact
BP-IS-4 (P-15-019266/CA-KER-10540)	Phased	Phased	Phased	Phased
P-15-012809 (CA-KER-7230H)	Phased	Phased	Phased	Phased
P-15-007681 (CA-KER-7681)	Phased	Phased	Phased	Phased
P-15-012810 (CA-KER-7231)	Phased	Phased	Phased	Phased
P-15-015559 (CA-KER-8592)	Phased	Phased	Phased	Phased
P-15-012811 (CA-KER-7232)	Phased	Phased	Phased	Phased
P-15-001615 (CA-KER-1615)	Phased	Phased	No Effect/No Impact	Phased
P-15-013689 (CA-KER-7690H)	Phased	Phased	Phased	Phased

Submission 806 (Christina Castellon, Bureau of Land Management, California, April 8, 2020) - Continued

806-795

Twitley Mar 18

BKFO site- no impacts under all alternatives

The property is within the archaeological APE, 0.65 kilometer (0.40 mile) northwest of the intersection of Sierra Highway and W Avenue L in Lancaster, on APNs _____ and _____.

4.3.50 P-19-002039/CA-LAN-2039H

The Antelope Valley Archaeological Society recorded P-19-002039 in 1992 as a “probable 1915-1925 homesite location” with an assemblage of wire nails, glass fragments, historic cans, tack, hardware, screws, milled lumber, and barbed wire. Recorded features consist of a fenceline, a well and pump stand, and ornamental tamarix trees.

The property is within the archaeological APE on APN _____, south of W Avenue L. Access to this property was not available at the time of the survey.

4.4 Application of the Criteria of Adverse Effects: Archaeological Historic Properties

As indicated in Table 4-4, 50 known archaeological properties are within the APE, including previously recorded properties and those identified during survey conducted for the project. These archaeological properties are unevaluated and will be evaluated in accordance with the MOA and the ATP to be developed for this undertaking. Several of these properties have not been surveyed or formally recorded for the HSR project due to a lack of legal access, and future inventory and formal evaluation of these properties to further assess the potential for adverse effects will be necessary.

Four of the archaeological properties (P-15-019265, P-15-019274, P-15-002750, and P-15-002954) are situated above segments of the Preferred Alternative that are deeply tunneled through hilly terrain. These underground segments of the project alignment include construction of single or dual-bore tunnels, the approaches to which will have deep open excavations and extensive portal facilities necessary for maintenance and safety. Due to the depth of underground project construction at these four sites and the lack of planned surface ancillary project features at these locations, underground tunneling would result in **No Effect** to these four properties because the effects of the undertaking do not meet any of the criteria of adverse effects under 36 C.F.R. 800.5(a)(2).

The remaining 46 archaeological properties will be evaluated in accordance with the undertaking’s MOA and ATP. If they are determined NRHP eligible, these archaeological properties may be subject to direct adverse effects from construction of the Preferred Alternative, and additional archaeological historic properties may be identified in the APE during phased identification efforts conducted for the project (Section 106 PA, Stipulation VI.E). Direct adverse effects could result from both permanent and temporary project actions that include grading, tunneling, drilling, utility installation, road widening and realignments for construction of grade separations, equipment staging, and travel along access routes to transport materials and personnel to and from construction areas. These construction activities, as described below, may result in adverse effects under 36 C.F.R. 800.5(a)(2)(i) and (iii) to NRHP-eligible archaeological historic properties due to their partial or total physical destruction and/or removal by project excavation.

The HSR project would construct surface and elevated segments of the proposed alignment. Project surface alignments include construction of at-grade, fill-section, and cut-section profiles. Surface tracks would be built on concrete or ballast material placed on compacted soil, and the fill material for the railbed would be obtained from on-site excavations. Elevated alignments include installation of elevated single-or dual-track structures or straddle bents. Surface and elevated segments of the Preferred Alternative would require extensive excavation for grading, cutting, and filling that may extend outside the final constructed width of the HSR project. The constructed width of these alignments and supporting infrastructure is variable and can range from 60 feet to several hundred feet.

Additional project ground-disturbing activities include utility relocations and connections for construction and operation of the HSR system; roadway overcrossings; road realignment; and

Submission 806 (Christina Castellon, Bureau of Land Management, California, April 8, 2020) - Continued

Twitley Mar 30

806-796 |

Section 1 Summary of Effect Table states that there will be No Adverse Effect, Table needs to be edited to match this statement for No Effect

Response to Submission 806 (Christina Castellon, Bureau of Land Management, California, April 8, 2020)

806-794

The commenter questioned an apparent inconsistency in the California Environmental Quality Act (CEQA) Findings table (Table 3.17-17) regarding underground alignment. The site identified in the comment would not be impacted by underground alignments, because the anticipated depth of the tunneled alignment in this location is more than 1,100 feet below the original ground surface, which is deeper than the anticipated depth of the cultural resource. To be consistent with the Findings of Effect (FOE; April 2020) document, the CEQA Findings Table 3.17-17 has been revised to state “No Impact” for P-15-002954 as suggested. Similar revisions for consistency with the FOE have been made regarding BP-IS-3, BP-JS-3, P-15-002750, and these have been revised to “No Impact.”

806-795

It is confirmed that P-15-002954 would occur above an area where the proposed project would be a tunnel. No impact is anticipated.

806-796

The Summary of Effect table in Chapter 1 of the FOE has been edited to state, “No Effect” with regard to P-15-002954, and now matches statements in Section 3.17 of this Final EIR/EIS.

Submission 751 (Gregor Blackburn, Floodplain Management and Insurance Branch, April 23, 2020)

Bakersfield - Palmdale - RECORD #751 DETAIL	
Status :	Action Pending
Record Date :	4/23/2020
Response Requested :	No
Affiliation Type :	Local Agency
Submission Date :	4/23/2020
Interest As :	Local Agency
Submission Method :	Letter
First Name :	Gregor
Last Name :	Blackburn
Professional Title :	Branch Chief
Business/Organization :	Floodplain Management and Insurance Branch
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	00000
Telephone :	
Email :	
Cell Phone :	
Email Subscription :	Yes
Add to Mailing List :	Yes
EIR/EIS Comment :	Yes
Attachments :	97378_751_FloodplainManagementandInsuranceBranch_042220_Original.pdf (890 kb)

U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



March 2, 2020

California High Speed Rail Authority Bakersfield to Palmdale Project Section
 Draft EIR/EIS Comment
 770 L Street, Suite 620 MS-1
 Sacramento, California 95814

Dear Bakersfield to Palmdale Project Section:

This is in response to your request for comments regarding the California High Speed Rail Authority Bakersfield to Palmdale Project Section Draft Environmental Impact Report/Environmental Impact Statement for California High Speed Rail (HSR) Project.

751-236

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the Cities of Bakersfield (Community Number 060077), Maps revised September 26, 2008 and Palmdale (Community Number 060144), Maps revised and Counties of, Kern (Community Number 060075), Maps revised September 26, 2008 and Los Angeles County (Community Number 065043), Maps revised December 21, 2018. Please note that the communities named above are participants in the State of California in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

751-237

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

751-238

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

Submission 751 (Gregor Blackburn, Floodplain Management and Insurance Branch, April 23, 2020) - Continued

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- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

751-240

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

751-241

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Bakersfield floodplain manager can be reached by calling Phil Burns, Building Director, at (661) 326-3720. The Kern County floodplain manager can be reached by calling Gregg Fenton, P.E., Director, Building and Development, at (661) 862-5093. The Palmdale floodplain manager can be reached by calling Bill Padilla, City Engineer, at (661) 267-5353. The Los Angeles County floodplain manager can be reached by calling Pat Wood, Senior Civil Engineer, Stormwater Engineering Division, at (626) 458-5100

If you have any questions or concerns, please do not hesitate to call Brian Trushinski at (510) 627-7183 or Serena Cheung at (510) 627-7113 of the Mitigation staff.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Phil Burns, Building Director, City of Bakersfield
Gregg Fenton, P.E., Director, Building and Development, Kern County
Bill Padilla, City Engineer, City of Palmdale
Patricia Wood, Senior Civil Engineer, Stormwater Engineering Division, Los Angeles County
Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office
Brian Trushinski, Floodplain Management Specialist, DHS/FEMA Region IX
Serena Cheung, Floodplain Management Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Response to Submission 751 (Gregor Blackburn, Floodplain Management and Insurance Branch, April 23, 2020)

751-236

The most current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps spanning the Bakersfield to Palmdale Project Section of the HSR Project, including those for the cities of Bakersfield and Palmdale and the counties of Kern and Los Angeles, were reviewed and utilized to determine floodplain impacts. It was verified that the most current flood insurance rate maps applicable to the Bakersfield to Palmdale Project Section were dated September 26, 2008, at the time of preparation of the Draft EIR/EIS. The comment notes that a December 21, 2018, flood insurance rate map is available for Los Angeles County; however, the most current flood insurance rate maps for the portion of the project within Los Angeles County are dated September 26, 2008. The flood insurance rate map panels are included in Appendix A of the Floodplain Impact Report (Authority 2017). The floodplains that cross the HSR alignment are depicted on Figure 3.8-3, Floodplains, in Section 3.8, Hydrology and Water Resources of this Final EIR/EIS.

751-237

As discussed in Section 3.8.6.5 in Section 3.8, Hydrology and Water Resources, of this Final EIR/EIS, under Impact HWR #5, the Bakersfield Station and Palmdale Station would be built within 100-year floodplains. As discussed in Section 3.8.6.6, the Lancaster North B Maintenance of Way Facility would also be within a 100-year floodplain. The Avenue M maintenance facility would not be built within a 100-year floodplain. As discussed in Sections 3.8.6.5 and 3.8.6.6, the stations and Maintenance of Way Facility would be elevated above the base flood elevation, per the National Flood Insurance Program's floodplain management building requirements. The Maintenance of Way Facility would not be built within a regulatory floodway. Additionally, during the final design phase and prior to construction, an updated hydrologic and hydraulic analysis would be performed based on final design plans to document that the development would not cause a rise in base flood levels that would exceed the 1-foot rise allowable by FEMA.

751-238

As discussed in Section 3.8.5.7, Floodplains, in Section 3.8, Hydrology and Water Resources, of this Final EIR/EIS, there are no regulatory floodways within the resource study area. None of the proposed structures would be located within a regulatory floodway; therefore, the National Flood Insurance Program's floodplain management building requirements for development within floodways is not applicable to the Bakersfield to Palmdale Project Section of the HSR project.

751-239

As discussed in Section 3.8.5.7, Floodplains, in Section 3.8, Hydrology and Water Resources, of the Final EIR/EIS, special flood hazard areas in the resource study area include Flood Zones A, AH, and AO. Additional flood hazard areas present in the resource study area include Flood Zones X and D. There are no coastal high hazard areas (Flood Zone V) within the resource study area. Therefore, the National Flood Insurance Program's floodplain management building requirements for buildings within coastal high hazard areas are not applicable to the Bakersfield to Palmdale Project Section of the HSR project because none of the proposed buildings would be built within coastal high hazard areas.

751-240

As discussed in Section 3.8, Hydrology and Water Resources, and required by Mitigation Measure WQ-MM#4, a Conditional Letter of Map Revision and Letter of Map Revision for each encroachment within a 100-year floodplain would be processed through the Central Valley Flood Protection Board and FEMA. All floodplain crossings would be analyzed in more detail for FEMA compliance during subsequent engineering phases, which would include additional detailed hydrologic and hydraulic analysis. The applications for the Conditional Letter of Map Revision and Letter of Map Revision would include all technical data required by FEMA to process the map revisions, including the hydrologic and hydraulic analysis. The Conditional Letter of Map Revision application will be submitted to FEMA prior to construction. In compliance with C.F.R. Title 44, Section 65.3, within 6 months of completion of construction within each floodplain, the Authority will notify FEMA of the changes to the floodplain and provide the technical data required for FEMA to process the Letter of Map Revision.

Response to Submission 751 (Gregor Blackburn, Floodplain Management and Insurance Branch, April 23, 2020) - Continued

751-241

The station buildings and maintenance facilities would be designed in compliance with all applicable standards and would be elevated above the floodplain. As stated in Response to Comment 751-240, a Conditional Letter of Map Revision and Letter of Map Revision would be processed through the Central Valley Flood Protection Board to ensure that the project meets the applicable requirements for development within 100-year floodplains. The Authority will contact local agencies, as appropriate, to ensure use of current information relative to floodplains.

Submission 807 (Connell Dunning, United States Environmental Protection Agency, April 28, 2020)

Bakersfield - Palmdale - RECORD #807 DETAIL

Status : Action Pending
Record Date : 5/7/2020
Affiliation Type : Federal Agency
Submission Date : 4/28/2020
Interest As : Federal Agency
Submission Method : Email
First Name : Connell
Last Name : Dunning
Professional Title : NEPA Reviewer
Business/Organization : United States Environmental Protection Agency
Address : 75 Hawthorne Street
Apt./Suite No. :
City : San Francisco
State : CA
Zip Code : 94105-3901
Telephone :
Email :
Cell Phone :
Email Subscription :
Add to Mailing List : Yes
EIR/EIS Comment : Yes
Attachments : 807_EPA_Letter.pdf (152 kb)



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

April 28, 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: Bakersfield to Palmdale Project Section [CEQ# 20200055]

Dear Mr. McLoughlin:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the California High-Speed Rail: Bakersfield to Palmdale 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.

807-797

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 appreciate the additional information that was included in the DEIS as a result of our comments. The EPA has no further comments on the DEIS. We look forward to continued collaboration with your agency as project design progresses to identify further avoidance and minimization measures. When the Final EIS for this project section is available for review, please provide an electronic copy to Carolyn Mulvihill, the lead reviewer for this project, at the same time the FEIS is formally filed online. Ms. Mulvihill can be reached by phone at 415-947-3554 or by email at mulvihill.carolyn@epa.gov.

Sincerely,

For Jean Prijatel, Manager
Environmental Review Branch

cc via email:

Serge Stanich, California High Speed Rail Authority
Dan McKell, California High Speed Rail Authority
Susan Meyer Gayagas, United States Army Corps of Engineers

Response to Submission 807 (Connell Dunning, United States Environmental Protection Agency, April 28, 2020)

807-797

The commenter summarizes previous efforts to coordinate and collaborate with the Authority and indicates that they have had the opportunity to provide comments addressed through multiple revisions to the environmental document. The commenter expresses appreciation for the early collaboration to avoid and minimize environmental impacts. The commenter states that they have no further comments on the EIR/EIS, requests a copy of the Final EIR/EIS once it is available, and looks forward to collaborating as the project progresses.

The Authority acknowledges the United States Environmental Protection Agency has no further comments on the Draft EIR/EIS and will continue to coordinate with the private and public sectors during the environmental review process and subsequent phases of the project (right-of-way acquisition, regulatory permitting, final design, etc.).

Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020)

Bakersfield - Palmdale - RECORD #790 DETAIL

Status : Action Pending
Record Date : 4/30/2020
Affiliation Type : Federal Agency
Submission Date : 4/28/2020
Interest As : Federal Agency
Submission Method : Project Email
First Name : Beth
Last Name : Boyst
Professional Title : USFS Pacific Crest Trail Administrator
Business/Organization : United States Forest Service
Address : Pacific Southwest Regional Office - 1323 Club Drive
Apt./Suite No. :
City : Vallejo
State : CA
Zip Code : 94592
Telephone : 707-562-8881
Email : beth.boyst@usda.gov
Cell Phone : 707-334-4959
Email Subscription :
Add to Mailing List :
EIR/EIS Comment : Yes
Attachments : usfs.pct.20200428.final.pdf (209 kb)

Stakeholder Comments/Issues :

Dear Sir or Ma'am,
Please see the attached comments on the Draft EIR/EIS for the Bakersfield to Palmdale section regarding the Pacific Crest National Scenic Trail.

[cid:image001.jpg@01D61D61.DA040CA0][cid:image002.png@01D61D61.DA040CA0]

Beth Boyst

Pacific Crest National Scenic Trail Administrator
Forest Service

Pacific Southwest Regional Office

p: 707-562-8881

c: 707-334-4959

beth.boyst@usda.gov<mailto:beth.boyst@usda.gov>

1323 Club Drive

Vallejo, CA 94592

www.fs.fed.us<http://www.fs.fed.us/>

[cid:image003.png@01D61D61.DA040CA0]<http://usda.gov/>[cid:image004.png@01D61D61.DA040CA0]<http

s://twitter.com/forestservice>[cid:image005.png@01D61D61.DA040CA0]<https://www.facebook.com/pages/US

-Forest-Service/1431984283714112>

Caring for the land and serving people

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Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020) - Continued



Forest Service

Pacific Southwest Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9240 Text (TDD)

File Code: 2350
Date: April 28, 2020

California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

This letter submitted to: Bakersfield_Palmdale@hsr.ca.gov

Dear California High-Speed Rail Authority,

This letter is in reference to the Bakersfield to Palmdale Project Section (B-P) of the California High-Speed Rail (HSR) System., Draft Project Environmental Impact Report/Environmental Impact Statement (February 2020). The planning team has done an excellent job of collaboration and has designed mitigation measures to address many of the concerns relating to the Pacific Crest National Scenic Trail. Our collaborative management partner, the Pacific Crest Trail Association has also provided detailed concerns regarding the proposal and analysis.

The comments below are outlined in Temporary Impacts during Construction, Permanent Impacts resulting from Operation, Cumulative Impacts, and Section 4(f) and 6(f) considerations.

Temporary Impacts during Construction

Mitigation measures (PCT-MM#1 and PCT-MM#2) limits impacts during construction where the PCT would remain open and accessible for hikers and equestrians during project construction. Timing of the construction should avoid a six-week peak use time by thru-hikers and equestrians (April- mid May). Minimizing the length of time that the trail is temporarily relocated will also reduce impacts.

Permanent Impacts resulting from Operation

BLM Manual 6280 management standard for Congressionally Designated National Scenic and Historic Trails (National Trails) programmatic policy (1.6) includes the following:

“To the greatest extent possible, the BLM shall manage National Trails so as to *safeguard the nature and purposes of the trail* and in a manner that protects the values for which the components of the System were designated, recognizing the nationally significant scenic, historic, cultural, recreation, natural, and other landscape values

790-357

(hereinafter referred to as resources, qualities, values, and associated settings) of the public land areas through which such National Trails may pass, and the primary trail use or uses.

USFS has similar direction to “Administer each National Recreation, National Scenic, and National Historic Trail corridor to meet the intended nature and purposes of the corresponding trail (FSM 2353.31).”

The size and character of the HSR installation, where it is above ground, results in a significant diminution of the PCT experience, and is documented on pages 3.16-85 through 3.16-88. Table 3.15-6 documents the visual impacts of the HSR Operations to the PCT. Additional impacts, even with mitigation, include disruption of the quiet nonmotorized and scenic nature of the trail. Additional site-specific planning and design for the actual crossing will be necessary to decrease noise impacts and potential safety concerns.

790-358

Cumulative Impacts

The overall HSR project proposes crossing the PCT in two locations: one in the Bakersfield to Palmdale Section and the other in the Palmdale to Burbank Section. This is a cumulative impact that should be addressed as a reasonably foreseeable future phase of this project.

790-359

Section 4(f)/6(f) Evaluations

Operation of all B-P Build Alternatives would place the HSR alignment immediately adjacent to the Pacific Crest Trail. Therefore, trail users would see the structures that support HSR and hear noise from passing trains. Since the noise levels during operation at the HSR crossings would constitute severe noise impacts (74.2 dBA Leq) under FRA criteria, it is likely that the impact would be significant. Mitigation will reduce impacts but would still remain significant and unavoidable due to the substantial change in character of the national scenic trail. *The scope of impacts does not appear to support a determination of “de minimis.”* The proposed crossing of the PCT at Tehachapi-Willow Springs Rd / Cameron Road and realigning the PCT to allow one single, direct crossing of the HSR alignment presents the least impacting way for the two to coexist. The proposed relocated trailhead parking is also critical to continue to provide access to the trail.

790-360

Three PCT easements within the project area were acquired for the United States with Land and Water Conservation funds. The easements were purchased in June 1982 from California Portland Cement Company. While the project does propose to convert some of these interests to a non-recreational use, securing a permanent trail easement location for the United States, at an agreed upon location, will be an acceptable remedy.



Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020) - Continued

Editorial Considerations

790-361

Proper title of the trail is the "Pacific Crest National Scenic Trail." Second reference may be Pacific Crest Trail and third reference is often PCT.

I appreciate the excellent work completed to date and look forward to working with you in the future. Please contact me at 707-562-8881 or beth.boyst@usda.gov, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Boyst".

BETH BOYST
USFS Pacific Crest Trail Administrator

Response to Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020)

790-355

The commenter notes that the team did a good job of coordinating with USFS and the PCTA. This is positive feedback on the communication process. CEQA and NEPA require a final EIR and EIS to respond to the comments received on environmental issues (see 14 Cal. Code Regs. §15088(a), 40 C.F.R. §1503.4, and FRA Procedures for Considering Environmental Impacts 14(s)). This comment does not address the sufficiency of the Draft EIR/EIS, nor does it suggest edits to the document. No change has been made to the document in response to this comment.

790-356

PCT-MM#1 and PCT-MM#2 (Section 3.15.7.5 of this Final EIR/EIS) have been revised to clarify that the timing of construction should avoid a 6-week peak-use time by thru-hikers and equestrians (April through mid-May).

790-357

The commenter cites the BLM Manual 6280 management standard for Congressionally Designated National Scenic and Historic Trails programmatic policy as well as USFS Manual chapter 2353.31, policy related to the Administration of National Recreation, National Scenic, and National Historic Trails, and indicates that the HSR project represents a significant diminution of the Pacific Crest Trail (PCT) experience.

Proximity impacts to the PCT would occur (visual, noise) as a result of the project, as described in Section 4.6.1.1. As noted in Section 4.6.1.1, a constructive use can occur only in the absence of a permanent incorporation of land into a transportation facility. Therefore, once a permanent use is identified, there can be no constructive use. Even if there were no permanent use or *de minimis* impact determination there would still be no constructive use because the activities, features, or attributes that qualify the PCT for protection under Section 4(f) would not be substantially diminished by the proximity impacts.

The Authority is committed to working with stakeholders, including the PCTA, USFS, and BLM, to reduce possible impacts resulting from the proposed project. Based on the consultation with these stakeholders that has occurred since the publication of the Draft EIR/EIS, the Authority will enter into an agreement with the USFS to provide compensatory offsite mitigation for impacts to the PCT from the trail realignment, the HSR project crossing the PCT once, and the maintenance easement.

In addition, design refinements realign Tehachapi Willow Springs Road to the west of the B-P Build Alternatives, and adds a connection from Tehachapi Willow Springs Road to the existing dirt Oak Creek Road near the creek, and replaces the existing at-grade PCT crossing across Tehachapi Willow Springs Road with a grade-separated crossing. This design refinement eliminates impacts to a PCT parking area, and the parking area would no longer require relocation as previously described in the Draft Section 4(f) evaluation in the Draft EIR/EIS. This design refinement also replaces the existing at-grade crossing of the PCT across Tehachapi Willow Springs Road with a new grade-separated crossing (Tehachapi Willow Springs Road bridge over the PCT). This design refinement would increase safety for PCT users because they would no longer have to cross Tehachapi Willow Springs Road, which has a posted speed limit of 55 miles per hour. For further discussion of this design modification, refer to Appendix 3.1-B of this

Response to Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020) - Continued

790-357

Final EIR/EIS.

790-358

The commenter states that the HSR system would cross the Pacific Crest National Scenic Trail in two locations—one in the Bakersfield to Palmdale Project Section and the other in the Palmdale to Burbank Project Section. The commenter states that this is a cumulative impact that should be evaluated. Section 3.19, Cumulative Impacts, of this Final EIR/EIS discusses the cumulative impacts of the project, including on parks, recreation, and open space. The Palmdale to Burbank Project Section is included in the cumulative project list (Appendix 3.19-A, Cumulative Project List) in this Final EIR/EIS. Where relevant to the analysis for a particular resource, the cumulative impacts of construction and operation of adjacent HSR project sections were considered.

The Bakersfield to Palmdale Project Section is a stand-alone project with its own logical termini and is treated as a separate project from the Palmdale to Burbank Project Section under CEQA and NEPA. The Project would cross the Pacific Crest Trail in one location in the Bakersfield to Palmdale Project Section. There are no other cumulative projects in the vicinity of this crossing.

As discussed in Section 3.15 of this Final EIR/EIS, operation of all B-P Build Alternatives would place the HSR alignment immediately adjacent to the Pacific Crest Trail. Therefore, trail users would have views of the trains and noise from passing trains would be perceptible. These effects related to noise and views would result in an impact under NEPA and a significant impact under CEQA. However, the impacts related to views and noise would be localized to the area around the Pacific Crest Trail crossing. As stated above, there are no other cumulative projects in the vicinity of this crossing. Therefore, the noise and visual impacts would not combine with other projects in the area to result in additional cumulative noise and view impacts.

Section 3.19.5.15 has been revised to clarify that the Palmdale to Bakersfield Project Section will also cross the Pacific Crest Trail in one place. Although the HSR alignments for Bakersfield to Palmdale and Palmdale to Burbank would cross the Pacific Crest Trail in two places, both crossings in combination would not result in substantial physical deterioration or diminish the capacity of the Pacific Crest Trail. The crossings would be approximately 99 trail miles apart. Therefore, day hikers and equestrian users would likely not experience both crossings, but would visit one location or the other during an outing to the Pacific Crest Trail. Thru-hikers would likely cross both within a

Response to Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020) - Continued

790-358

few days to a week of hiking. Overall, the Pacific Crest Trail would continue to remain operable and accessible to Pacific Crest Trail users, including thru-hikers, day hikers, and equestrian users at the HSR crossing within the Bakersfield to Palmdale Project Section and the HSR crossing within the Palmdale to Burbank Project Section.

Construction and operation of the Bakersfield to Palmdale Project Section would not combine with other cumulative projects to contribute to a cumulative impact on the Pacific Crest Trail.

790-359

The commenter states that noise impacts at HSR crossings during project operation would constitute a significant and unavoidable impact at the PCT and therefore indicates that the impacts do not appear to support the Authority's preliminary *de minimis* determination under Section 4(f). Section 4.6.1.1, Pacific Crest Trail Assessment, in Chapter 4 of this Final EIR/EIS has been expanded to provide additional substantiation for a *de minimis* determination for the PCT. However, proximity impacts are a component of the constructive use analysis and not a *de minimis* determination. A constructive use can occur only in the absence of a permanent incorporation of land into a transportation facility. Therefore, once a permanent use is identified, there can be no constructive use. Even if there were no permanent use or *de minimis* impact determination there would still be no constructive use because the activities, features, or attributes that qualify the PCT for protection under Section 4(f) would not be substantially diminished by proximity impacts. While noise at the crossing of the PCT would intermittently increase with operation of HSR trains, the PCT extends along and crosses existing transportation facilities throughout its entire alignment. The existing PCT crossings with roadways and railroads in the western U.S. experience noise associated with the operations of those transportation facilities. While operation of the HSR near the PCT would result in an intermittent increase in noise levels, the trail would still function as a public hiking trail. Therefore, there are two separate issues and findings with respect to noise in the EIR/EIS. While there would be a significant and unavoidable impact on the recreation area pursuant to CEQA, this impact does not preclude any of the intended activities or adversely affect the features or attributes of the PCT under Section 4(f).

As stated in Section 3.15 of this Final EIR/EIS, the Authority would continue to work with USFS, BLM, and PCTA to advance the final design through a collaborative, context-sensitive solutions approach. These solutions would address potential noise impacts. Specific mitigation measures have been developed by the Authority, in coordination with the PCTA, to ensure the project has the lowest possible impact on the PCT and on PCT users. Specifically, PCT-MM#1 deals with temporary and permanent effects on the PCT and outlines future coordination with various stakeholders, as well as the actions that the Authority will take to ensure the lowest possible impact on the PCT. The Authority will enter into an agreement with the USFS, as identified in the USFS concurrence letter, to provide compensatory mitigation for impacts to the PCT from the trail realignment, the

Response to Submission 790 (Beth Boyst, United States Forest Service, April 28, 2020) - Continued

790-359

HSR project crossing the PCT once, and the maintenance easement.

The commenter expresses the importance of a single, direct crossing of the HSR alignment and the PCT, and the proposed relocated trailhead parking to maintain adequate trail access. Both of these features are included in the Authority's Preferred Alternative. The design refinements of the HSR crossing of PCT has resulted in reduced impacts to PCT by eliminating impacts to the parking lot, reducing the crossings over the trail from two to one crossing, moves the alignment further away from PCT users, and provides a grade separated crossing with Tehachapi Willow Springs Road, which would improve safety for trail users. For further discussion of the design modifications, refer to Appendix 3.1-B of this Final EIR/EIS.

Further, PCT-MM#1 requires that sound-attenuating measures along the guideway be used to minimize noise during operation of the HSR project. As stated in the Draft EIR/EIS, noise from passing trains would be perceptible to trail users. The noise levels during operation at the HSR crossings would constitute severe noise impacts (74.2 dBA Leq [day-night-sound levels]) under the FRA criteria. Although operation of the HSR near the PCT would result in increased noise levels when HSR trains pass, the noise would not be constant as it would occur only when the trains cross the PCT and the trail would still function as a public trail. Additionally, Mitigation Measures PCT-MM#1 and N&V-MM#8 would be applied to reduce noise impacts to the PCT.

790-360

The commenter suggests that three PCT easements, purchased with Land and Water Conservation Funds, will be converted to a non-recreational use. The Authority reached out to the commenter for additional information on the properties identified in this comment, but the commenter did not provide any additional information. Based on review of the California Department of Parks and Recreation and National Park Service websites, the Authority has not been able to confirm there are Section 6(f) properties in the resource study area for the B-P Build Alternatives.

790-361

In Section 3.15, Parks, Recreation, and Open Space, and Chapter 4, Final Section 4(f)/6(f) Evaluations, of this Final EIR/EIS, the first mention of the trail has been revised to use "Pacific Crest National Scenic Trail" and the second reference to "Pacific Crest Trail," and "PCT" thereafter.

Submission 722 (Janet L Whitlock, US Department of the Interior - Office of Environmental Policy and Compliance, April 13, 2020)

Bakersfield - Palmdale - RECORD #722 DETAIL

Status : Action Pending
Record Date : 4/17/2020
Response Requested : Yes
Affiliation Type : Federal Agency
Submission Date : 4/13/2020
Interest As : Federal Agency
Submission Method : Project Email
First Name : Janet L
Last Name : Whitlock
Professional Title : Regional Environmental Officer; CA, NV, AZ and Pacific Islands (Regions 8, 10, and 12)
Business/Organization : US Department of the Interior - Office of Environmental Policy and Compliance
Address : 2800 Cottage Way
Apt./Suite No. : Room E-1712
City : Sacramento
State : CA
Zip Code : 95825
Telephone : (916) 978-5677
Email : janet_whitlock@ios.doi.gov
Cell Phone : (415) 420-0524
Email Subscription :
Add to Mailing List :
Stakeholder Comments/Issues :

Please see comment from the Department of the Interior attached.

New contact info below

Janet Whitlock
 Regional Environmental Officer; CA, NV, AZ and Pacific Islands (Regions 8, 10, and 12)
 Office of Environmental Policy and Compliance
 US Department of the Interior
 2800 Cottage Way, Room E-1712
 Sacramento, CA 95825
 (916) 978-5677 (work)
 (415) 420-0524 (cell)

EIR/EIS Comment : Yes
Attachments : DOI Comment letter high speed rail Bakersfield to Palmdale.pdf (383 kb)



United States Department of the Interior

OFFICE OF THE SECRETARY
 Office of Environmental Policy and Compliance
 2800 Cottage Way, Rm E-1712
 Sacramento, California, 95825

In Reply Refer To:
20/0089

Submitted electronically

April 13, 2020

Dan McKell
 California High Speed Rail Authority
 770 L Street, Suite 620 MS-1,
 Sacramento, CA 95814
 Bakersfield_Palmdale@hsr.ca.gov

Subject: California High-Speed Rail Authority (HSRA), Bakersfield to Palmdale
 Project Section, Draft Project Environmental Impact Report/Environmental
 Impact Statement (DEIR/EIS)

Dear Mr. McKell:

The United States Department of the Interior through the National Park Service (NPS) and the
 United States Geological Survey (USGS) has reviewed the *CA High-Speed Rail Authority,
 Bakersfield to Palmdale Project Section, Draft Project Environmental Impact
 Report/Environmental Impact Statement*, dated February 2020, and provides the following
 comments:

USGS Comments

Potential conflicts with Groundwater Wells measured by the USGS

The USGS would like to inform the HSRA of the existence of USGS groundwater monitoring
 wells within the resource study area and potentially within the proposed alignment of the
 railroad. The USGS monitors groundwater levels at well sites throughout the nation including in
 the resource study area for this proposed project between Bakersfield and Palmdale to provide
 data to improve our understanding of changes in aquifer levels for water resource management.
 Many of the well sites in the project area have over 50 years of measurement records, and some
 well sites measured by the USGS appear coincident with the proposed railroad alignment as
 presented at map scale within the DEIR/EIS.

The DEIR/EIS discusses groundwater resources in Section 3.8 and includes descriptions of
 groundwater basins within the project area. Descriptions include depth to water, water quality,
 beneficial uses and project impacts. A potential impact described in the DEIR/EIS is
 displacement and replacement of existing agricultural and domestic wells found to be within the
 project right-of-way. The DEIR/EIS does not appear to discuss project impacts to wells
 monitored by the USGS.

722-677

Submission 722 (Janet L Whitlock, US Department of the Interior - Office of Environmental Policy and Compliance, April 13, 2020) - Continued

722-677	<p>The USGS makes well locations available through its online map service called the National Water Information System Mapper at this location: https://maps.waterdata.usgs.gov/mapper/index.html. The USGS encourages the early identification and resolution of conflicts between the railroad right-of-way and wells utilized by the USGS for groundwater levels.</p> <p><i>NPS Comments</i></p>	722-679	<p>plans to pursue Design Build for completing the design and construction of the project, which is at 15%, and by disclaimers included in the Refined CCNM Design Option alignment map caption that state “PRELIMINARY DRAFT/SUBJECT TO CHANGE. HSR ALIGNMENT IS NOT DETERMINED” (See Figure 3.17-1, Sheet 2 of 6). Additionally, the DEIR/EIS does not commit to the requested conditions or further consultation on the portion of the project located in the vicinity of La Paz NHL because the finding of effect for the La Paz NHL is an unconditional No Adverse Effect. The DEIR/EIS identifies only those properties as adversely effected or with the potential to be adversely affected for unknown archaeological resources as the only resources to be addressed in the MOA.</p> <p>NPS requests that the HSRA refrains from stating in the EIS that the project will result in a No Adverse Effect to LA Paz NHL, unless the CA SHPO concurs with the finding."</p> <p>In several parts of the document, the MOA for the Bakersfield to Palmdale Section of the project is referenced as if it is already executed. The NPS suggests revising these statements since the agreement has yet to be executed. In other sections of the document, it is referenced as not yet executed.</p>
722-678	<p>The National Park Service has actively participated in the consultation for the Bakersfield to Palmdale Section at both the park and regional office level under 36 CFR 800.3 and 36 CFR 800.10 since 2016.</p> <p>The HSRA has carried forward four alternatives with two options for the section of the project located in the vicinity of Cesar Chavez National Monument/ Nuestra Señora Reina de La Paz National Historic Landmark District (La Paz NHL) in the DEIR/EIS for the Bakersfield to Palmdale Section of the High Speed Rail Project. The alternatives are numbered 1, 2, 3 and 5 and the two options are referred to as the César E. Chávez National Monument (CCNM) Design Option and the Refined CCNM Design Option.</p>	722-680	<p><i>Federal Highway Administration Section 4(f) Evaluation:</i></p> <p>All of the 4(f) assessments are presented as preliminary with the need for HSRA to either continue or begin dialogue with Officials with Jurisdictional authority (OWJ). Since OWJ concurrence has not yet been received, NPS requests this information before providing specific comments on the 4(f) assessments. However, there are a few areas where we have comments including assessment for Nuestra Señora Reina de La Paz/César E. Chávez National Monument.</p> <ul style="list-style-type: none"> • Federal Transit Administration Federal Highways Section 4(f) Policy Paper, July 20, 2012 “Section 4(f) applies to archeological sites that are on or eligible for the NR and that warrant preservation in place, including those sites discovered during construction as discussed in Question 3B. Section 4(f) does not apply if FHWA determines, after consultation with the SHPO/THPO, federally recognized Indian tribes (as appropriate), and the ACHP(if participating) that the archeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place, and the SHPO/THPO and ACHP (if participating) does not object to this determination.” (FHWA, Policy Paper, pp 29-30)
722-679	<p>The HSRA has found that each proposed build alternative would adversely affect historic properties located within the project area of potential effect; however, the number of known resources that would be affected differs among the alternatives. According to the DEIR/EIS, “Alternatives 1 and 2 would each result in a phased evaluation process for 47 potentially eligible archaeological properties, whereas implementation of Alternatives 3 and 5 would each result in a phased evaluation process for 46 potentially eligible archaeological properties and Alternative 5 would result in one additional adversely affected built resource.” The HSRA has stated that including the Refined CCNM Design Option results in a No Adverse Effect to the La Paz NHL and has identified Option 2 with the Refined CCNM Design Option as the preferred alternative.</p> <p><i>National Historic Preservation Act Section 106</i></p> <p>Throughout the document, especially in sections 3.17 “Cultural Resources” and 3.19 “Cumulative Impacts” the Refined CCNM Design Option is stated to have a No Adverse Effect on the La Paz NHL. At the time the DEIR/EIS was released and to this date, it is the understanding of the NPS that the California State Historic Preservation Office (CA SHPO) has yet to concur with this finding.</p>	722-681	<ul style="list-style-type: none"> • Page 4-9 of the DEIS/EIR “4.1.3 Section 4(f) Applicability” includes the following statement, “NRHP under Criteria A, B, and/or C are considered to have value intrinsic to the resource’s location. An archaeological resource that is eligible only under Criterion D generally is considered valuable only in terms of the data that can be recovered from it. For such resources (such as pottery scatters and refuse deposits), it is generally assumed that there is minimal value attributed to preserving such resources in place. In other words, Section 4(f) does not apply to a site if it is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.” This statement does not appear to be in keeping with the above excerpt from the FHWA 4(f) policy paper, since there is no indication that the State Historic Preservation Officer (SHPO) has concurred that these known archaeological resources are important chiefly because of what can be learned by data recovery. Furthermore, the statement appears to
	<p>The National Park Service provided a conditional response to the HSRA’s preliminary No Adverse Effect finding put forth in the draft “Bakersfield to Palmdale Project Section 106 Finding of Effect Report (Draft FOE).” In our comment letter dated January 29, 2020, we stated that, “The NPS agrees that the Refined CCNM Design Option as depicted by the visual simulations will not adversely affect the NHL; however, the project is only at fifteen percent design and therefore NPS agreement with the finding is with conditions that allow for continued consultation as the project is developed to final design.” NPS requested that “the HSRA include stipulations in this agreement document [the Memorandum of Agreement (MOA) that will be executed to resolve the adverse effects of the this project segment] that would provide consulting parties opportunities to review the project design at agreed upon stages of completion and if the project development seems to be leading to conditions different from what has been presented at fifteen percent and in the FOE that may adversely affect the NHL, additional consultation would be required.” This request is further substantiated by the DEIR/EIS, which states that the HSRA</p>		

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722-681 | be an unsubstantiated assumption and too narrow a definition of National Register
722-682 | Criterion D applied.

- There can be very high value to preserving sites in situ because the technologies applied to analyzing material culture are always improving. There is also scientific value to small sites with diagnostic materials across a landscape because they collectively provide information about land use and patterns of past human mobility, and so the sites that are insignificant alone could still contribute to a larger picture. Although, salvage can be an acceptable mitigation, that is a separate issue from whether a site is a 4(f) property.

Thank you for the opportunity to review and comment on this study. If you have any questions concerning comments from the USGS, please contact J. Michael Norris, USGS Coordinator for Environmental Assessment Reviews, at (603) 226-7847 or at mjnorris@usgs.gov. If you have questions regarding comments from the NPS, please contact Elaine Jackson-Retondo, Ph.D., National Park Service Preservation Partnerships & History Program Manager, at elaine_jackson-retondo@nps.gov or 415-623-2368. For all other questions, please contact me at janet_whitlock@ios.doi.gov or at (415) 420-0524.

Sincerely,

Janet L. Whitlock
Regional Environmental Officer

Cc:
Shawn Alam, OEPC
J. Michael Norris, USGS
Elaine Jackson-Retondo, NPS
Roxanne Runkel, NPS

Specific NPS Comments

- 722-683 | • Summary page S-39 includes an incomplete description of the design measures included in the Refined CCNM Design Option. A description of the large berm is omitted.
- 722-684 | • As stated on page S-55, the project has disproportionately high and adverse effects on Environmental (EJ) Justice populations. NPS is pleased to see that options to minimize the impact to the La Paz NHL do not add to the adverse impact to EJ populations.
- 722-685 | • Section 2.3.4 "Infrastructure Components:" Please include a cross section of the area in the vicinity of La Paz NHL illustrating the 12' high sound wall and berm.
- 722-686 | • Table 3.17-11: Please include the date La Paz NHL was designated an NHL, October 8, 2012.
- 722-687 | • Page 3.17-81: The following statements seem contradictory "Likewise, these alternative construction methods would result in no adverse effects under Section 106 and potential noise impacts from construction of the B-P Build Alternatives are not anticipated to cause adverse effects to historic properties under Section 106. However, the Authority has made a finding that adverse effects to built historic properties would occur under each of the B-P Build Alternatives."
- 722-688 | • Page 3.17-81-82: The distinction between intermittent and permanent operations isn't clear, since an intermittent operation also could be permanent. Perhaps an example of an intermittent operation would be helpful.
- 722-689 | • Page 3.17-83: Recommend adding continued consultation and review of construction documents in the preconstruction mitigations described in the first sentence on the page, especially since this is a design build project. This would include monitoring of impacts.
- 722-690 | • Page 3.17-83: In the last sentence of the third paragraph, recommend adding "consulting parties."
- 722-691 | • Page 3.17-83: Last sentence of fourth paragraph, recommend adding avoid and minimize, Currently the considered resolution is limited to mitigation.
- 722-692 | • Page 3.17-85: Please insert the following to the first sentence of the second paragraph, "In addition to any copies required by a selected recordation program, additional copies of the documentation..." NPS administers the Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscapes Surveys (HALS) mitigation documentation program, and there are submission requirements for the documentation.
- 722-693 | • Page 3.17-85 F-B LGA CUL-MM #13: If this is a design build project and the Built Environment Treatment Plan (BETP) will be completed prior to start of construction, is it possible to meet this mitigation?
- 722-694 | • Page 3.17-86, CUL-MM#2: Halt Work in the Event of an Archaeological Discovery and Comply with the Programmatic Agreement (PA), Memorandum of Agreement (MOA), Archaeological Treatment Plan (ATP), and all State and Federal Laws, as applicable: The second paragraph includes the following statement, "If no qualified archaeologist is present, no work can commence until it is approved by the qualified archaeologist in accordance with the MOA, ATP, and monitoring plan." The rest of the paragraph goes on to describe the steps the archaeologist will take in approving the plan. Doesn't this get ahead of the MOA, ATP and monitoring plan since they have yet to be developed and executed; what if a different process is included in these documents? Further in the paragraph there is mention of SHPO concurrence with a finding of eligibility for a site. What if the archaeologist finds

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722-694 | the property not eligible? Recommend seeking SHPO concurrence on all determinations of eligibility, regardless of finding.

722-695 | • Page 3.17-89: In the first full paragraph there is a section that addresses recordation, see comment above for Page 3.17-85.

722-696 | • In the next paragraph, NPS would need to review HABS HAER HALS documentation. Currently only HSRA and SHPO are identified.

722-697 | • The next paragraph includes a statement that documentation would be submitted to the Library of Congress by the Authority. This should be revised. The NPS submits HABS HAER HALS documentation to the Library of Congress after review and acceptance of the final documentation.

722-698 | • Page 3.17-90, CUL-MM#8: Repair of Inadvertent Damage: In this paragraph the Secretary of the Interior Standards for Rehabilitation are cited as the guiding document. However, the recommended treatment may differ, depending on the resource and damage. Therefore recommend not limiting the treatment to rehabilitation and recommend referencing the Secretary of the Interior Standards for the Treatment of Historic Properties and not just the rehabilitation standards.

722-699 | • Page 3.17-98: 4. Archaeological Data Recovery Program: please confirm if 36 CFR 79 is applicable.

722-700 | • Page 3.17.99, *Nuestra Señora Reina de la Paz*: Insert “by Noise” after “The inclusion of a soundwall as a project feature would reduce the noise levels to ensure the property would not be adversely affected.”

722-701 | • Page 4-4: The following statement is not accurate. “Direct effects are considered to include such actions as physical destruction, damage, or encroachment to an NHL.”¹ The footnote to this statement reads, In a letter dated February 15, 2019 to the HSRA and FRA, the National Park Service defined a “direct effect” as follows: “direct effects are those that as a direct result of the project will result in an adverse effect” (i.e., that there did not need to be physical destruction, damage, or encroachment to constitute a direct effect).” Please also reference the following memo issued by the Advisory Council on Historic Preservation.

ACHP General Counsel provided the following guidance for defining direct effects In June 7, 2019 Memo to ACHP staff, “In March 2019, the D.C. circuit court issued an opinion in National Parks Conservation Association vs. Semonite, concluding that the meaning of the term “directly” in Section 110(f) refers to the causality, and not the physicality, of the effect. This means that if the effect comes from the undertaking at the same time and place with no intervening cause, it is considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). “Indirect” effects are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable. . . it is clear from the circuit court’s opinion that “directly” in the NHPA specifically refers to the causation of the effect, not its physical nature. This court decision clarifies when Section 110(f) applies and will have implications for how agencies’ assess effects to NHLs.”

722-702 | • Page 4-4.2 The following definition for La Paz is not correct: “La Paz Size and Location La Paz, shown on Figure 4-29 (provided later in this chapter), is on approximately 10.5 acres of land donated to NPS by the National Chavez Center.” This should be corrected. While NPS owns approximately 2 acres and holds an easement on approximately 8.5 additional acres,

722-702 | the boundary for the monument includes approximately 107 acres, all of which is within the NHL district.

722-703 | • Page 4-63, Section “4.6.2.2 Section 4(f) Analysis of the National Chavez Center at Nuestra Señora Reina de La Paz with Adverse Effects under Section 106 of the National Historic Preservation Act”: The following statement does not seem accurate “. . . under Alternatives 1, 2, 3, and 5 at the National Chavez Center at Nuestra Señora Reina de La Paz, the only historic property in the project section incurring an adverse effect under Section 106.” Elsewhere in the document Big Creek Hydroelectric System Historic District is identified as adversely effected by the undertaking.

722-704 | • Page 4-64, Section 4.6.3.1, “Section 4(f) Analysis of La Paz as a Historic Property Effects under Section 106.” For the CCNM Option, the following statement is not consistent with the assessment of effect on La Paz presented elsewhere in the DEIR/EIS (See page 4.75 and Table 3.17-15 on page 3.17-78): All work related to construction (i.e., earthwork, staging, and access) would take place outside the historic property boundary. Work that would take place on Three Peaks (on the slopes below the peaks themselves) would not cause an adverse effect because Three Peaks is outside the historic property boundary (36 C.F.R. 800.5[a][2][i], [ii], and [iii]). Additionally, the SHPO has yet to concur with a finding of no adverse effect for the Refined CCNM Option.

722-705 | • Page 4-66: A visual simulation for La Paz, View Facing North toward Character-Defining View of Three Peaks from Water Tank, Visual Simulation of Refined CCNM Design Option have not been included. Please include this visual simulation.

722-706 | • Page 4-69: Visual simulations for La Paz, View Facing Northeast from North Unit Conference Room, Visual Simulation of CCNM Design Option and Refined CCNM Design Option have not been included. Please include these visual simulations.

722-707 | • Page 4-72: The visual effects to La Paz are characterized as indirect. The effects are considered direct because the effect comes from the undertaking at the same time and place with no intervening cause.

722-708 | • Page 4-73 & 4-81 Section “Preliminary Summary of Determinations”: Is there a simulation to illustrate the following assessment for alternatives 1, 2, 3 and 5? “historic significance. Due to the topography of the site and adjacent areas and screening from existing vegetation, the elevated HSR rail line with these alternative (which is up to 160 feet above the existing ground at its highest point) would not be visible from the Memorial Garden that includes the grave of César Chávez, the Visitor Center that contains the office of César Chávez, or the Helen Chávez home.”

722-709 | • Page 4-74: NPS does not concur with the assessment that the attributes and features that qualify La Paz for protection under Section 4(f) would not be substantially diminished by views of Alternatives 1, 2, 3, and 5 from this historic property.

722-710 | • A determination of de minimis impact can be made only if the Section 106 process results in a no effect or no adverse effect determination for the historic resource with concurrence of the SHPO. The SHPO has yet to concur with the FRAs finding of no adverse effect to La Paz.

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722-677

The commenter states that implementation of the B-P Build Alternatives would affect United States Geological Survey (USGS)-monitored groundwater wells. The commenter provides a link to the National Water Information System Mapper. The USGS well locations have been reviewed and it has been determined that only well USGS 3445 3411 8094 4301 is within the project footprint. This well has been called out as “Protect in Place” on the Volume 3 Engineering Plans.

The Authority would continue to work with USGS during final engineering design and construction of the B-P Build Alternatives to protect groundwater monitoring wells in place.

722-678

The commenter summarizes the four B-P Build Alternatives and two design options under consideration for the project in the vicinity of the Cesar Chavez National Monument/Nuestra Senora Reina de La Paz National Historic Landmark (La Paz National Historic Landmark District). The commenter notes that the Authority has stated the Refined CCNM Design Option results in a no adverse effect on the La Paz National Historic Landmark and acknowledges Alternative 2 with the Refined CCNM Design Option as the Preferred Alternative. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR/EIS. Therefore, no changes to the EIR/EIS were made based on this comment.

722-679

The discussion of the La Paz NHL in Section 3.17.9.2, Built Resources, of this Final EIR/EIS has been updated to include the no adverse effect with conditions finding for La Paz, consistent with the April 2020 FOE for La Paz. Since this comment was made, the SHPO has concurred with the finding of no adverse effect with conditions (April 2020 FOE). As presented in the April 2020 FOE, the Authority, in the MOA, will impose conditions to require the continued engagement of consulting parties and subsequent review of plans by the SHPO, ACHP, and consulting parties as the project design is advanced beyond its current level (which is actually 30 percent in the vicinity of La Paz). The Bakersfield to Palmdale Project Section Memorandum of Agreement (MOA) and the associated Built Environment Treatment Plan (BETP) will stipulate that the Authority will work closely with the SHPO, Advisory Council on Historic Preservation (ACHP), and consulting parties to reach agreement on a comprehensive plan for design review at various stages of project development.

The commenter also notes that in different sections of the Draft EIR/EIS, the MOA is referred to as having already been executed and as not yet being executed. The Final EIR/EIS has been revised globally to consistently use the future tense when referring to the MOA, which has not yet been executed; however, the MOA will be executed before the Authority issues a Record of Decision.

722-680

Chapter 4 of this Final EIR/EIS has been updated to include the concurrences from the Officials with Jurisdictional Authority for the Authority’s determinations of *de minimis* or temporary occupancy. Concurrence letters are included in Appendix 8-B of this Final EIR/EIS. Section 4.1.3 of the Final EIR/EIS was also updated consistent with the policy paper cited in this comment.

722-681

Section 4.1.3 in this Final EIR/EIS has been revised to address this comment.

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722-682

The Authority concurs that there can be value to preserving sites in situ because the technologies applied to analyzing material culture are always improving. Research frameworks and site investigation procedures are discussed in the Bakersfield to Palmdale Project Section Archaeological Treatment Plan (ATP) anticipated to be published in 2021. Section 4.1.3 in this Final EIR/EIS has been revised to address this comment.

722-683

The commenter notes an error in the description of the Refined CCNM Design Option on Page S-39 of the Summary. In response to this comment, revisions have been made to the description of the berm in Section S.8.3, Preferred Alternative, in the Summary section of this Final EIR/EIS.

722-684

The commenter expresses the opinion that they are pleased by the conclusion that options to minimize impacts on La Paz do not adversely affect environmental justice populations. This comment does not request clarifying information or changes to the Final EIR/EIS. No revisions have been made to this Final EIR/EIS in response to this comment.

722-685

The commenter requests that a cross-section showing the sound barrier and berm in the vicinity of the Cesar E. Chavez National Monument/Nuestra Señora Reina de La Paz National Historic Landmark District be included in Chapter 2. A new Figure 2-63 has been added to Section 2.4.2.6 of this Final EIR/EIS showing a cross-section of the HSR alignment in the vicinity of La Paz.

722-686

This comment requests that Table 3.17-11 be revised to include the date La Paz was designated a National Historic Landmark. Table 3.17-11 in Section 3.17, Cultural Resources, of this Final EIR/EIS, has been revised to indicate that the La Paz National Historic Landmark was designated a National Historic Landmark on October 8, 2012.

722-687

The commenter notes that two statements under the subheading “Section 106 Finding” on page 3.17-81 of the Draft EIR/EIS seem contradictory. To clarify, the last sentence of the statement on page 3.17-81 that is quoted in the comment has been revised in the Final EIR/EIS to state that: “The Authority has determined that construction activities would result in an adverse effect to the Big Creek Hydroelectric System Historic District resulting from the demolition of elements that contribute to its significance.”

722-688

The commenter suggests clarifying the distinction between intermittent and permanent operations on pages 3.17-81 and 3.17-82 of the Draft EIR/EIS. Section 3.1.3.6, Environmental Consequences, of the Draft EIR/EIS and this Final EIR/EIS describes intermittent impacts as “those that are not continuous but recur throughout the life of the system on an episodic or occasional basis.” The permanent impacts discussed under the subheading “Operations Impacts” on pages 3.17-81 and 3.17-82 of the Draft EIR/EIS refer to impacts that are intermittent but permanent throughout the life of the system. The text on Page 3.17-82 has been clarified to state, “Permanent, but intermittent, operations impacts continue over the long term and can include actions such as the generation of noise and vibration from passing trains.” Noise and vibration impacts are a permanent operational feature of the system that would occur on an intermittent basis.

722-689

The commenter recommends adding continued consultation and review of construction documents in the pre-construction mitigation measures described in the first sentence of page 3.17-83 in the Draft EIR/EIS. The Authority accepts this suggestion. This sentence has been revised in the Final EIR/EIS to state, “Pre-construction mitigation measures would be subject to the continued consultation, review of construction impacts, and review of construction documents, and may include moving historic built resources during construction and protecting them should they not be moved to their permanent locations until after construction. Such mitigation measures may be subject to continued consultation, review of construction documents, and monitoring of impacts as stipulated in the BETP.”

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722-690

The commenter recommends adding “consulting parties” to the last sentence of the third paragraph on page 3.17-83. In this Final EIR/EIS, the referenced sentence has been revised to state, “The MOA would be executed by the time the ROD is issued for the Bakersfield to Palmdale Project Section.” The reference to consulting parties was not added because signatories and concurring parties to the MOA have not been identified at this time.

722-691

The commenter suggests adding “avoid and minimize” to the last sentence of the fourth paragraph of page 3.17-83 because the text of the Draft EIR/EIS suggests that the considered resolution is limited to mitigation. The Authority accepts this suggestion. In this Final EIR/EIS, the referenced sentence has been revised to state, “These treatment plans would include relevant avoidance, minimization, and mitigation measures for the purposes of NEPA and CEQA and would be implemented in compliance with Section 106...”

722-692

The commenter states that the National Park Service administers the Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscapes Surveys (HALS) mitigation document program, and that there are submission requirements for the documentation. As such, the commenter requests that the first sentence of the second paragraph on page 3.17-85 of the Draft EIR/EIS be revised. The Authority acknowledges the National Park Service’s (NPS) role in administering the HABS/HAER/HALS mitigation document program and accepts this suggestion. In this Final EIR/EIS, the referenced text has been revised to state, “In addition to any copies required by a selected recordation program, additional copies of the documentation will be provided to the consulting parties and offered to the appropriate local governments, historical societies and agencies, or other public repositories, such as libraries.”

722-693

The commenter questions if F-B LGA CUL-MM #13 is feasible given the design-build nature of the project and the timing of the measure. F-B LGA CUL-MM#13 is applicable to the F-B LGA alignment from the intersection of 34th Street and L Street to Oswell Street. F-B LGA CUL-MM#13 would be implemented during or after the compilation of the BETP and will incorporate data gathered prior to any construction that would affect historic properties. Therefore, the mitigation is feasible. In conjunction with Mitigation Measures CUL-MM #11, which ensures a statewide historical interpretation program, and F-B LGA CUL-MM#12, which requires preparation of HABS, HAER, or HALS documentation, F-B LGA CUL-MM #13 would use historic archival materials and other documentation to create interpretive or educational materials addressing adversely affected historic properties. The availability of historic archival materials is not dependent upon the construction schedule. Furthermore, the HABS, HAER, or HALS documentation prepared as part of F-B LGA CUL-MM #12 will be completed before construction begins and can be used in the preparation of interpretive and educational materials as well. Mitigation Measure F-B LGA CUL-MM#13 was incorporated into the Draft EIR/EIS from the Fresno to Bakersfield Section Final Supplemental EIR (Authority 2018) and the Fresno to Bakersfield Section: Locally Generated Alternative Combined Supplemental Record of Decision and Final Supplemental EIS on the Locally Generated Alternative (Authority 2019).

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722-694

The commenter states that CUL-MM#2 does not adequately address the development and execution of the MOA, ATP, and monitoring plan with regard to an unexpected archaeological discovery, and that SHPO concurrence should be sought on all determinations of eligibility regardless of the archaeologist's finding on eligibility. The development and execution of the MOA and ATP are described throughout Section 3.17 in this Final EIR/EIS. Although the MOA and ATP are described elsewhere, in this Final EIR/EIS, Mitigation Measure CUL-MM#2 has been revised to clarify the nature of the monitoring plan: "If no qualified archaeologist is present, no work can commence until it is approved by the qualified archaeologist in accordance with the MOA, ATP, and monitoring plan prepared for the specific archaeological discovery." The Authority would, under the guidance of a qualified archaeologist, evaluate the eligibility of a site and seek SHPO concurrence for those potentially eligible findings.

722-695

The commenter notes that page 3.17-89 contains a discussion on recordation similar to the discussion noted in Comment 722-692. In response to the former comment, CUL-MM #6 in this Final EIR/EIS was revised to include the following sentence: "As previously stated, in addition to any copies required by a selected recordation program, additional copies of the documentation will be provided to the consulting parties and offered to the appropriate local governments, historical societies and agencies, or other public repositories, such as libraries."

722-696

The commenter states that the NPS would need to review HABS/HAER/HALS documentation. The Authority agrees with NPS. As noted in the third paragraph of page 3.17-89 in the Draft EIR/EIS, "If the documentation is to follow the HABS/HAER/HALS program, consultation by the Authority with National Park Service (NPS) would be required." Therefore, the Authority expects that the NPS's will review HABS/HAER/HALS documentation as a part of that consultation and NPS's role is acknowledged in the Draft EIR/EIS. No revision in the text has been made in this Final EIR/EIS in response to this comment.

722-697

The commenter states that page 3.17-89 should be revised to clarify that the NPS would submit HABS/HAER/HALS documentation to the Library of Congress, not the Authority. The Authority agrees with this comment. In this Final EIR/EIS, this text has been revised to state the following: "The final documentation would be prepared by the Contractor's qualified team, be approved by NPS, and submitted to the Library of Congress by NPS."

722-698

The commenter suggests referencing the Secretary of the Interior's Standards for the Treatment of Historic Properties in CUL-MM#8 rather than the more specific Standards for Rehabilitation, due to the potential for the recommended treatment to differ. The Authority agrees with this recommended change in the text. In this Final EIR/EIS, CUL-MM#8 has been revised to state: "Should any of the properties or resources be damaged as a result of construction activities, the contractor would repair them in accordance with the approved plan and with the SOI Standards for the Treatment of Historic Properties."

722-699

The commenter asks if 36 C.F.R. 79 is applicable to the Archaeological Data Recovery Program as discussed on page 3.17-98 of the Draft EIR/EIS. 36 C.F.R. 79 addresses the curation of archaeological materials on federal projects. Chapter 9 of the *Bakersfield to Palmdale Archaeological Treatment Plan* addresses the curation requirements for archaeological materials and indicates that 36 C.F.R. 79 is applicable.

722-700

The comment suggests a revision to page 3.17-99 to clarify that La Paz would not be adversely affected by noise. The Authority accepts the edit suggested by the NPS. In this Final EIR/EIS, the referenced text has been revised to state, "The inclusion of a sound barrier as a project feature would reduce the noise levels to ensure the property would not be adversely affected by noise."

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722-701

A reference to the memorandum issued by the Advisory Council on Historic Preservation has been added to footnote 1 in Chapter 4 and Impact CUL-2 in Section 3.17.7 of this Final EIR/EIS.

722-702

The text in Section 4.5.1.1 of this Final EIR/EIS related to La Paz has been revised to clarify that the boundary for the monument includes approximately 107 acres.

722-703

The text in Section 4.6.2.2 of this Final EIR/EIS has been revised to correctly state that the Big Creek Hydroelectric System Historic District also incurs an adverse effect under Section 106.

722-704

The text on page 4-64 states that that the work on Three Peaks (on the slopes below the peaks themselves) is outside of the historic property boundary and would not result in an adverse effect has been removed. In its letter of May 22, 2020, the SHPO stated that “SHPO could concur with a no adverse effect with conditions if the Authority develops an agreement document to include a comprehensive design review process, a clear process for dispute resolution, and addresses the consulting parties concerns regarding potential effects to the cultural landscape in which La Paz is situated.” In a response letter dated May 28, 2020, the Authority committed to imposing conditions to require the continued engagement of consulting parties and subsequent review of plans by SHPO and consulting parties as the project design is advanced beyond its current level of 30 percent. As will be memorialized in the MOA and described fully in an associated BETP, the Authority will work closely with SHPO, ACHP, and consulting parties to reach agreement on a comprehensive plan for design review at various stages of project development.

722-705

The visual simulation for the Refined CCNM Design Option (facing Northeast) is included in Chapter 4, but the Refined CCNM Design Option is not visible from La Paz when looking north, so no visual simulation was provided from that viewpoint (facing north).

722-706

As shown in Appendix B of the Design Options Screening Report for the César E. Chávez/Nuestra Señora Reina de la Paz National Historic Landmark (Authority 2019a), the CCNM Design Option and the Refined CCNM Design Option would not be visible from View 1 (the North Unit Conference Room). Therefore, visual simulations have not been prepared for this viewpoint.

722-707

The text in Section 4.6.3.1 of this Final EIR/EIS related to Section 106 effects to La Paz has been revised consistent with the April 2020 FOE.

Response to Submission 722 (Janet L Whitlock, US Department of the Interior - Office of Environmental Policy and Compliance, April 13, 2020) - Continued

722-708

Key Viewpoint (KVP) 11c, identified in Section 3.16, is located at the Memorial Gardens that host César Chávez's gravesite. The image in Figure 3.16-27 shows the existing view from KVP 11c. A visual simulation at this viewpoint has been added to this Final EIR/EIS. A white stucco wall and mature trees enclose the gardens. The gardens were designed to resemble the courtyards of the Spanish-era California missions (César Chávez Foundation 2019). As shown in the visual simulation, the HSR Build Alternatives would not be visible from inside the gardens. Furthermore, given the screening from intervening hillsides and existing vegetation, the HSR Build Alternatives would not be visible from the Visitor Center or the Helen Chávez home. Therefore visual simulations were not created from the Visitor Center or the Helen Chávez home. Because the alignment is not visible from these resources, the HSR Build Alternatives would not result in proximity impacts, specifically related to the Memorial Gardens, Visitor Center, or the Helen Chávez home, that would result in substantial impairment of the property's activities, features, or attributes that qualify it for protection under Section 4(f).

Due to the topography of the site and adjacent areas and screening from existing vegetation, the elevated HSR rail line with these alternatives, including the Refined CCNM Design Option, would not be visible from the Memorial Garden or the Helen Chávez home. Therefore, there would be no visual effects on the portions of the property that qualify as a Section 4(f)-protected recreational resource.

722-709

In this comment, the NPS does not state why they do not concur with the assessment that the attributes and features which qualify La Paz for protection under Section 4(f) would not be substantially diminished by views of Alternatives 1, 2, 3, and 5 from this historic property. The attributes and features that qualify La Paz for protection as an historic property under Section 4(f) are its association with historic events and significant persons due to its connection to the agriculture industry, social history, Hispanic heritage, and political history. A change in the visual setting of La Paz as a result of views of Alternatives 1, 2, 3, and 5 from this historic property would not diminish La Paz's association with historic events and significant persons due to its connection to the agriculture industry, social history, Hispanic heritage, and political history. Furthermore, the proximity (visual) impacts would not result in a substantial impairment of the property's activities, features, or attributes that qualify La Paz for protection under Section 4(f) as a historic property because they would not result in a substantial diminution of the property's historic integrity. The introduction of new visual elements would not adversely affect La Paz's integrity of feeling and association, which are critical to conveying its historic significance, because the property would still retain a high degree of its integrity of location, design, materials, and setting. The minimal change to the setting introduced by the project would be insufficient to diminish the integrity of these four integrity considerations to a degree that would render it ineligible as a historic property under Section 106 or result in substantial impairment under Section 4(f).

722-710

The Final Section 4(f) Evaluation in this Final EIR/EIS has been updated to include SHPO concurrence with the Authority's finding of no adverse effect with condition for La Paz. Since this comment was received, the SHPO has concurred with the Authority's finding of no adverse effect with condition for La Paz in a letter dated June 23, 2020. The Final Section 4(f) Evaluation in this Final EIR/EIS has been updated to include SHPO's concurrence.

Submission 712 (Nina Bicknese, US Fish and Wildlife Service, Sacramento Fish and Wildlife Office, April 8, 2020)

Bakersfield - Palmdale - RECORD #712 DETAIL

Status : Action Pending
Record Date : 4/8/2020
Response Requested : Yes
Affiliation Type : Federal Agency
Submission Date : 4/8/2020
Interest As : Federal Agency
Submission Method : Website
First Name : Nina
Last Name : Bicknese
Professional Title : Senior Biologist
Business/Organization : US Fish and Wildlife Service, Sacramento Fish and Wildlife Office
Address : 2800 Cottage Way
Apt./Suite No. : Room W-2605
City : Sacramento
State : CA
Zip Code : 95825
Telephone : 916-414-6633
Email : nina_bicknese@fws.gov
Cell Phone :
Email Subscription : General/Statewide
 , Bakersfield to Palmdale
 , Los Angeles to Anaheim
 , Los Angeles to San Diego
 , Merced to Sacramento
 , San Francisco to San Jose
 , San Jose - Merced, Burbank to Los Angeles
 , Palmdale to Burbank
 , Central Valley Wye, Central Valley, Construction Package 1 Updates,
 Construction Package 2-3 Updates, Construction Package 4 Updates,
 Construction Updates General, Locally Generated Alternative (Bakersfield),
 Northern California, Press Releases, Southern California
Add to Mailing List : Yes
Stakeholder Comments/Issues :
 712-184 | The SFWO received a paper copy of the DEIR/EIS, but no CDs of the DEIR/EIS were included. Please send
 CDs of the entire DEIR/EIR to the SFWO. Also, a parcel map book was discussed at the 4/8/20 NorCal
 Agency Coordination Call today. If that map book was not included as an appendix to the EIR/EIR, please also
 provide paper and CD copies of the parcel map books to the SFWO. Thank You. Nina Bicknese, Sacramento
 Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento Ca, 95825.
EIR/EIS Comment : Yes

Response to Submission 712 (Nina Bicknese, US Fish and Wildlife Service, Sacramento Fish and Wildlife Office, April 8, 2020)

712-184

Refer to Standard Response BP-Response-GENERAL-02: Public Outreach on the Draft EIR/EIS.

At the request of the commenter, compact disks of Volumes 1 through 3 of the Draft EIR/EIS and both a paper copy and an electronic copy of the parcel mapbook were provided on April 16, 2020.