



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

May 5, 2017

Regulatory Division (SPK-2009-01482)

Mark McLoughlin
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Dear Mr. McLoughlin:

I am writing in response to your April 2017, Supplemental Checkpoint C Summary Report and the May 2, 2017, request for concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) determination for the proposed Fresno to Bakersfield segment of the California High-Speed Train (CHST) 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 November 2010 (NEPA/404/408 MOU). This letter is our formal response.

As a cooperating agency for preparation of the Fresno to Bakersfield Supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and in fulfillment of our responsibilities under the NEPA/404/408 MOU, we offered feedback to the Federal Railroad Administration as well as the California High-Speed Rail Authority (Authority) on the Preliminary LEDPA determination and draft Compensatory Mitigation Plan. We provided comments on April 4, 2017, regarding the draft Checkpoint C Supplemental Summary Report and Information Packet submitted on March 10, 2017. We have also discussed these comments and the proposed alternatives in multiple meetings with your staff and consultants.

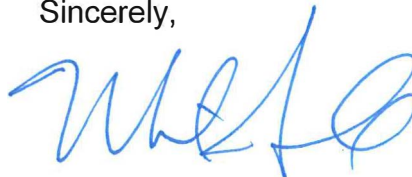
After reviewing the data provided, we concur that the Fresno to Bakersfield Locally Generated Alternative from Poplar Avenue in Shafter to Oswell Street in Bakersfield, appears to be the Preliminary LEDPA. This alignment is a continuation of the December 19, 2013, Checkpoint C LEDPA determination from the Fresno station to Seventh Standard Road. Please be aware that this determination is being made prior to the circulation of the public Draft Environmental Impact Statement and will be revisited if additional information is available after public comments are received.

In addition, we concur that the draft Compensatory Mitigation Plan may provide sufficient mitigation to meet the needs of the project under Section 404 of the Clean Water Act. However, the Corps cannot make a permit decision until we receive a final

mitigation plan in accordance with 33 CFR Part 332, *Compensatory Mitigation for Losses of Aquatic Resources*. We will continue to work with the Authority to finalize the mitigation plan in order to fully satisfy the requirements for a final mitigation plan.

We appreciate your willingness to work with this office to reach this concurrence. If you have any questions, please contact Mr. Zachary Simmons at our Enforcement/Special Projects Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at *Zachary.M.Simmons@usace.army.mil*, or by telephone at 916-557-6746.

Sincerely,



Michael S. Jewell
Chief, Regulatory Division

cc:

Mr. David Valenstein, Federal Railroad Administration, *David.Valenstein@dot.gov*

Mr. Jason Brush, U.S. Environmental Protection Agency, Region IX, Wetlands
Regulatory Office (WTR-8), *Brush.Jason@epa.gov*

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