

18 FEDERAL AGENCY COMMENTS

18 FEDERAL AGENCY COMMENTS (Part 1)

Submission 1157 (James Mazza, US Army Corps of Engineers, September 9, 2020)



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

September 9, 2020

Regulatory Division

SUBJECT: File Number SPN-2010-00158

Mr. Mark McLoughlin
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814
Mark.McLoughlin@hsr.ca.gov

Dear Mr. McLoughlin:

I am writing in response to the July 2020, *San Francisco to San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement* (DEIR/S) for the proposed San Francisco to San Jose Section of the California High-Speed Rail (CAHSR) Project, in accordance with our *National Environmental Policy Act/Clean Water Act Section 404/Rivers and Harbors Act Section 14 Integration Process for the California High-Speed Train Program Memorandum of Understanding*, dated December 2010 (NEPA/404/408 MOU). This letter serves as the U.S. Army Corps of Engineers' (Corps) formal response.

As an official cooperating agency for preparation of the San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (EIR/S) and in fulfillment of our responsibilities under the NEPA/404/408 MOU, the Corps offered feedback to the California High-Speed Rail Authority (Authority) on the Administrative DEIR/S for the San Francisco to San Jose Project Section of the CAHSR Project by email on January 28, 2020. The Authority made the San Francisco to San Jose Project Section DEIR/S available for public comment on July 10, 2020.

After reviewing the DEIR/S, we are providing the attached comment matrix that addresses specific areas of the DEIR/S where additional information is required and/or corrections should be made to meet our needs as a cooperating agency. With this letter, we also request a formal response to all comments.

We look forward to continued collaboration with your agency and appreciate the opportunity to provide comments on the DEIR/S. You may refer any questions on this matter to Bryan Matsumoto of my Regulatory staff by telephone at 415-503-6786 or by e-mail at

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Bryan.T.Matsumoto@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

Digitally signed by
MAZZA.JAMES
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.C.1365058560
Date: 2020.09.09 12:56:10
-07'00'

James C. Mazza
Chief, Regulatory Division

Copies Furnished:

Federal Railroad Administration, Stephanie Perez, stephanie.perez@dot.gov
US EPA, Carolyn Mulvihill, Mulvihill.Carolyn@epa.gov
CA HSRA, Sue Meyer, Sue.Meyer@hsr.ca.gov

Submission 1157 (James Mazza, US Army Corps of Engineers, September 9, 2020) - Continued

CALIFORNIA HIGH-SPEED RAIL PROJECT
San Francisco to San Jose Project Section

COOPERATING AGENCY COMMENT & RESPONSE LOG

Project: CHSR – San Francisco to San Jose - FJ				Updated: 09/01/20		WBS:				
Client: CHSRA				Submittal: Draft EIR/EIS for Cooperating Agency Review						
Comments				Responses						
				Dispositions Code: A = Have Incorporated / Will Incorporate; B = Have Clarified / Will Clarify; C = Delete Comment; D = Will Incorporate In Next Submittal; E = Discuss / Clarify with Authority						
Comment Number	Page/Sect Number	Comments	Reviewers Name	Date	Dispositions	Responses	Responders Name	Date	Verification (QC name/date)	
1157-1817	3.7-4, Biological and Aquatic Resources	Federal CWA waters of the U.S. Definition: It should be noted that the definition of waters of the U.S. has changed since the PJD was finalized, and that the new definitions went into effect in June 22, 2020.	Matsumoto	9/1/2020						
1157-1818		Suggested language addition for Section 10: "Section 10 of the Rivers and Harbors Act requires authorization from USACE for the following: construction of any structure in or over any navigable waters of the U.S., the excavating from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters."								
1157-1819	3.8-7, Biological and Aquatic Resources		Matsumoto	1/27/2020 and 9/1/2020		applied to 3.7.2.1 on 3.7.8				
1157-1820	3.7.8.3; 3.7-70/Biological and Aquatic Resources	There is no mention of Section 10 jurisdiction/impacts in the "project impacts" section, however, in the parts following it does mention Section 10.	Matsumoto	9/1/2020						
1157-1821	3.7-108 and 109	The Mitigation Rule (MR) and SPD Division procedures should be used when developing any CMP. The MR is mentioned for a complete proposal. However, SPD Division procedures of note include "Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines," "Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios," and "Regulatory Program Uniform Performance Standards for Compensatory Mitigation Requirements." Securing of mitigation credits at a bank or ILF would still require determination of credits and baseline information for the mitigation and impact site.	Matsumoto	1/27/2020 and 9/1/2020						
	3.7-108	The Corps has reviewed the Preliminary Compensatory Mitigation Plan (pCMP) for impacts on aquatic resources. Per the NEPA/404 MOU, the Corps provided agreement that the pCMP may provide sufficient mitigation to meet the needs of the project under Section 404 of the Clean Water Act. As the DEIS is an informational document, providing the framework from the pCMP for proposed mitigation would be relevant information to include.	Matsumoto	09/01/20						

Response to Submission 1157 (James Mazza, US Army Corps of Engineers, September 9, 2020)

1157-1817

The comment requests that the Draft EIR/EIS note that the definition of waters of the U.S. has changed since the PJD and Aquatic Resources Delineation Report (Authority 2020c) were finalized and the new definition went into effect on June 22, 2020. To address this comment, the language regarding the CWA definition of waters of the U.S. and the PJD have been revised in Section 3.7.6.5, Delineation of Aquatic Resources, and throughout the Final EIR/EIS.

1157-1818

To address this comment, the text in Section 3.8.2.1, Federal, was revised as suggested in the Final EIR/EIS.

1157-1819

The comment notes that there is inconsistency in the Draft EIR/EIS with respect to references to Section 10 jurisdiction/impacts in Section 3.7.8.5, Aquatic Resources. To address this comment, an additional reference to Section 10 has been added to in the introductory Project Impacts subsection under Section 3.7.8.5 of the Final EIR/EIS for consistency with the Construction Impacts subsection that follows.

1157-1820

The comment states that the Mitigation Rule and South Pacific Division procedures should be used when developing any CMP. Both the Mitigation Rule, 2015 Regional Compensatory Mitigation and Monitoring Guidelines, and Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios are identified in the pCMP. The other document mentioned by USACE will also be reviewed and incorporated, as appropriate, when developing the CMP. The Authority understands that mitigation credits at a bank or ILF would still require determination of credits and baseline information, both of which are described in the pCMP. The comment did not result in any revisions to the Draft EIR/EIS.

1157-1821

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. All technical reports, including the pCMP, were made available upon request during the public comment period for the Draft EIR/EIS.

Submission 1159 (Connell Dunning, US Environmental Protection Agency, September 9, 2020)



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

September 9, 2020

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

Subject: Draft Environmental Impact Statement for the California High-Speed Rail: San Francisco to San Jose Project Section (CEQ# 20200135)

Dear Mr. McLoughlin:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the California High-Speed Rail: San Francisco to San Jose 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.

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 concerns that have been addressed as a result of our comments. Please consider the following recommendations for additional minimization of impacts and improvements to the project.

1159-1826 | **Air Quality**

General Conformity

The DEIS states (page 3.3-5) that the conformity determination will be included in the FEIS. We concur that a conformity determination appears to be necessary based on the construction emissions in 2025, for Alternative A, and emissions in 2023 to 2025, for Alternative B, as noted in Tables 3.3-12 and 3.3-13. A conformity determination includes public notice requirements (40 CFR 93.156) and may go through a public notice process that is separate from the NEPA process. If the Authority and the Federal Railroad Administration include a draft conformity determination within the FEIS, explicitly discuss in the FEIS that public comments are welcome on the draft conformity determination. Please also inform stakeholders where they can access the final conformity determination and view responses to any comments received on the draft.

1159-1827 | *Transportation Conformity*

The DEIS states (page 3.3-82) that neither project alternative was determined to be a Project of Air Quality Concern. This determination is required under transportation conformity, which generally applies to projects funded or approved by the Federal Highway Administration or the Federal Transit

1159-1827 | Administration. Please clarify in the FEIS the role of FHWA or FTA in approving or funding the project and clarify the scope of transportation conformity (or the analysis). If transportation conformity will be applied for this project, consultation with the EPA and other relevant agencies is required to confirm the POAQC determination. If applicable, please confirm in the FEIS whether that consultation has taken place, and if it has not, please contact the EPA to initiate consultation.

1159-1828 | *Mitigation*
 The DEIS states (page 3.3-91) that prior to issuance of construction contracts, the Authority would be required to enter into an MOU with the Bay Area Clean Air Foundation to reduce ROG/VOC and NOX emissions to the required levels. Please provide updates to the EPA as this MOU is developed.

1159-1829 | The EPA also recommends all feasible mitigation for the San Jose Diridon Station Approach Subsection, where emissions are expected to exceed the 24-hour PM2.5 NAAQS concentrations for total PM2.5 (Table 3.3-15 and 3.3-17). For example, we recommend notification to the affected community when there are expected exceedances.

1159-1830 | **Biological Resources**
Special Status Species Surveys
 The DEIS states (Page 3.7-19) that no presence-absence surveys for special-status plants or wildlife have been conducted. In the FEIS, please provide an estimate of when those surveys will take place, and the circumstances that will determine the timing of those surveys.

1159-1831 | *Wildlife Movement*
 While the corridor is highly urbanized, the DEIS states (3.7-42) that 18 watercourses in the area could support wildlife movement in the project vicinity between the Santa Cruz Mountains and San Francisco Bay. The EPA encourages the Authority to continue to work with wildlife agencies to identify any opportunities to improve or provide wildlife movement corridors and crossings, including natural bottom culverts and other natural features where culverts are being modified and constructed. Include any additional planned improvements or wildlife crossing considerations in the FEIS.

1159-1832 | *Compensatory Mitigation Plan for Impacts on Aquatic Resources*
 The EPA has reviewed the Preliminary Compensatory Mitigation Plan for impacts on aquatic resources. Per the NEPA/404 MOU, the EPA provided agreement that the pCMP may provide sufficient mitigation to meet the needs of the project under Section 404 of the Clean Water Act. The EPA recommends that the Authority include more specific information on proposed mitigation, including a short discussion of the Visitacion Creek/Bay resiliency mitigation concept, in the FEIS.

1159-1833 | **Noise Impacts**
 Table 3.4-16 of the DEIS indicates a high number of severe and moderate noise impacts in 2040. The EPA appreciates that the document discusses the Noise Mitigation Guidelines developed for the statewide HSR system. Given the high number of expected impacts, we encourage the Authority to commit to all feasible mitigation, as discussed in the DEIS, in order to minimize impacts to sensitive receptors to the maximum extent possible.

We look forward to continued collaboration with your agency as the project design progresses to identify further avoidance and minimization measures. When the FEIS for this project section is available for review, please provide an electronic copy to Carolyn Mulvihill, the lead reviewer for this

Submission 1159 (Connell Dunning, US Environmental Protection Agency, September 9, 2020) - Continued

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:

Dan McKell, California High Speed Rail Authority
Bryan Matsumoto, U.S. Army Corps of Engineers
Alison Kirk, Bay Area Air Quality Management District

Response to Submission 1159 (Connell Dunning, US Environmental Protection Agency, September 9, 2020)

1159-1826

Page 3.3-5 of the Draft EIR/EIS states that the Authority has developed and provided to the FRA a Draft General Conformity Determination and that FRA will make the ultimate General Conformity Determination. The FRA will solicit public comment on the General Conformity Determination in accordance with the provisions of the General Conformity Rule. The comment did not result in any revisions to the Draft EIR/EIS.

1159-1827

In response to this comment, the Authority has added explanations of transportation conformity to the descriptions of the conformity rules under the General Conformity Rule subsection in Section 3.3.2.1, Federal; under the Particulate Matter Hot Spots subsection in Section 3.3.4.3, Methods for Impact Analysis; and under Impact AQ#13 in Section 3.3.6.2, Air Quality, of the Final EIR/EIS. The additional text explains why the project is not subject to transportation conformity. The additional text also clarifies that the use of the criteria for identifying a Project of Air Quality Concern is for purposes of technical assessment only and does not imply that any part of the project was determined to be a Project of Air Quality Concern or is subject to transportation conformity. As requested by USEPA, the language added to the Final EIR/EIS clarifies the role of FHWA and FTA in approving or funding the project (i.e., FHWA and FTA have no role). Because the project is not subject to transportation conformity, no consultation with USEPA is required.

1159-1828

The Authority will provide updates to USEPA as the MOU is developed. The comment did not result in any revisions to the Draft EIR/EIS.

1159-1829

The project includes all feasible measures to reduce emissions: AQ-IAMF#1 through AQ-IAMF#6, which are discussed in Section 3.3.6, Environmental Consequences, under Impact AQ#1, and AQ-MM#1 and AQ-MM#2, which are discussed in Section 3.3.7, Mitigation Measures, of the Final EIR/EIS. The commenter's recommendation for notification is noted and will be considered by the Authority. The comment did not result in any revisions to the Draft EIR/EIS.

1159-1830

The comment requests that the Final EIR/EIS provide an estimate of when surveys for special-status plant or wildlife will take place, and the circumstances that will determine the timing of those surveys. For those species for which presence is assumed because suitable habitat is present and presence-absence surveys have not been conducted, species-specific mitigation measures are included in Section 3.7.9, Mitigation Measures of the Draft EIR/EIS, which describe require the specifically timed for presence-absence surveys based on accepted protocols and/or the species life history. This comment did not require any revisions to the Draft EIR/EIS.

1159-1831

The comment request is noted. There are no additional planned improvements for wildlife crossings at this time. While the Authority will continue to coordinate with the wildlife agencies on potentially improving watercourses for movement, this is a longer-term goal and is not required prior to completion of the CEQA/NEPA process. The comment did not result in any revisions to the Draft EIR/EIS.

1159-1832

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. The Visitacion Creek/Bay resiliency mitigation concept was just one of a range of compensatory mitigation options presented in the pCMP and it is too speculative to include in the EIR/EIS. After further consideration of this concept, the Authority has withdrawn this concept in favor of off-site mitigation. Consistent with BIO-MM#37, the Authority will develop a CMP that would identify the final mitigation options.

Response to Submission 1159 (Connell Dunning, US Environmental Protection Agency, September 9, 2020) - Continued

1159-1833

The commenter's concern regarding the high number of severe and moderate noise impacts due to project operations is noted. Section 3.4.7, Mitigation Measures, of the Draft EIR/EIS discusses the mitigation measures the Authority would implement to minimize operational noise impacts, including noise barriers, supporting City implementation of quiet zones where cities decide to implement them, installing sound insulation, or acquiring easements on properties severely affected by noise. The Authority has identified all feasible mitigation measures that would reduce or or eliminate severe noise impacts, consistent with CEQA requirements. These mitigation measures will be included in the Mitigation Monitoring and Enforcement Plan adopted by the Authority as part of the project approval to enhance implementation tracking, identify the responsible party, and clarify implementation timing.

18 FEDERAL AGENCY COMMENTS (Part 2)

Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021)

San Francisco - San Jose - RECORD #1235 DETAIL

Status : Unread
Record Date : 9/22/2021
Interest As : Federal Agency
First Name : Raquel
Last Name : Girvin
Attachments : FAA comment letter SFO to SJC DEIR-EIS 09-22-21.pdf (331 kb)

Stakeholder Comments/Issues :

Please see attached comment letter dated September 22, 2021.



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

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd.
El Segundo, CA 90245

September 22, 2021

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

Dear Mr. Stanich,

I am writing to communicate Federal Aviation Administration (FAA) concerns on the San Francisco to San Jose Project Section Revised Draft Supplemental Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised/Supplemental Draft EIR/EIS) after the public comment period, which began on July 23, 2021, and ended on September 8, 2021. I appreciate your accepting our response at this time.

1235-2827

1235-2828

1235-2829

1235-2830

1235-2831

1235-2832

FAA’s concerns relate to the Revised/Supplemental Draft EIR/EIS as well as to the initial Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS), as the California High-Speed Rail Authority (CHSRA) did not invite FAA as a cooperating agency at the time of public comment for the DEIR/DEIS. One of FAA’s broad concerns is that critical areas of the Revised/Supplemental Draft EIR/EIS and initial DEIR/DEIS do not provide adequate detail of the proposal to enable airport owners, as well as FAA, to fully evaluate possible impacts to various airports, airspace impacts, and the national airspace system. FAA’s statutory mission is to ensure the safe and efficient use of navigable airspace in the United States. FAA’s specific concerns are as follows, along with more detail in the Attachment to this letter.

1. The potential of the CHSRA to take actions, including but not limited to the use of the eminent domain, on federally-obligated land that could cause the City and County of San Francisco (City), the airport sponsor for San Francisco International Airport, to be out of compliance with its federal grant-in-aid obligations.
2. The proposed project’s electromagnetic emissions may adversely affect navigational equipment used in the national airspace system. This can present a significant aviation safety issue that must be addressed in the document.
3. Certain components of the proposed project may affect the safety and capacity of the national airspace system.
4. Since CHSRA is operating on behalf of the Federal Railroad Administration, a modal agency of the U.S. Department of Transportation, failure to address the concerns expressed above could derogate one mode of transportation in favor of another. That situation would be contrary to the mission of the U.S. Department of Transportation and its policy of “One DOT.”

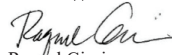
Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

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We appreciate that this is a significant, complex endeavor, and we look forward to working with you as you sort out the project particulars for not only this section but for all sections.

If you have any questions about this matter, please contact Carlette Young of my staff at 424-405-7012 or email Carlette.Young@faa.gov. Thank you for your consideration.

Sincerely,



Raquel Girvin
Regional Administrator

Enclosure: Attachment A

cc: Phyllis Potter, Assistant Project Manager, Environmental

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ATTACHMENT A

The following describes in more detail FAA's specific concerns.

1235-2833

Concern #1: The FAA has concerns related to the potential of the CHSRA to take actions, including but not limited to the use of eminent domain, on federally-obligated land that could cause the City and County of San Francisco (City), the sponsor for San Francisco International Airport, to be out of compliance with its federal grant-in-aid obligations.

FAA's Airport Improvement Program (AIP) Grant Assurances provide a contractual relationship between FAA and the airport sponsor. One requirement of this legal relationship is for the airport sponsor to maintain proprietary rights and controls for San Francisco International Airport (SFO). For this reason, we strongly recommend that the CHSRA work closely with the City and County of San Francisco to ensure that CHSRA's proposal does not violate AIP grant-in-aid assurances, particularly on parcels that are federally-obligated. In addition, depending on the final proposal that is agreed upon by the CHSRA and the City and County of San Francisco, FAA may require analysis outside of what is being considered in CHSRA's Revised/Supplemental Draft EIR/EIS in order to meet our requirements under the National Environmental Policy Act (NEPA).

1235-2834

At this point in the NEPA process, FAA would not be in a position to consider proposals that involve federally obligated land without adequate detail. The CHSRA's Revised/Supplemental Draft EIR/EIS, as written, does not contain adequate detail and would require FAA to prepare a separate NEPA document in order make a decision regarding the CHSRA's proposed action. We also point out that compliance with AIP Grant Assurances would be a critical factor in any FAA decision related to CHSRA's proposed action.

Examples of the types of federal obligations in existing agreements between FAA and the City and County of San Francisco that FAA would need to assess are below. This is not an all-inclusive list. All grant assurances are available at https://www.faa.gov/airports/aip/grant_assurances/. Examples of specific components of the CHSRA proposed project that likely impact federally obligated land are further below.

- Good Title (Grant Assurance #4)
- Preserving Rights and Powers (Grant Assurance #5)
- Operation and Maintenance (Grant Assurance #19)
- Compatible Land Use (Grant Assurance #21)
- Airport Revenues (Grant Assurance #25)
- Airport Layout Plan (Grant Assurance #29)
- Disposal of Land (Grant Assurance #31)

1235-2835

In Sections 2.6.2.4 and 2.6.2.5, the Draft EIR/EIS indicates high-speed rail passengers desiring to drive and park at the Millbrae Station would be able to use long-term commercial parking off-site, including at SFO, and reach the station by shuttle. As

Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

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1235-2835

proposed, this does not contain adequate detail for FAA to make a decision regarding CHSRA's proposed action of utilizing commercially available parking at SFO. FAA may need to prepare a separate NEPA document when more details are known and when the City and County of San Francisco makes a formal request for FAA consideration.

1235-2836

CHSRA must work with the City and County's Airport Department to:

1. Determine whether the co-location is an allowable land use on federally obligated property at SFO and, if so,
2. Revise/update the SFO Airport Layout Plan to depict the location of the automobile parking spaces allocated/allotted for the proposed high-speed rail. FAA advises CHSRA that all revenues generated on the airport must be expended/used for the airport; in other words, any sharing of parking revenues between CHSRA and the City and County of San Francisco would likely violate Grant Assurance #25.

1235-2837

Alternative A and Alternative B may adversely impact properties for which the airport has an avigation easement or controls/owns as shown on the Exhibit "A" (Airport Property Map) for SFO on file with FAA. The scale of the exhibits/maps in Appendix 3.1-A (Parcels Within HSR Project Footprint) is such that FAA cannot precisely determine impacted properties. In addition, the Assessor's Parcel Numbers depicted in Appendix 3.1-A, no longer appear on the San Mateo County Property Maps Portal, as Appendix 3.1-A indicates a date of preparation in 2016. However, the City and County of San Francisco controls/owns and/or has easements at/near the CHSRA's project footprint from the north side of Lions Park in San Bruno to Madrone Street in Millbrae.

The CHSRA's Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS, as proposed, do not contain adequate detail for FAA to make a decision regarding the CHSRA's proposed action of using real properties for which the City and County of San Francisco has an easement and/or controls/owns for the CHSR's proposed project. FAA may have to prepare a separate NEPA document when details are known and when the City and County of San Francisco makes a formal request for FAA consideration. The CHSRA must work with the City and County of San Francisco's Airport Department to:

1. Determine whether the CHSRA's proposed project is an allowable land use per cloud on titles and, if so,
2. Revise/update the SFO Exhibit "A" (Airport Property Map).

1235-2838

Concern #2: The electromagnetic interference the proposed project will generate may adversely affect navigational equipment used in the national airspace system. This can present a significant aviation safety issue that must be addressed in the document.

FAA's requirements related to electromagnetic interference and electromagnetic fields, including radio frequencies, go above and beyond the requirements of the Federal Communications Commission (FCC). The FAA can provide special expertise for this topic in relation to the proposed project. The CHSR should work with my office and we bring in FAA Spectrum Engineering, which secures, manages, and protects civil aviation Radio

1235-2838

Frequencies (RF) to ensure flight safety, to determine whether the existing analysis in Section 3.5 and Appendix 3.5-A of the Revised/Supplemental Draft EIR/EIS provides FAA with sufficient confidence that the electromagnetic interference the proposed project will generate will not adversely affect various aviation systems, including but not limited to manned aircraft systems, aircraft navigation aids, and aircraft radio communication.

1235-2839

For example, CHSRA is proposing to make alignment decisions as part of its proposed action, both horizontal (i.e., project footprint) as well as vertical (i.e., at-grade vs. embankment vs. viaduct vs. tunnel), as part of this NEPA process. FAA requests CHSRA demonstrate and document there is no likely interference now, at the preliminary design stage, instead of later, at the final design stage, when modifying the alignment to eliminate/minimize interference could require a substantial rework of the proposal by CHSRA.

1235-2840

Concern #3: Certain components of the proposed project may affect the safety and capacity of the national airspace system.

The CHSRA has made and is making alignment decisions, both horizontal (i.e., project footprint) as well as vertical (i.e., at-grade vs. embankment vs. viaduct vs. tunnel). FAA airspace analysis must analyze the horizontal and vertical components of the proposed project route (inclusive of components such as the overhead catenary electrical power system, rolling stock envelope, and sound walls) on the various imaginary surfaces prescribed in Title 14, Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, as well as on the line-of-sight and range of FAA's radio frequencies (e.g., navigational aids), which, if impacted, can adversely affect instrument flight procedures and thereby the adversely affect the capacity and/or safety of the national airspace system.

For instance, Section 3.11.6.3 and Appendix 3.11-B of the Draft EIR/EIS state the 14 CFR Part 77 Notice Criteria Tool indicates that an aeronautical study is necessary for three radio towers near SFO as well as two radio towers each near San Carlos Airport (SQL), Palo Alto Airport (PAO), and Norman Y. Mineta San Jose International Airport (SJC). The FAA understands the two radio towers near SJC are only necessary should CHSRA select Alternative B.

1235-2841

The imaginary surfaces related to 14 CFR Part 77 are not the most restrictive surface; the Revised/Supplemental Draft EIR/EIS must analyze the most restrictive surfaces in order for FAA to accept the relevant portions of the Final EIR/EIS. Terminal Instrument Procedures (TERPS) as well as Obstacle Clearance Surfaces (OCS) are the most restrictive surface(s) in certain situations and therefore a key consideration for FAA.

1235-2842

Before FAA can consider adopting this environmental document, all technical appendices must incorporate and analyze all relevant surfaces. We anticipate this may require guidance from FAA, as the vast majority of non-aviation NEPA professionals are unfamiliar with TERPS and OCS. Alternately, CHSRA may want to consider procuring an appropriate aviation professional services consultant. Given that nine radio towers require

Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

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1235-2842

an aeronautical study per 14 CFR Part 77, it is likely other components of the CHSRA proposed project exceed/penetrate the various imaginary surfaces of 14 CFR Part 77 as well as those identified in TERPS and OCS. For example, the CHSRA's initial Draft EIS/EIR indicates one radio tower near SQL and both radio towers near PAO "exceed an instrument approach area of the terminal instrument procedures."

1235-2843

The CHSRA's Draft EIR/EIS, as proposed, does not contain adequate detail for FAA to make a decision, as the Draft EIR/EIS does not present the results of an FAA aeronautical study. The CHSRA's Draft EIR/EIS also does not indicate what mitigation actions CHSRA would take in the event FAA issued a determination of a hazard to air navigation for components of the CHSRA's proposed project (other than radio towers) thereby requiring modifications to the CHSRA's proposed project.

1235-2844

FAA requests CHSRA demonstrate and document there is no likely interference now, at the preliminary design stage, instead of later, at the final design stage, when modifying the alignment to eliminate/minimize interference could require a substantial rework of the proposal by CHSRA.

1235-2845

In addition to seeking guidance from FAA or procuring an appropriate professional services consultant, CHSRA must use FAA's Notice Criteria Tool (NCT) at frequent periodic points on the route of the proposed project within an airport influence area to identify locations/segments meeting filing notice requirements per 14 CFR Part 77 and then work with FAA to file the appropriate forms so that FAA can analyze and identify potential adverse effects to the national airspace system. CHSRA's filings under 14 CFR Part 77 must include all the horizontal and vertical components of the proposed project (inclusive of components such as the overhead contact system, rolling stock envelope, and sound walls).

1235-2846

Concern #4: Since CHSRA is operating on behalf of the Federal Railroad Administration, a modal agency of the U.S. Department of Transportation, failure to address the concerns expressed above could derogate one mode of transportation in favor for another. That situation would be contrary to the mission of the U.S. Department of Transportation and its policy of "One DOT."

In order for FAA to make an environmental decision on the proposed project, FAA needs additional information to demonstrate that CHSRA's proposed project/action will not:

1. Expose airport communication systems to electromagnetic frequencies and electromagnetic interference,
2. Interfere with airspace safety, or
3. Cause an airport to violate its Grant-in-Aid assurances or be in violation of the terms of the Grant Agreements with FAA. FAA requests CHSRA to provide additional details now, at the preliminary design stage, instead of later, at the final design stage, because CHSRA's alignment decisions, both horizontal and vertical, require a substantial amount of analysis and effort to modify. Should CHSRA provide additional details later, at the final design stage, the FAA may have to prepare a separate NEPA document when details are known. This could

1235-2846

delay implementation of CHSRA's proposed project. Subsequently, CHSRA would likely have to modify its alignment decisions in order not to derogate one mode of transportation in favor of another. As stated above this would be contrary to long standing U.S. Department of Transportation policy of "One DOT." FAA stands ready to assist CHSRA avoid unnecessary rework of the proposal and the federal NEPA process to the benefit of both agencies.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021)

1235-2827

The comment is noted. The Authority acknowledges receipt of FAA's comments and has provided responses to each of these specific comments. Please refer to the responses to submission FJ-1235, comments 2828 through 2846.

Regarding the request to serve as a cooperating agency, the Authority addressed this request in a separate communication to the FAA dated March 4, 2021.

The Authority invited the FAA to serve as a cooperating agency for the Palmdale to Burbank and Burbank to Los Angeles project sections. The Authority made those invitations because of specific airport-related activities in both project sections, notably the activities at Hollywood Burbank Airport (BUR), that require critical coordination.

The FAA had requested the Authority designate the FAA as a cooperating agency for all Phase 1 HSR project sections. However, pursuant to 40 C.F.R. §§1501.6 and 1508.5 (1978), the Authority designates federal agencies as cooperating agencies for a project section of the California HSR program when the agency has jurisdiction by law or special expertise related to that project section. Although some project sections of the HSR system pass in the vicinity of airports or other aviation-related infrastructure, the Authority has not identified other project sections, besides the Palmdale to Burbank and Burbank to Los Angeles project sections, that appear to directly affect airport facilities. The Authority declines to designate the FAA as a cooperating agency for the San Francisco to San Jose Project Section because HSR project improvements within this project section would be contained almost entirely within the existing Caltrain corridor and would not require acquisition of property or directly affect facilities associated with SFO.

1235-2828

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment asserts that the level of detail in the Draft EIR/EIS and Revised/Supplemental Draft EIR/EIS does not enable airport owners or the FAA to fully evaluate possible impacts to various airports, airspace impacts, and the national airspace system.

The Authority has prepared this Final EIR/EIS at an appropriate level of detail needed to disclose the project's environmental impacts and support the Authority's decision-making for the San Francisco to San Jose Project Section. If the design of the project changes beyond what was analyzed in this Final EIR/EIS, the Authority would conduct additional environmental review consistent with CEQA and NEPA requirements.

The Authority recognizes FAA's statutory mission to ensure the safety of navigable airspace, but does not anticipate impacts to the safety or the capacity of the national airspace system from construction and operation of the proposed project.

The Authority has provided analyses of potential airspace impacts in Final EIR/EIS, Section 3.11, Safety and Security, consistent with the requirements of CEQA and NEPA. Please refer to Impact S&S#11, which addresses the potential for interference with airport safety at SFO, SQL, Palo Alto Airport, Moffett Field, and SJC. The analysis focused on the tallest potential features associated with the HSR project and found no significant safety issues to airport operations. Proposed project-related facilities at the Millbrae Station will not exceed heights of nearby structures and thus will also not pose any foreseeable risk to airport operations. Based on this analysis, the Authority concluded that the project will not interfere with aviation safety.

Volume 2, Appendix 3.11-B, Airport Obstructions, provides a more detailed assessment of potential encroachment of the project alternatives into protected aviation airspace pursuant to FAA FAR Part 77 regulations. This assessment was conducted using the FAA's FAR Part 77 Online Notice Criteria Tool (FAA 2018a). The Authority has considered, and will continue to consider, airspace safety criteria when planning and building the HSR project and radio towers.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

1235-2828

Please also refer to the response to a comment from SFO on similar issues (submission FJ-1067, comment 132). As stated in that response, in the preparation of final design plans, the Authority will coordinate with relevant FAA divisions and technical experts to confirm that final design plans have not introduced any safety concerns or would pose any hazards to air navigation. The Authority expects that such coordination could include, if required, review of restricted surfaces including Terminal Instrument Procedures and Obstacle Clearance Surfaces.

The Authority recognizes that this coordination could in some cases lead the FAA to recommend additional actions associated with project construction or implementation. One potential action related to communication towers would be attaching specific types of lighting or other visual markings. The Authority anticipates that such lighting or markings, if required, could be implemented without affecting the location or function of the communications tower. The Authority would work with the FAA to implement any such treatment measures that may be proposed to ensure that no safety concerns are introduced through final design.

The comment did not result in any revisions to the Draft EIR/EIS.

1235-2829

The comment expresses concern that there is potential for the proposed project to acquire or take other actions on land that could cause SFO to be out of compliance with its federal grant-in-aid obligations.

Please refer to Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint. For the Final EIR/EIS, this appendix has been revised to reflect parcel data from 2021. As shown in Appendix 3.1-A, pages 15 through 18, in the vicinity of SFO, both Alternatives A and B would be contained almost entirely within the existing Caltrain corridor. Both alternatives would require easements west of the Caltrain corridor (see Appendix 3.1-A, page 16) and modifications at the Millbrae Station, but neither Alternative A nor Alternative B would require acquisition of property associated with SFO.

The Authority acknowledges the potential presence of other properties near SFO that may be encumbered by federal grant obligations. During final design, the Authority will be able to fully confirm whether any project improvements would occur on or in proximity to any federally obligated properties associated with SFO. To the extent that final design review identifies any potential inconsistencies with SFO's federal grant obligations, the Authority would work with FAA and SFO to resolve any such issues.

Through this process, the Authority does not anticipate that any of the project alternatives would result in violation of any grant-in-aid assurances or related federal obligations such as are imposed at SFO as a condition for obtaining Airport Improvement Program grants from the FAA.

The Authority notes that SFO has expressed its support for the proposed HSR project, noting the project's potential to complement air travel needs at SFO. Please refer to submission FJ-1067, comment 134.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

1235-2830

The Authority understands and agrees that the need to avoid EMI impacts goes above and beyond FCC requirements. To this end, the conclusions in the Final EIR/EIS Section 3.5, Electromagnetic Interference and Electromagnetic Fields, are based not just on the use of dedicated HSR radio frequencies or FCC-compliant equipment, but also other important factors, including the distance between the HSR system and applicable navigational aids and communications systems at all airports along the corridor (including SFO).

Based on the consideration of such factors with the current design (including incorporation of IAMFs), the Authority does not anticipate EMI impacts at SFO or at any other airport along the corridor. Refer to Impact EMF/EMI#9 in Final EIR/EIS Section 3.5 for additional information. Impact EMF/EMI#9 explains that the project is not anticipated to interfere with airport communication and navigational equipment. As further explained in Impact EMF/EMI#9, the Authority will perform EMC and EMI safety analyses during final design, which will include coordination with FAA's Spectrum Engineering office to confirm no interference would occur. This coordination with FAA would include review of any design elements of interest to the FAA. In a manner similar to other electrified rail systems near U.S. airports, the Authority anticipates the FAA Spectrum Engineering office will also want to conduct verification tests with running trains in order to demonstrate that 1) navigational aids are free of any degradation or mis-operation, and 2) communication systems do not experience operational interference.

The comment did not result in any revisions to the Draft EIR/EIS.

1235-2831

The comment expresses concern that certain (but unspecified) components of the proposed project could affect the safety and capacity of the national airspace system. The Authority fully supports a safe, vital airspace system and believes HSR and air travel are complementary. HSR system planning has proposed HSR stations that would serve airports and airport passengers, particularly at SFO and SJC, as well as BUR in southern California. As discussed in the response to submission FJ-1235, comment 2828, the Authority does not anticipate any impacts to the safety or the capacity of the national airspace system from construction and operation of the proposed project. Moreover, as set forth in the response to submission FJ-1235, comment 2828, the Authority will work with FAA during the final design phase of the project to provide any required evaluation, documentation, and assurances that no impacts to airport safety would result.

The comment did not result in any revisions to the Draft EIR/EIS.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

1235-2832

The comment asserts that a failure by the Authority to address the concerns raised in the comment letter could lead to a derogation of one mode of transportation in favor of another. Please refer to the responses to submission FJ-1235, comments 2827 through 2831 and 2833 through 2846, which address the specific concerns raised by the commenter.

As explained in Final EIR/EIS Sections 1.1.2, The Decision to Develop a Statewide High-Speed Rail System, and 2.5.2, Alternatives Consideration Process and Chronology, the Authority and FRA prepared programmatic EIR/EISs in 2005 and 2008 and selected the HSR Alternative with certain corridors, stations, and train technology. In these Tier 1 decisions, the Authority and FRA also rejected the Modal Alternative, which involved expanding airports, highways, and conventional rail to meet the state's future transportation needs. These Tier 1 decisions established the broad framework for the HSR system that serves as the foundation for the Tier 2 environmental review of individual project sections, including this Final EIR/EIS for the San Francisco to San Jose Project Section.

Under the terms of the NEPA Assignment MOU, the Authority must carry out roles and responsibilities that would otherwise be performed by FRA. Moreover, the Authority believes HSR and air travel are complementary and the HSR system would not derogate air travel. To this end, HSR system planning has proposed HSR stations that would serve airports and airport passengers, particularly at SFO and SJC, as well as BUR in southern California. Accordingly, the Authority has a vested interest in the success of airport operations. As explained in responses to submission FJ-1235, comments 2827 through 2831 and 2833 through 2846, the Authority does not anticipate the project will impact airspace safety or airports' federal grant obligations. The Authority will continue to work with FAA and SFO during final design on issues of airspace safety and federal grant obligations.

The Authority notes that SFO has expressed its support for the proposed high-speed rail project, noting the project's potential to complement existing and planned air travel needs at SFO. Please refer to submission FJ-1067, comment 134.

The comment did not result in any revisions to the Draft EIR/EIS.

1235-2832

1235-2833

Please refer to the response to submission FJ-1235, comment 2829.

Please also refer to the response to submission FJ-1235, comment 2828, regarding the level of detail in this Final EIR/EIS.

1235-2834

Please refer to the response to submission FJ-1235, comment 2829.

Please also refer to the response to submission FJ-1235, comment 2828, regarding the level of detail in this Final EIR/EIS.

1235-2835

While the Draft EIR/EIS and Revised/Supplemental Draft EIR/EIS acknowledge the availability of ample existing long-term commercial parking near the Millbrae HSR Station at SFO, which is reachable via shuttle or BART, the Authority has not proposed to co-locate a separate HSR parking facility with or at the airport. Accordingly, there would be no potential for diversion of any parking-related revenue associated with SFO. The Authority only intended to acknowledge the variety of transit and commercial parking options in the vicinity of the Millbrae Station that would be available to the public at large, including HSR riders traveling to or from the Millbrae Station.

The comment did not result in any revisions to the Draft EIR/EIS.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

1235-2836

Please refer to the responses to submission FJ-1235, comments 2829 and 2835.

1235-2837

Please refer to the responses to submission FJ-1235, comments 2829 and 2835, which address the concerns raised. Appendix 3.1-A has been revised for the Final EIR/EIS with data from 2021.

The Authority does not anticipate the project will use the cited properties that the City and County of San Francisco either owns or has easements upon. Through final design of the project, the Authority will continue its ongoing coordination with SFO and FAA to ensure that there are no conflicts with federal grant obligations.

1235-2838

Please refer to the response to submission FJ-1235, comment 2830.

1235-2839

The comment expresses concern that the project may cause EMI impacts on navigational equipment used in the national airspace system. Please refer to the response to submission FJ-1235, comment 2830, which addresses this issue. As explained in Impact EMF/EMI#9 in Final EIR/EIS Section 3.5, Electromagnetic Fields and Electromagnetic Interference, the Authority does not anticipate EMI impacts at SFO or at any other airport along the corridor that would interfere with airport communication and navigational equipment. As such, the Authority does not anticipate that it will need to modify the alignment to eliminate or minimize EMI impacts. As further explained in Impact EMF/EMI#9, the Authority will perform EMC and EMI safety analyses during final design, which will include coordination with FAA's Spectrum Engineering office to confirm no interference would occur. If the design of the project changes beyond what was analyzed in this Final EIR/EIS, the Authority would conduct additional environmental review consistent with CEQA and NEPA requirements.

The comment did not result in any revisions to the Draft EIR/EIS.

Response to Submission 1235 (Raquel Girvin, Federal Aviation Administration, Western-Pacific Region, September 22, 2021) - Continued

1235-2840

The Authority recognizes that FAA is required to assess the horizontal and vertical components of the alternatives with respect to potential impacts to aviation safety. The Authority also recognizes that the alternatives have different horizontal and vertical component characteristics that are relevant to FAA's analysis of the alternatives to assess potential aviation safety impacts, including differences in the proposed locations of communications towers in the vicinity of SFO, PAO, SQL, and SJC airports.

As set forth in the response to submission FJ-1235, comment 2828, the Authority conducted analyses of potential airspace impacts in the Final EIR/EIS, Section 3.11, Safety and Security, consistent with CEQA and NEPA requirements. Based on these analyses, the Authority does not anticipate any impacts to aviation safety from construction and operation of either of the project alternatives. As further articulated in the response to submission FJ-1235, comment 2828, as part of final design, the Authority will coordinate with relevant FAA divisions and technical experts to confirm that final design plans have not introduced any safety concerns or would pose any hazard to air navigation.

Regarding the concerns expressed about potential interference issues, such as from EMI, please refer to the response to submission FJ-1235, comment 2830.

The comment did not result in any revisions to the Draft EIR/EIS.

1235-2841

Please refer to the responses to submission FJ-1235, comments 2828 and 2840.

1235-2842

Please refer to the responses to submission FJ-1235, comments 2828 and 2840.

1235-2843

Please refer to the response to submission FJ-1235, comment 2828.

1235-2844

Please refer to the response to submission FJ-1235, comment 2828.

1235-2845

Please refer to the response to submission FJ-1235, comment 2828.

1235-2846

The comment restates previously expressed concerns regarding EMF/EMI issues, ensuring that federally obligated properties are not affected, air transportation safety, and potential conflicts between modal agencies of the USDOT.

Regarding EMF/EMI issues, please refer to the response to submission FJ-1235, comment 2830.

Regarding federally obligated properties, please refer to the response to submission FJ-1235, comment 2829.

Regarding air transportation safety and USDOT intermodal coordination, please refer to the responses to submission FJ-1235, comments 2828 and 2829.

Submission 1232 (Katherine Schmidt, NOAA Fisheries - NMFS, September 7, 2021)

San Francisco - San Jose - RECORD #1232 DETAIL

Status : Unread
Record Date : 9/15/2021
Interest As : Federal Agency
First Name : Katie
Last Name : Schmidt
Attachments : NMFS Email Comment on RDEIR-SDEIS.pdf (388 kb)

Stakeholder Comments/Issues :

Please see attached email thread for comment.

1232-2783

From: Katherine Schmidt - NOAA Federal
To: Potter, Phyllis(PB)@HSR; Stanich, Serge; Meyer, Sue@HSR
Cc: Cathy Marcinkevage - NOAA Federal; Monica Gutierrez - NOAA Federal
Subject: Re: San Francisco to San Jose Revised DEIR/Supplemental EIS Release for Public and Agency Review
Date: Tuesday, September 7, 2021 8:02:14 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Phyllis and Serge,
I've reviewed the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement Documents for the San Francisco to San Jose Project HSR Project Section, and have no additional comments at this time on these materials.
I do ask that if the Millbrae Station Reduced Site Plan Design Variant is the now preferred design for the Millbrae Station, that the materials that will be submitted for formal ESA Section 7 consultation be updated to reflect this choice so that the project description considered for the proposed action is as accurate as possible.
Thank you for including us in this review, Katie

On Fri, Jul 23, 2021 at 7:43 AM Potter, Phyllis(PB)@HSR <Phyllis.Potter@hsr.ca.gov> wrote:

Re: Availability of Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the San Francisco to San Jose Project Section of the California High-Speed Rail Project

Dear Federal and State Agency Representatives,

On behalf of the California High-Speed Rail Authority (Authority), we are contacting you because you have registered to receive information via email about the *San Francisco to San Jose Project Section Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS)* for the California High-Speed Rail (HSR) Project.

The Authority wishes to notify you via this email and the Notice of Availability, which can be found here <https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-francisco-to-san-jose-project-section-draft-environmental-impact-report-environmental-impact-statement/>, that on **July 23, 2021**, the Authority will make available a limited revision to its previously published Draft EIR/EIS for the San Francisco to San Jose Project Section of the California HSR Project. This document is entitled *San Francisco to San Jose Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised/Supplemental Draft EIR/EIS)*. The Revised/Supplemental Draft EIR/EIS has been prepared and is being made available pursuant to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by the State of California pursuant to 23 United States Code Section 327 and a Memorandum of Understanding (MOU) dated July

Submission 1232 (Katherine Schmidt, NOAA Fisheries - NMFS, September 7, 2021) - Continued

23, 2019, and executed by the Federal Railroad Administration (FRA) and the State of California. Under that MOU, the Authority is the project's lead agency under NEPA. Prior to the July 23, 2019, MOU, the FRA was the federal lead agency.

This Revised/Supplemental Draft EIR/EIS presents a new biological resources analysis for monarch butterfly and an analysis of a design variant for the Millbrae Station, neither of which were included in the Draft EIR/EIS, which was published in July 2020. Following the Authority's publication of the Draft EIR/EIS, the monarch butterfly (*Danaus plexippus*) became a candidate for listing under the federal Endangered Species Act on December 15, 2020. Additionally, the Authority developed the Millbrae Station Reduced Site Plan Design Variant (RSP Design Variant) to address stakeholder concerns by analyzing a smaller, potentially feasible footprint for the station design at this location. The RSP Design Variant preserves HSR track and platform right-of-way needs but reconfigures station facilities, parking, and station access to reduce impacts on existing and planned development. New information in the Revised/Supplemental Draft EIR/EIS includes background information, a description of the RSP Design Variant, methodology, impact analysis, and mitigation measures. Please refer to the Notice of Availability and the Authority website for additional details on the content of the Revised/Supplemental Draft EIR/EIS and for information on how to provide comments on the Revised/Supplemental Draft EIR/EIS.

The Authority is making the Revised/Supplemental Draft EIR/EIS available, in accordance with CEQA and NEPA, for a minimum 45-day review and comment period. The Authority welcomes comments on the content of the Revised/Supplemental Draft EIR/EIS. The comment period is from **July 23, 2021 to September 8, 2021**. Comments must be received verbally, electronically, or be postmarked on or before **September 8, 2021**.

You can also visit the Authority website (www.hsr.ca.gov), call (800) 435-8670, or email san francisco_san.jose@hsr.ca.gov for further information about the project and the review and comment period or to request a paper copy of this notice. If you need assistance to interpret or translate this email in a language other than English, please call (800) 435-8670. Si necesita ayuda para traducir o interpretar esta carta, hay personal que habla español está disponible para ayudarle. Sirvase llamar al (800) 435-8670. 如果您需要有人幫助您翻譯或口譯本信函，會說中文的工作人員將會幫助您。請撥打 (800) 435-8670。 Nếu bạn cần trợ giúp phiên dịch hoặc diễn giải bức thư này, nhân viên nói tiếng Việt sẽ có sẵn để hỗ trợ bạn. Vui lòng gọi (800) 435-8670. Kung kailangan mo ng tulong upang isalin ang liham na ito sa wikang bukod sa Ingles, mangyaring tumawag sa (800) 435-8670.

The Authority is committed to working closely with the public; local and regional stakeholders; and our federal, state, and local agency partners to ensure the success of California's HSR project. We appreciate your interest in this important project milestone and look forward to your feedback on the Revised/Supplemental Draft EIR/EIS.

Sincerely,



Boris Lipkin
Northern California Regional Director

Serge Stanich
Director of Environmental Services

Phyllis Potter
Assistant Project Manager, Environmental
California High-Speed Rail

Phone: 1-510-273-3683
Mobile: 1-415-913-0152

WSP USA
1221 Broadway, Suite 800
Oakland, CA 94612

Working remotely as per Shelter in Place. Please call mobile at 415-913-0152.

Response to Submission 1232 (Katherine Schmidt, NOAA Fisheries - NMFS, September 7, 2021)

1232-2783

The comment requests that the materials submitted for formal ESA Section 7 consultation reflect the Authority's Preferred Alternative. The Authority acknowledges this request and notes that Alternative A with the Millbrae Station Design evaluated in the Draft EIR/EIS has been identified as the Authority's Preferred Alternative.

The evaluation of the RSP Design Variant as a feasible alternative in the Revised/Supplemental Draft EIR/EIS has not changed the Authority's Preferred Alternative. Thus, the Section 7 consultation materials previously provided to NMFS, which focus on the Preferred Alternative, remain up to-date. The comment did not result in any revisions to the Draft EIR/EIS.

Submission 1233 (James C. Mazza, United States Army Corps of Engineers (USACE), San Francisco District, September 3, 2021)

San Francisco - San Jose - RECORD #1233 DETAIL

Status : Unread
Record Date : 9/15/2021
Interest As : Federal Agency
First Name : James C.
Last Name : Mazza
Attachments : USACE Comment letter RDEIR-SDEIS.pdf (234 kb)

Stakeholder Comments/Issues :

Please see attached comment letter.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

September 3, 2021

Regulatory Division

SUBJECT: File Number SPN-2010-00158

Mr. Serge Stanich
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, California 95814
Serge.Stanich@hsr.ca.gov

Dear Mr. Stanich:

I am writing in response to the July 2021, *San Francisco to San Jose Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement* (RDEIR/SDEIS) for the proposed San Francisco to San Jose Section of the California High-Speed Rail (CAHSR) Project, in accordance with our *National Environmental Policy Act/Clean Water Act Section 404/Rivers and Harbors Act Section 14 Integration Process for the California High-Speed Train Program Memorandum of Understanding*, dated December 2010 (NEPA/404/408 MOU). This letter serves as the U.S. Army Corps of Engineers' (Corps) formal response.

As an official cooperating agency for preparation of the San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (EIR/S) and in fulfillment of our responsibilities under the NEPA/404/408 MOU, the Corps offered feedback to the California High-Speed Rail Authority (Authority) on the Administrative DEIR/S for the San Francisco to San Jose Project Section of the CAHSR Project by email on January 28, 2020. The Authority made the San Francisco to San Jose Project Section Draft EIR/S available for public comment on July 10, 2020. By email of September 9, 2020, the Corps provided comments to the Authority on the Draft EIR/S, and are awaiting a formal response to comments. The Authority made the San Francisco to San Jose Project Section RDEIR/SDEIS available for public comment on July 23, 2021.

After reviewing the material provided for the RDEIR/SDEIS, the Corps has no comments to provide.

We look forward to a formal response to the Corps' comments on the Draft EIR/EIS and continued collaboration with your agency. We appreciate the opportunity to provide comments on the RDEIR/SDEIS. You may refer any questions on this matter to Bryan Matsumoto of my Regulatory staff by telephone at 415-503-6786 or by e-mail at

1233-2782

Submission 1233 (James C. Mazza, United States Army Corps of Engineers (USACE), San Francisco District, September 3, 2021) - Continued

-2-

Bryan.T.Matsumoto@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

Sincerely,



James C. Mazza
Chief, Regulatory Division

Copies Furnished:

Federal Railroad Administration, Stephanie Perez, stephanie.perez@dot.gov
US EPA, Carolyn Mulvihill, Mulvihill.Carolyn@epa.gov
CA HSRA, Sue Meyer, Sue.Meyer@hsr.ca.gov

Response to Submission 1233 (James C. Mazza, United States Army Corps of Engineers (USACE), San Francisco District, September 3, 2021)

1233-2782

The Authority acknowledges USACE's review of the Revised/Supplemental Draft EIR/EIS. Thank you.

Submission 1231 (Jean Prijatel, United States Environmental Protection Agency (EPA), Region IX, September 7, 2021)

San Francisco - San Jose - RECORD #1231 DETAIL

Status : Unread
 Record Date : 9/15/2021
 Interest As : Federal Agency
 First Name : Jean
 Last Name : Prijatel
 Attachments : EPA comments_RDEIR-SDEIS.pdf (260 kb)

Stakeholder Comments/Issues :
 Please see attached comment letter.



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

September 7, 2021

Serge Stanich
 Director of Environmental Services
 California High-Speed Rail Authority
 770 L Street, Suite 620 MS-1
 Sacramento, California 95814

Subject: Supplemental Draft Environmental Impact Statement for the California High-Speed Rail: San Francisco to San Jose Project Section (CEQ# 20210099)

Dear Mr. Stanich:

Thank you for the opportunity to review the Supplemental Draft Environmental Impact Statement for the California High-Speed Rail: San Francisco to San Jose 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.

1231-2784

The California High-Speed Rail Authority issued this Supplemental Draft EIS in response to the U.S. Fish and Wildlife Service determination that listing the monarch butterfly under the Endangered Species Act is warranted, making it a candidate species under the ESA; and to provide an analysis of the Millbrae Station Reduced Site Plan Design Variant, which was developed to address stakeholder concerns. We appreciate the efforts of the Authority to reduce impacts on existing and planned development by developing a design variant for the proposed Millbrae Station with a smaller footprint that reconfigures station facilities, parking, and station access.

The EPA provided comments on the Draft EIS for this project on September 9, 2020. Our comments included recommendations for additional information to be included in the Final EIS regarding air quality, biological resources, and noise. We have no comments on the Supplemental Draft EIS and look forward to continued coordination to address our previous comments and identify any additional avoidance and minimization measures.

1231-2785

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 Final EIS 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: Bryan Matsumoto, U.S. Army Corps of Engineers

Response to Submission 1231 (Jean Prijatel, United States Environmental Protection Agency (EPA), Region IX, September 7, 2021)

1231-2784

Thank you for your comment. The Authority has considered and provided responses to all comments received on the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS, including those submitted by USEPA on the Draft EIR/EIS as part of submission FJ-1159.

1231-2785

The Authority acknowledges the USEPA's request for an electronic copy of the Final EIR/EIS and appreciates the provision of appropriate contact information. The comment did not result in any revisions to the Draft EIR/EIS.