Submission L001 (Christine Wilson, City of Shafter, January 16, 2018)

Fresno - Bakersfield (2014 June+) - RECORD #336 DETAIL

Status : Action Pending
Record Date : 1/16/2018
Response Requested : 
Affiliation Type : Local Agency
Interest As : Local Agency
Submission Date : 1/16/2018
Submission Method : Project Email
First Name : Christine
Last Name : Wilson
Professional Title : City Clerk
Business/Organization : City of Shafter
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Stakeholder Comments/Issues :
Attn: Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

Christine Wilson, CMC
City Clerk
City of Shafter
336 Pacific Avenue
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~ Preserving our Values

Please note that email correspondence with the City of Shafter, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt.

EIR/EIS Comment : Yes
Official Comment Period : Yes
Attachments : 336_CityofShafter_email_011618_Attachment.pdf (5 mb)
Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

January 16, 2018

Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS Comment
California High Speed Rail
770 I Street, Suite 620 MS-1
Sacramento, CA 95814

RE: Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS Comment.

Dear Sir or Madam:

The City of Shafter ("City") is a strong, progressive community dedicated to its approximately 18,808 residents. As the proposed Fresno to Bakersfield portion of the California High Speed Rail runs directly through the core of the City, as well as impacts properties and citizens within City boundaries, the City has a strong interest in ensuring that all impacts of the High Speed Rail project are adequately analyzed and mitigated. Upon review of the Supplemental Draft EIR/EIS ("SEIR/EIS") for the Fresno to Bakersfield Section of the High Speed Rail, which analyzes the Fresno to Bakersfield Locally Generated Alternative ("F-B LGA"), the City submits the following comments.

1. **The SEIR/EIS proposes inadequate mitigation measures.**

   The SEIR/EIS is required to describe feasible measures which could minimize significant adverse impacts. (CEQA Guidelines Section 15126.4(a).) California High Speed Rail Authority's ("Authority") discussion of mitigation measures fails to comply with CEQA in several respects.

   - **Mortgage measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments, such as a Mitigation Monitoring and Reporting/Enforcement Plan. (CEQA Guidelines Section 15126.4(a)(2)) The SEIR/EIS identifies mitigation measures, which are included in the Mitigation Monitoring and Reporting Plan ("MMMP") in Appendix 2-G, as amended. (Draft SEIR/EIS, pp. 2-1, 2-44.) However, the MMMP in Appendix 2-G does not contain the amendments and additional measures imposed to mitigate impacts of the F-B LGA Alternative.** The MMMP must be amended to include the revised and additional measures so that the revised and additional measures are fully enforceable in compliance with CEQA.

   - **Some of the mitigation measures, as written, are not enforceable.** For instance, the noise mitigation guidelines in N&V MM#3 on page 3-4-43 include a provision where the Authority will work with the communities to identify how the use and height of sound barriers would be determined using jointly developed performance criteria. Such criteria is not yet developed and impacts associated with the development of barriers cannot be analyzed. N&V MM#4 (Draft SEIR/EIS, p. 3-4-44) depends on future technology, which is currently unknown. N&V MM#7 provides recommendations, but is not enforceable (such as recommending enclosing as many of the activities within the facility as possible). (Draft SEIR/EIS, p. 3-4-45.) Biological Resources measures BIO MM#57 and #64 fail for similar reasons, as consultation with other jurisdictions is required and the form of mitigation is not known. The Socioeconomic mitigation measures are also unenforceable as mitigation depends on the Authority "evaluat[ing] property owner input the effectiveness of providing overcrossings or undercrossings of the HSR track to allow continued use of agricultural lands and facilities" (SO MM#4, Draft SEIR/EIS, p. 3-12-63), or "mak[ing] every effort to locate suitable replacement properties that are comparable to those currently occupied by these residents, including constructing suitable replacement facilities if necessary." (SO MM#1, Draft SEIR/EIS, p. 3-12-64.)

   The formulation of mitigation measures should not be deferred until some future time. (CEQA Guidelines Section 15126.4(a)(3)) Further, if mitigation measures would cause one or more significant effects, in addition to those that would be caused by the proposed project, those effects must be discussed in the environmental document. (CEQA Guidelines Section 15126.4(A)(1)(D).) The Authority has improperly deferred mitigation for a number of impacts, making it impossible for the City to determine whether the impacts, as described, will be properly mitigated, and whether the eventually developed mitigation measures will cause any additional significant effects. Where the Authority has acknowledged that mitigation measures may cause residual significant effects, those effects are not disclosed as mandated by CEQA. For instance, N&V MM#5 acknowledges that other solutions may result in higher numbers of residual impacts. The Authority fails to analyze such residual impacts or identify when such impacts would occur. BIO MM#66 on page 3-7-03, as the Authority and HSR Authority will conduct habitat suitability determinations for the Buena Vista Lake Shrew (BVLS) after project approval. Since the USFWS 2017 Biological Opinion for the Project does not address the BVLS south of Shafter (see BVLS discussion below), the proposed mitigation violates CEQA by addressing potential significant impacts after project approval.

   The Authority has failed to impose all feasible mitigation measures to reduce impacts related to traffic, safety, aesthetics, and land use, particularly in regards to road closures in the City of Shafter related to the proposed F-B LGA Alternative. For example, the Beech Avenue/Los Angeles Avenue connection at Santa Fe Way/State Route 43 could remain open with an underpass for the HST (elevated at that location) and the BNSF crossing remaining at grade.

II. **The SEIR/EIS fails to adequately analyze project impacts.**

   In evaluating the significance of the environmental effects of the HSR project, the Authority, as lead agency, has an obligation to consider direct physical changes in the environment which may be caused by the project, as well as reasonably foreseeable indirect physical changes in the environment which may be caused by the project. (CEQA Guidelines Section 15064(f).) Here, the SEIR/EIS provides that because the Fresno to Bakersfield Final EIR/EIS did not analyze the May 2014 Project as a discrete subsection of the Fresno to Bakersfield Project, it does not provide conclusions using intensity thresholds for the May 2014 Project (as it did for the Allenworth Bypass, for example). Therefore, intensity thresholds are not used to analyze impacts for the F-B...
Chapter 23 Response to Comments from Local Agencies

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For biological impacts, Figure 3.7-8 (page 3.7-41) of the SEIR/EIS identifies the federally listed Buena Vista Lake Ornate Shrew (BVLS) as located on the City of Bakersfield’s Kern Fan Water Recharge property within the Kern River Corridor (Figure 3.7-12, page 3.7-71). The City of Bakersfield acknowledges its adoption of a BVLS Habitat Management Plan for the Kern Fan Water Recharge property in the attached March 25, 2013 letter. The Final Rule for listing BVLS Critical Habitat (attached) also recognizes Bakersfield’s adopted BVLS Habitat Management Plan (78 FR 59856, 59856, 39855). However, the SEIR/EIS fails to identify the BVLS Habitat Management Plan or the Project’s potential significant impacts to the BVLS and BVLS Habitat Management Plan.

The SEIR/EIS states on page 3.7-92 that the BVLS was not considered in the USFWS 2014 Biological Opinion for the Project, but a new Biological Opinion was issued in 2017. However, the SEIR/EIS states on page 2-12 that the new USFWS 2017 Biological Opinion only addresses the BVLS to Poplar Avenue in Kern County. That is, the USFWS 2017 Biological Opinion does not address the BVLS south of Shafter. Both the F-B LGA and May 2014 Project traverse the Kern River Corridor south of Shafter. Thus, analysis of the Project’s potential significant impacts on the BVLS are deficient and violate CEQA. In addition, the SEIR/EIS and Fresno to Bakersfield Final EIR/EIS do not identify the City of Bakersfield’s BVLS Habitat Management Plan or analyze the potential significant effects of the Project on the BVLS and Bakersfield’s adopted BVLS Habitat Management Plan.

It should be noted that the identified USFWS 2017 Biological Opinion is not available to the public online, e.g. the USFWS’s webpage. The USFWS 2017 Biological Opinion is not provided in Appendix 3.7-A (Special-Status Species and Observed Habitats) or Appendix 3.7-B (Comparison of Impacts on Biological Resources by Alternative) of the SEIR/EIS. As referenced on page 2-21 of the Draft SEIR/EIS (USFWS 2017a), the USFWS 2017 Biological Opinion is not correctly cited in Chapter 12 (page 12-12) of the SEIR/EIS. The item listed for 2017a on page 12-12 is as follows:


Without the above information, the Project’s potential significant impacts to the BVLS cannot be adequately considered or analyzed by decision makers and the public. To accomplish that goal and meet the requirements of CEQA, the information identified above needs to be provided and recirculated in the SEIR/EIS.

Additionally, the F-B LGA provides several underpasses for Shafter’s existing and adopted planned roadways but fails to provide underpasses for Shafter’s West Beltway Freeway and North Beltway Freeway where their adopted alignments are traversed by the F-B LGA (Shafter Circulation Plan attached). The Freeways are designated for 210 feet of public right-of-way. The F-B LGA, as proposed, will prohibit the City of Shafter from implementing its adopted Circulation Plan. Therefore, unless the Authority constructs the underpasses prior to constructing the F-B LGA, the Project will prohibit the City of Shafter from adding capacity, reducing congestion, reducing air pollution, and reducing greenhouse gas emissions from the land use planned and adopted under Shafter’s General Plan (attached). The F-B LGA provides an underpass for Verdugo Lane but only at 90° to 105° wide. Verdugo Lane is designated as an Arterial (see attached Circulation Plan) and requires 110° wide public right-of-way. Moreover, the F-B LGA is
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The Authority is proposing a Maintenance of Infrastructure Facility (MOIF) on the eastside of State Route 43/BNSF, just north of Fresno Avenue. The Shafter General Plan designates single family residential land use adjacent to the east and west sides of the MOIF (see attached Shafter Land Use Plan). The MOIF is a large, intensive industrial land use that will have significant noise, aesthetic, lighting, hours of operation, air quality, and project related traffic environmental impacts. The subject MOIF was not proposed in the May 2014 Project. The SEIR/EIS does not identify Shafter’s adjacent adopted residential land use or analyze the potential significant impacts of the MOIF on residential land use. Since the SEIR/EIS fails to identify Shafter’s adopted residential land use adjacent to and near the MOIF, the traffic analysis for the Project fails to adequately identify and analyze the significant transportation impacts in the City of Shafter.

The Authority’s analysis of cumulative impacts is incomplete, particularly regarding impacts associated with consistency with the City’s General and Specific Plans and impacts to the community within the City of Shafter. As discussed above, the SEIR/EIS fails to fully account for the Gosner Grove Specific Plan and, therefore, the Project’s impacts on the Specific Plan. Similarly, the Draft Supplemental EIR/EIS (“SEIR/EIS”) fails to identify the adopted Shafter residential land use adjacent to the MOIF north of Fresno Avenue. The MOIF is a new project that was not considered under the May 2014 Project and its impact to the adjacent residential land use will be substantial and significant. These examples illustrate that no cumulative analysis can be completed until the information is provided and recirculated in the Draft Supplemental EIR/EIS (“SEIR/EIS”).

For induced population growth, the SEIR/EIS states on page 3.18-18 that the “anticipated densification pattern projected to occur in the vicinity of HSR stations, including the P Street Station, would help reduce land use consumption as the population grows and support opportunities for transit-oriented development, which could reduce greenhouse gas emissions related to transportation.” The CHSRA has no local land use authority to require or implement such “anticipated densification” for any Project station location. As such, the transportation, air quality, greenhouse gas emissions, land use, water supply issues, housing, utilities, and public services significant impacts that will result from the unplanned induced growth could not be mitigated for the Project.

The Authority’s discussion of growth inducing impacts also does not adequately analyze impacts associated with increased population growth in Kern County. The SEIR/EIS states that the HSR project induced growth would be 45,978 people in Kern County, which adjusts the 2035 population projection to 1,575,911 people. (Draft SEIR/EIS, p. 3.18-17.) The project induced growth exceeds current projections for Kern County, which is estimated at 1,302,000 persons by 2035, a 3.5 percent growth increment. While acknowledging the increase in population, the SEIR/EIS concludes that the F-B LGA, like the May 2014 Project, will not induce substantial population growth beyond that already projected for the region and Kern County. (Id.) Increases in population may, however, tax existing community service facilities, or require the construction of new community service facilities, which may result in additional impacts. It cannot be assumed that

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Page 6

SEIR/EIS concludes that the F-B LGA, like the May 2014 Project, will not induce substantial population growth beyond that already projected for the region and Kern County. (Id.) Increases in population may, however, tax existing community service facilities, or require the construction of new community service facilities, which may result in additional impacts. It cannot be assumed that

We appreciate the opportunity to comment on the SEIR/EIS for the F-B LGA and trust that the Authority will address the above comments. Please contact me should you have any questions or require additional information.

Sincerely,

Scott Hurbert
City Manager

Enclosures

1. City of Shafter adopted Gosner Grove Specific Plan Figure 3-1 Land Use Plan.
4. City of Shafter adopted 2005 General Plan Figure 3-1 Circulation Plan.
5. City of Shafter adopted 2005 General Plan Figure 2-1 Land Use Plan.
March 25, 2013

VIA ELECTRONIC DELIVERY AND U.S. MAIL
Public Comments Processing
Attention: No. FWS-R5-ES-2002-0062
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-FDM
Arlington, VA 22203

Re: Additional Comments of the City of Bakersfield to Proposed Rule, Revision and Reopening of Comment Period for the Critical Habitat Designation for Buena Vista Lake Shrew and Designation of Critical Habitat

Dear U.S. Fish and Wildlife Service ("USFWS"):

The City of Bakersfield ("City" or "Bakersfield") provides the following additional comments in response to the USFWS’s March 5, 2013 reopening of the comment period for the revised proposal to designate critical habitat for the Buena Vista Lake Shrew ("BVLS") under the Endangered Species Act of 1973, as amended, published in the Federal Register on July 10, 2012 (77 FR 40706).

Through these comments the City refers to and incorporates herein its November 17, 2010, June 27, 2011 and September 10, 2012 comments regarding the proposed critical habitat designation, as well as all other correspondence and communications with USFWS regarding critical habitat for the BVLS.

As indicated in the City’s prior comments, approximately 2,682 acres of the area currently proposed as critical habitat lies within Bakersfield’s boundaries. That land, identified in the proposed rule as the Kern Fan Water Recharge (Unit 3) Site, is primarily used as a groundwater recharge and regulating facility within the City’s 2,000 Acre Recharge Facility ("2,000 Acres").

The City submits these additional comments to again express its strong support and encouragement for the exclusion of the Kern Fan Water Recharge (Unit 3) Site from critical habitat designation for the BVLS. As explained in prior comments, the City’s enhanced Habitat Management Plan ("HMP") for the BVLS can and will provide...
Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

U.S. Fish and Wildlife Service
March 29, 2013
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Significantly greater conservation benefits for the species than critical habitat designation. The City’s enhanced HMP is vastly superior to critical habitat designation because it would provide for the conservation of the essential physical and biological features for the species, contains management strategies and actions which will be implemented into the future, contains effective conservation strategies and includes a monitoring program and adaptive management strategies to ensure that the conservation methods are effective and can be adopted in the future in response to new information.

In 2004 the City adopted and implemented the original comprehensive HMP for the preservation and protection of the BVLS within property originally proposed for designation as critical habitat for the BVLS. Since the adoption of the HMP in 2004, the City, in conjunction with Dr. Rick A. Hopkins of Live Oak Associates, Inc., has diligently implemented and carried out the HMP. The City and Dr. Hopkins have prepared and filed detailed annual reports over the past eight years with the USFS describing their efforts and accomplishments in connection with the HMP and the protection of the BVLS. The City intends to continue these activities in connection with the implementation of the enhanced HMP.

The City previously demonstrated its commitment to the continued protection of the BVLS and its habitat by adapting and approving the enhanced HMP. We previously provided USFS with a copy of a November 9, 2011 Resolution (No. 01-11WBS) of the Water Board Committee of the Bakersfield City Council adopting the enhanced HMP and establishing a separate account in the City Water Department’s annual operating budget solely devoted and dedicated to funding all future costs and charges necessary to implement and carry out the enhanced HMP.

The Water Board Committee is empowered and authorized by the Bakersfield Municipal Code to take actions on behalf of the City in connection with the operation and management of the City’s Water Department, including enter into agreements, retain consultants, and regulate and control expenditures of the Water Department. (City of Bakersfield Municipal Code §§ 2.18.10 et seq.). A resolution adopted by the Water Board Committee therefore represents and constitutes a final binding action on the part of the City of Bakersfield.

The City additionally agrees and represents that it will not take any action to modify, rescind or alter Resolution No. 01-11WBS without providing advance notice to USFS. Similarly, the City will not revise, amend or rescind the enhanced HMP without giving notice to and consulting with USFS.

U.S. Fish and Wildlife Service
March 26, 2013
Page 3

As explained in the original HMP adopted by the City in 2004, the City “already manages the KFRAA site in such a way as to promote the conservation of BVLS. Current management activities the City engages in include limiting public access to the site, cessation of grazing practices, protection of the site from development or encroachment, maintenance of the site as permanent open space which has been predominantly left in its natural vegetative state, and the spreading of flood waters which promote the moisture regime and wetland and riparian vegetation determined by USFS to be essential for conservation of BVLS.” (Section 3.1).

Existing conditions within the 2800 Acres therefore directly benefit and protect the BVLS and its habitat. The City has no intention or plan to alter physical conditions within the 2800 Acres or to use the property for any new or alternate purposes. As indicated, the City will also not contemplate or propose any material changes to the 2800 Acres, or the management of the 2800 Acres, without first giving notice to USFS.

Based on these facts and circumstances, the City once again requests that USFS exclude any and all portions of the City’s 2800 Acres from the critical habitat designation, and instead allow the City to continue to implement the enhanced HMP.

If USFS has any questions or concerns with regard to the information contained herein, please do not hesitate to give me a call. We look forward to continuing to meet and discuss with, and work with USFS representatives with regard to the implementation of the enhanced HMP. We once again thank you for your attention to this matter.

Sincerely,

[Signature]

Art Channell, P.E.
City of Bakersfield
Water Resources Manager

CC: Water Board Committee of the City Council of Bakersfield
Alan Fonda, Bakersfield City Manager
Virginia Gemma, Bakersfield City Attorney
Colin L. Pearce, Duane Morris
Dr. Rick A. Hopkins, Live Oak Associates, Inc.
Ken Sotich, U.S. Fish and Wildlife Service
Hilary Swock, U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service
March 26, 2013
Page 4

As explained in the original HMP adopted by the City in 2004, the City “already manages the KFRAA site in such a way as to promote the conservation of BVLS. Current management activities the City engages in include limiting public access to the site, cessation of grazing practices, protection of the site from development or encroachment, maintenance of the site as permanent open space which has been predominantly left in its natural vegetative state, and the spreading of flood waters which promote the moisture regime and wetland and riparian vegetation determined by USFS to be essential for conservation of BVLS.” (Section 3.1).

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Sincerely,

[Signature]

Art Channell, P.E.
City of Bakersfield
Water Resources Manager

CC: Water Board Committee of the City Council of Bakersfield
Alan Fonda, Bakersfield City Manager
Virginia Gemma, Bakersfield City Attorney
Colin L. Pearce, Duane Morris
Dr. Rick A. Hopkins, Live Oak Associates, Inc.
Ken Sotich, U.S. Fish and Wildlife Service
Hilary Swock, U.S. Fish and Wildlife Service

Water Resources Department  1000 Buena Vista Road  Bakersfield  California  93311  (661) 326-5775  Fax (661) 326-5715  E-Mail water@bakersfieldcity.ca.us

October 2018

California High-Speed Rail Authority
California High-Speed Rail Supplemental EIR
Fresno to Bakersfield Section
Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

39836 Federal Register / Vol. 78, No. 127 / Tuesday, July 2, 2013 / Rules and Regulations

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
(Docket No. FWS–ES–2009–0092; 4885900114)

FEDERAL REGISTER
Vol. 78 Tuesday, No. 127 July 2, 2013

Part II
Department of the Interior
Fish and Wildlife Service
50 CFR Part 17
Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Buena Vista Lake Shrew
AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for the Buena Vista Lake shrew (Chrotomys geminatus) under the Endangered Species Act of 1973, as amended. The geographic area includes the major drainage area, approximately 2,486 acres (1,000 hectares), of the Buena Vista Lake basin in Kings and Kern Counties, California, as critical habitat for the subspecies. This is a final rule to designate critical habitat for the Buena Vista Lake shrew (Chrotomys geminatus). We are publishing this rule as a final rule because we have received comments and we are not publishing it as a proposed rule. This final rule is issued in response to the petition for listing the Buena Vista Lake shrew as a threatened species under the Endangered Species Act of 1973, as amended (50 CFR 17.41). The primary purpose of this final rule is to minimize the risk of extinction of the Buena Vista Lake shrew. We request comments on this final rule.

DATES: This final rule becomes effective on August 1, 2013.


SUPPLEMENTARY INFORMATION:

Executive Summary

The critical habitat areas we are designating in this rule constitute our current best assessment of the areas that meet the definition of critical habitat for the Buena Vista Lake shrew. We have prepared an economic analysis of the designation of critical habitat. In order to consider economic impacts of the designation of the critical habitat designation and related factors, we have coordinated with local agencies, reviewed comments received on the proposed rule, and have reviewed our economic analysis (EIA) concurrently with this final determination.

Peer review and public comment. We sought comments from independent specialists to ensure that our designations are based on scientifically sound data and information. We were urged to consider comments and information from knowledgeable individuals with scientific expertise to review our technical assumptions, analyses, and whether or not we had used the best available information. We received responses from two of the four parties that submitted comments. We did not request additional comments, information, or suggestions to improve this final rule. Information we received from the peer reviews is incorporated into this final rule.

Previous Federal Actions

We published a final rule listing the shrew as an endangered in the Federal Register (March 6, 2002; 67 FR 10025). The final listing rule is available at http://www.regulations.gov/july2002/cfr/990260_2002_030612. We published a final rule listing the shrew as threatened in the Federal Register (March 6, 2004; 69 FR 1365). We published a final rule listing the shrew as endangered in the Federal Register (March 4, 2010; 75 FR 11506), and for additional information on the shrew see its Web page.

On January 12, 2004, the United States District Court for the Eastern District of California issued a Memorandum Opinion and Order (Kern County et al. v. U.S. Fish and Wildlife Service et al. (602 F. Supp. 2d 1153)). The order required us to publish a proposed critical habitat determination for the Buena Vista Lake shrew by July 12, 2004, and a final determination by January 12, 2005. On August 9, 2006, the court remanded the proposed rule for critical habitat designation to the Secretary and the rule to the Federal Register for August 13, 2006. We submitted a proposed rule by the required date, which was published in the Federal Register on August 14, 2006 (71 FR 41147). We published a notice in the Federal Register...
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Regulator making available the DEA for the proposed designation on November 15, 2013 (50 FR 48971), and then published a final critical habitat designation on January 24, 2014 (77 FR 13067), for the Eastern Spotted Diamondback Rattlesnake in the Shafter area, California. The DEA and the final critical habitat designation are published in the Federal Register on February 19, 2014 (79 FR 9663). The DEA was revised by the California High-Speed Rail Authority (CHSRA) on June 2, 2014 (79 FR 31449) and the California High-Speed Rail Authority (CHSRA) on September 22, 2014 (80 FR 56599).

In this response, we provide a summary of the comments received in response to the notice of proposed designation, published in the Federal Register on September 12, 2014 (79 FR 55070). This response also includes a summary of the comments received in response to the notice of designated critical habitat, published in the Federal Register on September 24, 2015 (80 FR 60301). These responses summarize the comments received from the California High-Speed Rail Authority (CHSRA) and the City of Shafter, which are identified in the table below.

**Commenters**

- California High-Speed Rail Authority (CHSRA)
- City of Shafter

**Federal Register Notices**

- September 12, 2014 (79 FR 55070)
- September 24, 2015 (80 FR 60301)

**Response**

- In response to the comments received, we have revised the critical habitat designation to reflect the comments received, and we have revised the DEA to reflect the comments received.

**Summary of Comments and Recommendations**

We received written comments from the City of Shafter and the California High-Speed Rail Authority (CHSRA) in response to the notice of proposed designation on September 12, 2014 (79 FR 55070). We also received written comments from the City of Shafter in response to the notice of designated critical habitat on September 24, 2015 (80 FR 60301). These comments were reviewed, and we have incorporated them into this response.

**Revisions to the Critical Habitat Designation**

We have revised the critical habitat designation to reflect the comments received from the City of Shafter and the California High-Speed Rail Authority (CHSRA). The revisions include the following:

- **Incorporating new information:** We have incorporated new information provided by the City of Shafter and the California High-Speed Rail Authority (CHSRA) in their comments.

**Revisions to the DEA**

We have revised the DEA to reflect the comments received from the City of Shafter and the California High-Speed Rail Authority (CHSRA). The revisions include the following:

- **Incorporating new information:** We have incorporated new information provided by the City of Shafter and the California High-Speed Rail Authority (CHSRA) in their comments.

- **Incorporating new data:** We have incorporated new data collected by the City of Shafter and the California High-Speed Rail Authority (CHSRA) in their comments.

**Response to Comments**

We have addressed the comments received from the City of Shafter and the California High-Speed Rail Authority (CHSRA) in our response. We have incorporated the comments received into the critical habitat designation and the DEA as appropriate.

**Public Comments**

We have included the public comments received in response to the notices of proposed and designated critical habitat designations.

**Additional Information**

We have included additional information provided by the City of Shafter and the California High-Speed Rail Authority (CHSRA) in their comments.

**Federal Register Notices**

- September 12, 2014 (79 FR 55070)
- September 24, 2015 (80 FR 60301)

**Response**

- We have incorporated the comments received into the critical habitat designation and the DEA as appropriate.

- We have addressed the comments received from the City of Shafter and the California High-Speed Rail Authority (CHSRA) in our response.

- We have included the public comments received in response to the notices of proposed and designated critical habitat designations.

- We have included additional information provided by the City of Shafter and the California High-Speed Rail Authority (CHSRA) in their comments.
Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

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California High-Speed Rail Authority
California High-Speed Rail Supplemental EIR
Fresno to Bakersfield Section

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Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

In Chapter 23, the submission discusses the response to comments from local agencies. The California High-Speed Rail Authority (CHSRA) is responding to comments on the Fresno to Bakersfield Section of the high-speed rail project. The document focuses on specific aspects of the project, such as habitat and vegetation, and provides detailed analysis and responses to the comments.

The submission highlights the following key points:

1. **Habitat:** The submission acknowledges the importance of maintaining and protecting the habitat along the rail corridor. It discusses the identification and mitigation of habitat impacts, ensuring the sustainability of local ecosystems.

2. **Vegetation:** The submission addresses concerns related to vegetation, particularly riparian vegetation along water bodies. It outlines measures to protect and enhance these ecosystems to support biodiversity.

3. **Transportation Planning:** The submission considers transportation planning aspects, ensuring that the infrastructure is designed to minimize impacts on the environment and maintain connectivity for wildlife.

4. **Public Engagement:** The submission emphasizes the importance of public engagement in the decision-making process, incorporating feedback to improve the project's alignment with local community needs.

5. **Mitigation and Monitoring:** The submission outlines specific mitigation and monitoring strategies to address identified issues and ensure compliance with environmental regulations.

The submission is a comprehensive response to the comments, designed to address the concerns and enhance the project's environmental performance.
Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

Valley (Nathan et al. 2005, p. 41). Development, drainage of wetlands, or the conversion of areas of agriculture to housing has restricted the species to small islands of habitat with little to no connectivity to other areas of continuous habitat. Adaptive management practices have been used to expand or control the expansion of its range. Climate change is a particular challenge for a variety of species because the interaction between additional stressors associated with climate change and current stressors could push species beyond their ability to survive (Evans 2006, pp. 356–358; Ingle & McGreigh 2011; Goerlich & Rusta Vienna Lake show.

Climate Change

One of the myriad factors associated with climate change is a general warming of the climate. The term “climate” and “climate change” are defined by the Intergovernmental Panel on Climate Change (IPCC) as “climate” or “climate change” represent different types of weather conditions over time, 20 years being a typical period for such measurements, although shorter or longer periods also may be used (IPCC 2007, p. 76). The term “climate change” thus means an observed change in the mean or variability of one or more elements of the climate such as temperature, precipitation, or wind speed, that persists for an extended period, typically decades or longer, whereas the change is due to natural variability, human activity, or both (IPCC 2007, p. 76).

Climate change research spanning several decades demonstrates that the climate is warming, and the rate of change has been faster since the 1980s. Extreme events include record high temperatures, heatwaves, extreme precipitation, and drought. The Intergovernmental Panel on Climate Change (IPCC) defines “climate change” as a change in the mean or variability of one or more elements of the climate such as temperature, precipitation, or wind speed, that persists for an extended period, typically decades or longer, whereas the change is due to natural variability, human activity, or both (IPCC 2007, p. 76). The term “climate change” thus means an observed change in the mean or variability of one or more elements of the climate such as temperature, precipitation, or wind speed, that persists for an extended period, typically decades or longer, whereas the change is due to natural variability, human activity, or both (IPCC 2007, p. 76).

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Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

We consider critical habitat units in which streams were first found after 2002 (July 4, 2011). If a stream has been occupied at some time prior to listing, the

Table 1 - Critical Habitat Units for the Buena Vista Lake Shore

<table>
<thead>
<tr>
<th>Critical Habitat Unit</th>
<th>Total</th>
<th>Federal</th>
<th>Share</th>
<th>Local</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Kern National Wildlife Refuge Unit</td>
<td>1,240 (21)</td>
<td>1,137 (18)</td>
<td>6 (1)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>2. Gamble Lake Unit</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Colusa Unit</td>
<td>159 (4)</td>
<td>159 (4)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>4. Coffee Lake Unit</td>
<td>1,160 (12)</td>
<td>1,155 (12)</td>
<td>5 (1)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>5. Lake Wendover Unit</td>
<td>3 (1)</td>
<td>3 (1)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>6. Lower Lake</td>
<td>1,047 (7)</td>
<td>1,047 (7)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>7. Lower Lake Reserve Unit</td>
<td>2,400 (17)</td>
<td>2,400 (17)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Buena Vista Lake Shore, below.

1. Kern National Wildlife Refuge Unit

This unit is comprised of Federal lands, and is located within the Kern National Wildlife Refuge (KNNWR). The KNNWR is managed by the USFWS and administered by the National Wildlife Refuge System.

The unit consists of all wetlands within approximately 467 acres (157 ha) of the Buena Vista Lake Shore. The unit includes wetlands, marshes, and sloughs that support a variety of wetland-dependent species, particularly waterfowl, shorebirds, and wading birds. It also includes riparian areas along streams and springs.

The unit is significant because it provides critical habitat for many species of concern, including the Western Grebe, Red-Necked Stint, and Western Sandpiper. The unit also serves as a breeding ground for many migratory species.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

2. Gamble Lake Unit

This unit is a small, isolated pond located near the community of Gamble, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

3. Colusa Unit

This unit is a large wetland located near the community of Colusa, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

4. Coffee Lake Unit

This unit is a large wetland located near the community of Coffee, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

5. Lake Wendover Unit

This unit is a small wetland located near the community of Lake Wendover, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

6. Lower Lake

This unit is a large wetland located near the community of Lower Lake, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.

7. Lower Lake Reserve Unit

This unit is a large wetland located near the community of Lower Lake, California. It is significant because it provides habitat for a variety of wetland-dependent species, including the Western Grebe, Red-Necked Stint, and Western Sandpiper.

The unit is managed by the USFWS to provide habitat for these species and to protect the ecosystem services provided by the wetlands. The unit is also important for research and education.
Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

California High-Speed Rail Authority
California High-Speed Rail Supplemental EIR
Fresno to Bakersfield Section

The Kern River consists of a total of approximately 1,747 miles (2,813 km) or roughly 35% of the total length of the State of California's rivers and streams. The Kern River originates in the Sierra Nevada and flows north and west through Kern County before entering the Kern River (Bakersfield) in the southeastern corner of the State of California. The Kern River flows north and west through Kern County before entering the Kern River (Bakersfield) in the southeastern corner of the State of California. The Kern River provides a critical habitat for native aquatic species and is an important source of water for irrigation and domestic use. The Kern River provides a critical habitat for native aquatic species and is an important source of water for irrigation and domestic use.

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Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

Chapter 23 Response to Comments from Local Agencies

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Application of the “Advance Mitigation” Standard

The key factor related to the advance mitigation determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species, activities that destroy or adversely modify critical habitat, or those that alter the essential physical or biological features that sustain or support the conservation value of critical habitat for the Banco Vista Lake show.

From the perspective of the covered species, the actions discussed may include, but are not limited to:

1. Actions carried out on critical habitat designated on Federal lands;
2. Actions that change species and habitat management practices or involve species removal or habitat modification.

In this case, the Secretary concludes that the proposed actions discussed are unlikely to result in adverse effects to the covered species, and are consistent with the need for the species and their conservation; therefore, they are not of significant concern.

In conclusion, the proposed actions discussed are unlikely to cause a significant adverse effect to the covered species and their conservation value; therefore, the Secretary concludes that they are consistent with the need for the species and their conservation; therefore, they are not of significant concern.
In the case of the Bakersfield area where the economic impacts may be felt, the need for a coordinated strategy is essential.

Exclusions on National Security

Exclusions Based on Economic Impacts

Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

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Federal Register / Vol. 78, No. 127 / Tuesday, July 2, 2013 / Rules and Regulations

In the case of the Bakersfield area, the benefits of critical habitat may be felt, the need for a coordinated strategy is essential.

Exclusions on National Security

Exclusions Based on Economic Impacts

Under section 4H1I of the Act, the agency may exclude any activity from critical habitat if the agency determines that the activity is not critical habitat.

Chapter 23 Response to Comments from Local Agencies

Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

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Chapter 23 Response to Comments from Local Agencies

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Chapter 23 Response to Comments from Local Agencies

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Chapter 23 Response to Comments from Local Agencies

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Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

Chapter 23 Response to Comments from Local Agencies

**Federal Register/Vol. 78, No. 127/Tuesday, July 2, 2013/Rules and Regulations**

Management Plan, and its purpose of a conditional resolution indicating, to the extent of the initial finding that the City will implement the plan in chapter 23. In addition, the City should also consider the benefits of exclusion to prioritize the need for housing, especially in rural and suburban areas. This benefit of exclusion would be to protect the City of Shafter, which is severely impacted by the project. In addition, the City should consider the benefits of exclusion to prioritize the need for housing, especially in rural and suburban areas.

Benefits of Exclusion Outweigh Benefits of Inclusion—Kern River Water Rights

Both designation and exclusion of the Kern River Water Rights under the California High-Speed Rail Authority (CHSRA) provisions is not appropriate. The City of Shafter, which is severely impacted by the project, does not have an adequate amount of water for the City's needs. The City has also made a standing position on the implementation of the project, and the City does not support the project, which is severely impacted by the project.

Chapter 23: Response to Comments from Local Agencies

**California High-Speed Rail Authority**

**California High-Speed Rail Supplemental EIR**

**Fresno to Bakersfield Section**

**October 2018**

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**California High-Speed Rail Authority**

**California High-Speed Rail Supplemental EIR**

**Fresno to Bakersfield Section**
mandate" includes a regulation that "would impose an enforceable duty upon State, local, or tribal governments with two exceptions. It excludes "a condition of Federal assistance," but it also excludes the participation of a voluntary Federal program," and the regulation "relates to a non-exercising Federal program under which $100,000 or more is provided annually to State, local, or tribal governments under entitlement programs, which are designed to "increase the efficiency of conditions of assistance." In other words, for a regulation to be considered a "mandate," it must impose an enforceable duty on the Federal government.

We determined that there are no tribal lands occupied by the Buesta Vista show at the time of filing that contain the physical or biological features essential to conservation of the species, and we are not required to seek further review of the information available to tribes.

Therefore, we are not designating critical habitat for the show on tribal lands. Revisions Cited

A complete list of all revisions cited is available on the Internet at /http://www.regulations.gov and upon request from the Sacramento Fish and Wildlife Office (see FOR FURTHER INFORMATION CONTACT).

Both the primary author(s) of this rulemaking and the staff members of the Sacramento Fish and Wildlife Office, Line of credit in 36 CFR Part 17

Enlarged and threatened species, Imports, Exports, Reporting and marking requirements, Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter 1, title 50 of the Code of Federal Regulations, as set forth below:

PART 17-AMENDED

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1531-1549, 1541-1545, vacancies, and other lands which are not located within the legal boundaries of the effective date of this rule.

[4] Critical habitat map units. Data layers defining map units were created on a base of USGS 7.5 quadrangles, and critical habitat polygons were then mapped to the 2009 National Land Cover Dataset(LTCD) coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plan/plot points on both, which each map is based on are available to the public at http:// criticalhabitatdata.in.gov/birds/ and it criticalhabitatdata.in.gov/land/ and at http://criticalhabitatdata.in.gov/birds/ and it criticalhabitatdata.in.gov/land/ and at the following web address, or by requesting the service from our regional offices, the addresses of which are listed in 50 CFR 2.2.

BILING CODE 90-07-001
Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued
Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued
Response to Submission L001 (Christine Wilson, City of Shafter, January 16, 2018)

L001-1
Refer to Standard Response FB-LGA-Response-BIO-01: Mitigation Measures (Resources, Details and Phasing, Responsibilities and Future Planning).

The commenter indicates that mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments, such as Mitigation Monitoring and Reporting/Enforcement Plans. The commenter indicates that Appendix 2-G provides an MMEP. That MMEP is associated with the Fresno to Bakersfield Project approval in 2014. The commenter requests that the existing MMEP be amended to include the revised and additional measures applicable to the F-B LGA so they are fully enforceable and in compliance with CEQA.

The commenter questions the enforceability of the mitigation measures for the Supplemental EIR/EIS. The Draft Supplemental EIR/EIS mitigation measures are sufficient. CEQA requires the Authority to analyze the potential impacts of the HSR (specifically for the May 2014 Project and F-B LGA in the Draft Supplemental EIR/EIS) and identify enforceable mitigation for each significant effect of the project and to mitigate or avoid the significant effects on the environment by adopting feasible mitigation measures as part of the project (Public Resources Code Section 21001.2). NEPA requires that all relevant, reasonable mitigation measures are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the Record of Decision (RODs) of these agencies (40 C.F.R. 1502.16(h), 1505.2(c)). Based on CEQA and NEPA requirements, the Draft Supplemental EIR/EIS mitigation measures are sufficient.

Refer to Section 3.1 of the Draft Supplemental EIR/EIS which summarizes the Authority’s and FRA’s approach to avoid and minimize potential impacts of the F-B LGA through planning, and thoughtful design, informed by decisions made at the conclusion of the Statewide Program EIR/EIS process, including the adopted mitigation strategies. The Draft Supplemental EIR/EIS, throughout Chapter 3, summarizes mitigation measures for the HSR System and the Fresno to Bakersfield Section and as applicable mitigation measures are identified specifically for the F-B LGA, proposed station location, maintenance facilities, and power conveyance facilities. The NEPA Mitigation Monitoring and Enforcement Plan (MMEP) and CEQA Mitigation Monitoring and Reporting Program (MMRP) will be amended to include new F-B LGA mitigation measures as applicable or revised mitigation measures applicable to the F-B LGA.

L001-2
The commenter indicates that some of the mitigation measures, as written, are not enforceable. Specifically, the commenter cites N&V MM #3 on page 3.4-43 and N&V MM #4 on page 3.4-44 of the Draft Supplemental EIR/EIS.

The commenter questions the enforceability of the mitigation measures for the Draft Supplemental EIR/EIS. The Draft Supplemental EIR/EIS mitigation measures are sufficient. CEQA requires the Authority to analyze the potential impacts of the HSR (specifically for the May 2014 Project and F-B LGA in the Draft Supplemental EIR/EIS) and identify enforceable mitigation for each significant effect of the project and to mitigate or avoid the significant effects on the environment by adopting feasible mitigation measures as part of the project (Public Resources Code Section 21001.2). NEPA requires that all relevant, reasonable mitigation measures are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the Record of Decision (RODs) of these agencies (40 C.F.R 1502.16(h), 1505.2(c)). Based on CEQA and NEPA requirements, the Draft Supplemental EIR/EIS mitigation measures are sufficient.

Refer to Section 3.1 of the Draft Supplemental EIR/EIS which summarizes the Authority’s and FRA’s approach to avoid and minimize potential impacts of the F-B LGA through planning, and thoughtful design, informed by decisions they made at the conclusion of the Statewide Program EIR/EIS process, including the adopted mitigation strategies. The Draft Supplemental EIR/EIS, throughout Chapter 3, summarizes mitigation measures for the system-wide HSR and the Fresno to Bakersfield Section and as applicable mitigation measures are identified specifically for the F-B LGA, proposed station location, maintenance facilities, and power conveyance facilities. The NEPA MMEP and CEQA MMRP will be amended to include new F-B LGA mitigation measures as applicable or revised mitigation measures applicable to the F-B LGA.

The commenter suggests that the Draft Supplemental EIR/EIS has inappropriately deferred the identification of the detailed mitigation measures necessary to address the significant effects that may result from construction of the F-B LGA. The Draft
Supplemental EIR/EIS does not defer development of specific mitigation measures to address impacts. In addition to the enforceable Impact Avoidance and Minimization Measures identified to avoid and minimize adverse impacts, the Draft Supplemental EIR/EIS provides an extensive set of enforceable mitigation measures to address impacts. In those cases, such as biological, noise impacts, and socioeconomic and communities impacts where the specific site for implementing a mitigation measures is not yet identified, the mitigation measures provide specific performance standards to be achieved. Performance standards establish specific measurable parameters that must be achieved by a mitigation measure. Under CEQA, where development of specific mitigation may rely upon information not yet available, an EIR may take a phased approach to the development of specific mitigation, provided that it has analyzed the impact and made a significance determination, commits to mitigation in the form of a mitigation measure for the significant effect, and specifies "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (14 CCR 15126.4(a)(1)(b)). The same is true under NEPA. The EIS must discuss mitigation "in sufficient detail to ensure that environmental consequences have been fairly evaluated," but it is not necessary to formulate and adopt a complete mitigation plan (Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 [1989]). The mitigation measures identified in the Draft Supplemental EIR/EIS meet these requirements.

Consistent with the Authority’s and FRA’s practice for the Merced to Fresno Section EIR/EIS and the Fresno to Bakersfield Section Final EIR/EIS, it is anticipated that the lead agencies will adopt the mitigation measures identified in the Draft Supplemental EIR/EIS in conjunction with their decisions about the Fresno to Bakersfield Section as well as a monitoring plan. If the Authority and FRA approve the F-B LGA, the design/build contractor will reach a level of final design and, in conjunction with necessary permit requirements, the Authority will work closely with regulatory agencies and partner agencies to identify specific mitigation sites and how adopted mitigation measures with specific performance standards will be achieved. Specifically, the Authority will pursue necessary permits and approvals from other agencies, such as the U.S. Army Corps of Engineers (USACE) (Section 404 water quality permit) and California Department of Fish and Wildlife (CDFW) (Section 1600 et seq. streambed alteration agreement and Section 2081 incidental take permit), as described in Chapters 1 and 2 of the Draft Supplemental EIR/EIS. Such measures ensure the enforceability and success of the mitigation measures with performance standards.

The commenter indicates that BIO-MM #57 and BIO-MM # 64 in the Supplemental EIR/EIS, as written, are not enforceable as consultation with other jurisdictions is required and the form of mitigation is not known.

The mitigation measures have been designed to mitigate impacts to biological resources and provide the necessary measures to implement such mitigation in coordination with agencies and local jurisdictions (refer to BIO-MM #57 and BIO-MM #64). With implementation of the MMEP, biological resources avoidance, minimization, and mitigation will be achieved. As an example, BIO-MM #57 includes the type of activities that would be implemented to mitigate impacts to biological resources (i.e., purchase credits from an agency-approved mitigation bank, permittee-responsible mitigation), coordination with USFWS and/or CDFW to ensure mitigation is in compliance with agency requirements, and how the mitigation would be approved (e.g., the Authority will submit a memorandum to the USFWS and/or CDFW to document compliance with the measure). Furthermore, Appendix B of the Supplemental Checkpoint C Summary Report (Supplemental Compensatory Mitigation Plan) provides additional detail specific to how compensatory mitigation requirements will be met, including proposed mitigation ratios and acreages based on previous consultation and negotiations with USFWS and CDFW, potential mitigation bank options, and proposed permittee-responsible mitigation properties. The USACE and USEPA provided concurrence with the Checkpoint C Summary Report prior to the circulation of the Draft Supplemental EIR/EIS, and the Authority and FRA have concluded Endangered Species Act Section 7 consultation with the USFWS.

As stated in BIO-MM #64, the Authority will compensate for impacts to naturally occurring native protected trees, landscape or ornamental protected trees in accordance...
L001-3

with local regulatory agencies. The Authority acknowledges that local regulations allow for a number of potential mitigation opportunities that would be implemented under BIO-MM #64 (e.g., transplant directly affected protected trees, replace directly affected trees at a 3:1 ratio for native trees and 1:1 ratio for landscape/ornamental trees, and, contribute to tree-planting fund). The Authority will coordinate with the local jurisdiction to implement the most adequate mitigation and will submit a memorandum to the local agency to document compliance with such measures.

Refer to FB-LGA-Response-BIO-01 regarding mitigation for biological resources.

L001-4

The commenter indicates that SO-MM #4 and SO-MM #1 in the Draft Supplemental EIR/EIS, as written, are not enforceable.

The commenter questions the enforceability of the mitigation measures for the Draft Supplemental EIR/EIS. CEQA requires the Authority to analyze the potential impacts of the HSR (specifically for the May 2014 Project and F-B LGA in the Draft Supplemental EIR/EIS) and identify enforceable mitigation for each significant effect of the project and to mitigate or avoid the significant effects on the environment by adopting feasible mitigation measures as part of the project (Public Resources Code Section 21001.2). NEPA requires that all relevant, reasonable mitigation measures are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the Record of Decision (RODs) of these agencies (40 C.F.R. 1502.16(h), 1505.2(c)). Based on CEQA and NEPA requirements, the Draft Supplemental EIR/EIS mitigation measures are sufficient.

Refer to Section 3.1 of the Draft Supplemental EIR/EIS which summarizes the Authority’s and FRA’s approach to avoid and minimize potential impacts of the F-B LGA through planning, and thoughtful design, informed by decisions they made at the conclusion of the Statewide Program EIR/EIS process, including the adopted mitigation strategies. The Draft Supplemental EIR/EIS, throughout Chapter 3, summarizes mitigation measures for the system-wide HSR and the Fresno to Bakersfield Section and as applicable mitigation measures are identified specifically for the F-B LGA.

L001-4

proposed station location, maintenance facilities, and power conveyance facilities. The NEPA MMEP and CEQA MMRP will be amended to include new F-B LGA mitigation measures as applicable or revised mitigation measures applicable to the F-B LGA.

The commenter suggests that the Draft Supplemental EIR/EIS has inappropriately deferred the identification of the detailed mitigation measures necessary to address the significant effects that may result from construction of the F-B LGA. The Draft Supplemental EIR/EIS does not defer development of specific mitigation measures to address impacts. In addition to the Impact Avoidance and Minimization Measures identified to avoid and minimize adverse impacts, the Draft Supplemental EIR/EIS provides an extensive set of enforceable mitigation measures to address impacts. In those cases, such as biological, noise impacts, and socioeconomic and communities impacts where the specific site for implementing a mitigation measures is not yet identified, the mitigation measures provide specific performance standards to be achieved. Performance standards establish specific measurable parameters that must be achieved by a mitigation measure. Under CEQA, where development of specific mitigation may rely upon information not yet available, an EIR may take a phased approach to the development of specific mitigation, provided that it has analyzed the impact and made a significance determination, commits to mitigation in the form of a mitigation measure for the significant effect, and specifies "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (14 CCR 15126.4(a)(1)(b)). The same is true under NEPA. The EIS must discuss mitigation "in sufficient detail to ensure that environmental consequences have been fairly evaluated," but it is not necessary to formulate and adopt a complete mitigation plan (Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 [1989]). The mitigation measures identified in the Draft Supplemental EIR/EIS meet these requirements.

Specifically, SO-MM #4 will be effective because it will maintain access to farmland for farmers whose property is bisected (Draft Supplemental EIR/EIS, Section 3.12.6.1). SO-MM #1 is also effective, particularly in context with the avoidance and minimization measure SOCIO-IAMM#2 regarding relocation.

Consistent with the Authority’s and FRA's practice for the Merced to Fresno Section
EIR/EIS and the Fresno to Bakersfield Section Final EIR/EIS, it is anticipated that the lead agencies will adopt the mitigation measures identified in the Draft Supplemental EIR/EIS in conjunction with their decisions about the Fresno to Bakersfield Section as well as a monitoring plan. If the Authority and FRA approved the F-B LGA, the design/build contractor will reach a level of final design and, in conjunction with necessary permit requirements, the Authority will work closely with regulatory agencies and partner agencies to identify specific mitigation sites and how adopted mitigation measures with specific performance standards will be achieved. Specifically, the Authority will pursue necessary permits and approvals from other agencies, such as the U.S. Army Corps of Engineers (USACE) (Section 404 water quality permit) and California Department of Fish and Wildlife (CDFW) (Section 1600 et seq. streambed alteration agreement and Section 2081 incidental take permit), as described in Chapters 1 and 2 of the Draft Supplemental EIR/EIS. Such measures ensure the enforceability and success of the mitigation measures with performance standards.

The commenter indicates that where the Authority has acknowledged that mitigation measures may cause residual significant effects, those effects are not disclosed as mandated by CEQA. The commenter provides N&V-MM #3 specifically as an example. Section 3.4.6 of the Draft Supplemental EIR/EIS (pages 3.4-55 and 3.4-56) provides a discussion and analysis of potential residual significant effects that may occur due to implementation of N&V-MM #3. Specifically, the text describes potential residual effects to biological resources (wildlife corridors) and aesthetic/visual resources from implementation of N&V-MM #3. The Draft Supplemental EIR/EIS also discusses the potential for residual significant noise effects once installation of noise barriers occurs. If severe noise impacts would remain with the installation of the noise barriers prescribed in N&V-MM #3, noise measurements would be taken during the testing and certification phase of the HSR F-B LGA to determine whether sound insulation would reduce noise impacts in interior spaces to an acceptable level. If noise impacts would remain severe after the installation of sound insulation, then a noise easement would be negotiated with the property owner. As such, the Authority has provided analysis and has disclosed residual significant effects that could potentially occur due to mitigation measure implementation (specifically N&V-MM #3) per CEQA requirements.

Similar to what was provided in the Fresno to Bakersfield Section CEQA Findings of Fact and Statement of Overriding Considerations (Authority 2014; page 3-26), if the Authority finds that impacts cannot with certainty be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the Draft Supplemental EIR/EIS, in adopting these findings and mitigation measures, the Authority would also adopt a Statement of Overriding Considerations in compliance with CEQA Public Resources Code Section 21081 and State CEQA Guidelines Section 15093. The Statement of Overriding Considerations would describe the economic, social, and other benefits of the Preferred Alternative that will render these significant unavoidable environmental impacts acceptable.

The commenter indicates that BIO-MM#66 violates CEQA by addressing potential significant impacts after project approval since the USFWS 2017 Biological Opinion for the Project does not address BVLOS south of Shafter. The Authority will comply with Public Resources Code 21104.2, regarding agency consultation issues with respect to species issues (and Section 21104.2 regarding consultation generally). As such, the Project has initiated preparation of a supplemental Biological Assessment based on recent BVLOS site assessments that were conducted as part of the Draft Supplemental EIR/EIS. BIO-MM #66 is a mitigation measure from the Supplemental Biological Assessment, included in the Draft Supplemental EIR/EIS for comment and response by the public agencies with jurisdiction, including USFWS. Furthermore, BIO-MM #66 meets the requirements of CEQA in that it implements as mitigation measures applicable to the F-B LGA and the May 2014 Project measures contained in the 2017 USFWS Biological Opinion.

The Beech Avenue/Los Angeles Avenue connection at SR 43 cannot remain open following implementation of the F-B LGA due to the requirement to grade separate the
Response to Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

L001-7
BNSF. The existing crossing is at the north end of the new switching lead and BNSF will not allow a crossing in this location. This is not a feasible mitigation measure. Safety is the Authority's highest priority in designing the HSR System. The HSR System will be designed in accordance with all applicable federally mandated safety laws and FRA implementing regulations, applicable state safety laws and regulations, and safety policies and procedures of other train systems as may be applicable, including those establishing clearance requirements for track separation, overpass structures, and similar matters. No revisions have been made to the Final Supplemental EIR in response to this comment.

L001-8
The commenter indicates that the Draft Supplemental EIR/EIS fails to adequately analyze project impacts associated with the F-B LGA since it has been analyzed under NEPA in terms of context, intensity, and duration rather than the use of intensity thresholds as provided in the Fresno to Bakersfield Section Final EIR/EIS for the other alternatives that were studied.

As stated in Title 40 C.F.R., Section 1508.27, to analyze whether environmental impacts would significantly affect the quality of the human environment, an environmental document must consider both context and intensity. Because the FRA had issued a Record of Decision for the Fresno to Bakersfield Section and because the FRA's decision document did not consider discrete segments of the Preferred Alternative, but rather the alignment as a whole, the Draft Supplemental EIR/EIS considers the same approach. Potential impacts are described for the May 2014 Project and the F-B LGA in terms of context, intensity, and duration, but conclusions determining intensity of the overall impacts are not made. The NEPA analysis presented in the Draft Supplemental EIR/EIS is consistent with requirements in 40 C.F.R Section 1502.14 and allows decision makers and the public to make an informed choice on which alignment (either the May 2014 Project or F-B LGA) is the Preferred Alternative for the segment of the Fresno to Bakersfield Section between Poplar Avenue and Oswell Street. While the NEPA analyses focus on the context and intensity of potential impact, the CEQA analyses provide significance conclusions for the impacts.

The commenter also indicates that the public would be better informed of F-B LGA impacts if technical studies for aesthetics and geology had been updated from the Fresno to Bakersfield Section Final EIR/EIS.

As described in Section 3.1 of the Draft Supplemental EIR/EIS (page 3.1-2) the Authority and FRA determined that several of the technical reports prepared for the Fresno to Bakersfield Section Final EIR/EIS contained sufficient detail and comparable regional analysis to use for the F-B LGA, and therefore, were not updated exclusively for the F-B LGA. Examples of technical reports from the Fresno to Bakersfield Section Final EIR/EIS that were not updated for the F-B LGA include: Aesthetics and Visual Resources; Geology, Soils, and Seismicity; Paleontological Resources; and, Geoarchaeological Investigation. Other technical reports (e.g., Air Quality Technical Report, Biological Assessment, Noise and Vibration Technical Report, Hazardous Materials and Wastes Technical Report, and the Transportation Technical Report) that were lacking information to complete a full analysis of the F-B LGA were updated as part of the Draft Supplemental EIR/EIS. Finally, the commenter makes a general suggestion that they were not provided a reasonable disclosure of the project's environmental impacts. Refer to Section 3.1 of the Draft Supplemental EIR/EIS, which summarizes the Authority's and FRA's approach to thoroughly analyzing the project's environmental effects, and to Chapter 8 of the Draft Supplemental EIR/EIS focusing on the comparison of alternatives.

L001-9
Although the Gossamer Grove Specific Plan area would be traversed by the F-B LGA alignment in the northeast corner, no homes, businesses, schools, parks, or other community facilities have been constructed in this area. As such, although the analysis discloses the Gossamer Grove Specific Plan (see Technical Appendix 3.13-A of the Draft Supplemental EIR/EIS) the analysis does not evaluate potential impacts to these properties. This approach is consistent with the methodology used for the Fresno to Bakersfield Section Final EIR/EIS and other sections of the HSR system.

The residential units in the Gossamer Grove community currently being developed are located more than 2,500 feet from the centerline of the proposed alignment, which is the limit of the study area for the noise analysis. The study area for noise was designed...
Based on FRA guidance to capture all areas that may experience noise impacts. Therefore the new residences in the Gossamer Grove community are located far enough away that they are not anticipated to experience noise impacts.

The primary roadway that serves to access the Gossamer Grove community is 7th Standard Road. Section 3.2, Transportation, of the Draft Supplemental EIR/EIS evaluates traffic at the 7th Standard Road interchange with SR 99, which is where the road would cross the HSR alignment. As part of the HSR project, 7th Standard Road would be raised to cross over the HSR, and therefore circulation would not be adversely impacted. Therefore, the Gossamer Grove community is not anticipated to experience traffic and circulation impacts as a result of the HSR.

Commenter claims that the new homes in Gossamer Grove were not considered in the aesthetics analysis, and that there would be a significant aesthetic impact to the newly constructed units.

Section 3.16 in the Draft Supplemental EIR/EIS does not analyze the visual impact of HSR facilities on the Gossamer Grove Specific Plan area because this area was undeveloped agricultural land at the time of preparation of the environmental document. Currently, residential units in the Specific Plan area are being developed and are at least 2,500 feet from the centerline of the proposed alignment. This portion of the Specific Plan area is located outside of the visual resource study area analyzed in Section 3.16, which extends 0.5 mile from the alignment centerline in rural areas. However, planned development in Gossamer Grove would occur adjacent to the alignment. Therefore, page 3.16-17 in the Draft Supplemental EIR/EIS has been amended as follows to account for the visual character and viewer sensitivity of residential development in Gossamer Grove:

Viewers in the Rural San Joaquin Valley landscape unit are few, and viewer activities are predominantly work-oriented. Viewer sensitivity is moderate for motorists and moderately low for workers. However, scattered rural residents and planned suburban residential development in the Gossamer Grove Specific Plan area located within the 0.5-mile foreground distance have high visual sensitivity. Viewer exposure of rural residents in the valley varies primarily by distance because there is often little to screen or filter views. Overall, viewer exposure in the valley is moderated by a low density of viewers.

In addition, page 3.16-56 of the Draft Supplemental EIR/EIS has been amended as follows to discuss visual impacts to the Gossamer Grove area:

Although the overall number of residents in the Rural San Joaquin Valley landscape unit is small, they would have high viewer sensitivity to these visual effects. Planned suburban residential development in the Gossamer Grove Specific Plan area also would introduce residents with high viewer sensitivity adjacent to the HSR alignment near Verdugo Lane. A moderate decline in visual quality in an area with high viewer sensitivity would represent a significant impact under CEQA.

While future Gossamer Grove residents located within the visual resource study area would be highly sensitive to the F-B LGA’s visual effects, the impact on residences in the Rural San Joaquin Valley Landscape Unit would remain significant. The response to this comment does not introduce substantial new information or identify a substantial increase in the severity of an environmental impact that cannot be reduced to a level of insignificance; therefore, recirculation is not required.

The commenter also stated that displacement of approximately 400 homes in the Gossamer Grove Specific Plan will also have a significant impact on Shafter’s adopted 2015-2023 Housing Element.

The Gossamer Grove Specific Plan states, “During the tentative map stage of design, the actual number of dwelling units allocated to a particular residential planning area may slightly differ from the numbers presented in Table 3-1. Up to 15% of the detached units in a particular planning area may be transferred to another detached planning area, provided that the maximum unit count for the Specific Plan as a whole does not exceed 3,432 units.” Therefore, in the event that a parcel that has been identified in the Housing Element is proposed to be permanently converted as a result of the F-B LGA, the residential units could be allocated elsewhere in the Specific Plan area.
Response to Submission L001 (Christine Wilson, City of Shafter, January 16, 2018) - Continued

L001-10
The commenter states that the Draft Supplemental EIR/EIS fails to identify the Bakersfield BVLOS Habitat Management Plan and the potential impacts the Project could have on the plan as well as BVLOS. The commenter also references the USFWS 2017 Biological Opinion and indicates that it is not available on the USFWS website nor is it available as a Technical Appendix to Volume II of the Draft Supplemental EIR/EIS. The commenter also indicates that the USFWS 2017 Biological Opinion does not discuss BVLOS south of Shafter. The commenter concludes that based on the lack of information about the BVLOS in the Draft Supplemental EIR/EIS, CEQA requirements are not met.

The BVLOS Habitat Management Plan associated with the Kern Fan Water Recharge Area is not located in the biological resources study areas for the F-B LGA and May 2014 Project as the Recharge area is approximately 8 miles from the F-B LGA alignment and 5 miles from the May 2014 Project. As such, the Draft Supplemental EIR/EIS does not provide an analysis on potential effects to the Kern Fan Water Recharge Area or the Bakersfield BVLOS Habitat Management Plan due to the distance from the F-B LGA and May 2014 Project alignments.

The USFWS 2017 Biological Opinion is a permit and is not required as an appendix to the Draft Supplemental EIR/EIS as it is not part of the environmental document. The USFWS 2017 Biological Opinion can be requested from the USFWS Regional Office where the Fresno to Bakersfield Section of the HSR is located.

The Authority will comply with Public Resources Code 21104.2, regarding agency consultation with respect to species issues (and Section 21104.2 regarding consultation generally). As such, the Project has initiated preparation of a supplemental Biological Assessment based on recent BVLOS site assessments that were conducted as part of the Draft Supplemental EIR/EIS. Section 3.7 of the Draft Supplemental EIR/EIS provides a discussion of the BVLOS and includes mitigation measures (BIO-MM#66 and BIO-MM#67) to reduce impacts to the BVLOS.

L001-11
The commenter references planned roadways/planned roadway expansions located in rural agricultural areas. Although the HSR project is not required to be consistent with local plans, the Draft Supplemental EIR/EIS discloses the existence of Shafter’s General Plan and evaluates the project’s consistency with Shafter’s General Plan in Technical Appendix 3.13-A of the Draft Supplemental EIR/EIS in order to provide a context for the HSR project. With respect to generalized concerns about roadway crossings, the Fresno to Bakersfield Final EIR/EIS and the Draft Supplemental EIR/EIS describe the Authority’s evaluation of potential impacts to changes in vehicle movements and flow on highways and roadways, and approach to ensuring adequate traffic circulation following implementation of the project. For example, page 3.2-80 of the Fresno to Bakersfield Final EIR/EIS explains that road crossings in rural areas would occur approximately every two miles. See also page 3.2-54 of the Draft Supplemental EIR/EIS for a similar discussion. Specific information related to roadway segments and intersections, both in the City of Shafter and in Kern County, is further disclosed in the Supplemental EIR/EIS (see pages 3.2-54 – 60 of the Draft Supplemental EIR/EIS). The Authority has consulted with the City of Shafter extensively, including through Technical Working Group meetings, as the roadway crossing locations and specific design of roadway crossings have been developed. The minutes of each Technical Working Group meeting are available for review.

L001-12
The Draft Supplemental EIR/EIS evaluates a Maintenance of Infrastructure Facility (MOIF) for both the May 2014 Project and the F-B LGA, as described in Chapter 2 of the Draft Supplemental EIR/EIS. Year 2035 traffic projections in the City of Shafter were developed using the Kern Council of Governments (COG) Travel Demand Model, which takes into account all land uses (residential/non-residential) to be constructed by year 2035. This includes residential uses planned in and around the proposed MOIF, as well as the uses proposed in the Gossamer Grove Specific Plan. With respect to other issues raised by the commenter regarding impacts of the MOIF, no residences appear to have been constructed in the areas adjacent to the MOIF, notwithstanding any applicable General Plan land use designations. Thus, the analysis does not evaluate potential impacts to these properties, although the analysis discloses Shafter’s General Plan. (Refer to Technical Appendix 3.13-A of the Draft Supplemental EIR/EIS.) No revisions have been made to the Final Supplemental EIR in response to this comment. Finally, the Draft Supplemental EIR/EIS includes in Section 3.19 a thorough treatment of...
cumulative impacts that discusses the Gossamer Grove development, along with the
growth of the cities of Shafter and Bakersfield as reflected in their General Plans.

The commenter states that the CHSRA has no local land use authority to require or
implement such “anticipated densification” for any Project station location. As such, the
transportation, air quality, greenhouse gas emissions, land use, water supply issues,
housing, utilities, and public services significant impacts that will result from unplanned
induced growth could not be mitigated by the Project.

While the commenter’s assertion regarding CHSRA’s local land use authority is correct,
as noted on page 3.18-17 of the Draft Supplemental EIR/EIS, the densification pattern is
likely to emerge in the vicinity of HSR stations under regular market forces, consistent
with the Metropolitan Bakersfield General Plan and KCOG RTP/SCS. As with the May
2014 Project, the F-B LGA would not meaningfully induce substantial population growth
beyond that already projected for the region, and would, therefore, be consistent with
regional growth management plans.

As noted on page 3.18-14 of the Draft Supplemental EIR/EIS, the Cambridge
Systematics study evaluated current land use trends that would likely change with the
presence of the HSR system, which is expected to result in additional population and
employment near stations and to indirectly influence the regional development pattern.
The research conducted found that market forces and complementary, regulatory-style
efforts by other cities to encourage increased density and a mix of land uses near rail
stations have been effective in attracting higher-density development. Operation of the
HSR system would encourage increased densities that would result in compact urban
development around the HSR stations, and would consolidate currently projected growth
and new regional employment and population around these stations.

Compared to the No Project Alternative examined in the Fresno to Bakersfield Section
Final EIR/ EIS, operation of the HSR system would encourage more compact, efficient
land use in the region by serving as an economic driver for higher-density infill
development around downtown HSR stations. These effects would support anticipated
regional land use policies consistent with the Sustainable Communities and Climate

Protection Act of 2008 (Senate Bill 375), which aims to reduce greenhouse gas
emissions from automobiles and light trucks through transit-oriented design, and would
assist communities in realizing goals set out in the regional transportation plans
developed under Senate Bill 375.

The commenter also states that the HSR’s projected induced growth of 45,978 people in
Kern County exceeds the 2035 projections. The commenter states that it cannot be
assumed that growth in an area is of little significance to the environment per CEQA
Guidelines Section 15126.2(d).

Per, CEQA Guidelines Section 15126.2(d), which require that a project EIR discuss the
ways in which the proposed project could foster economic or population growth, or
construction of additional housing, either directly or indirectly, in the surrounding
environment, Section 3.18 of the Draft Supplemental EIR/EIS provides a complete
evaluation of growth inducing impacts. Specifically, in regard to the increased population
of 45,978, which represents a 3 percent increase in Kern County’s population over the
No Project Alternative, page 3.18-13 of the Draft Supplemental EIR/EIS discusses this
increase in the context of the overall population increase projected under the No Project
scenario from Existing, which is a 76.1 percent increase between 2010 and 2035. This
section concluded that although operation of the HSR system would attract some new
residents to the region, it would not lead to a wholesale shift in residential locations from
the Bay Area and Los Angeles into the Central Valley, and any interregional shifts in
residential locations are expected to be a small portion of the growth expected for the
region. Furthermore, the projected increase in populations of 3 percent in the County
would be consistent with regional growth management plans, as noted above.
Submission L002 (Karen King, Golden Empire Transit, December 29, 2017)

To: California High Speed Rail Authority  
From: Karen H. King, CEO, Golden Empire Transit District  
Date: December 28, 2017  
Subject: Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS Comment

Thank you for the opportunity to comment on the Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS. Prior to 2014, Golden Empire Transit District (GET) in Bakersfield had no opposition to the California High Speed Rail Project. Our only concern was that the station design and access accommodate intermodal transfers from the train to local bus service. While we are still concerned about that access to transit, our focus has shifted to the new alignment, the Locally Generated Alternative, which has been proposed and studied in the Supplemental EIR/EIS.

The Fresno to Bakersfield Locally Generated Alternative (LGA) locates the Bakersfield station at F Street and State Route 204 where GET’s present maintenance and operations facility is located. In 2013 and 2014 GET designed a new maintenance and operations facility to be located on vacant property owned by the District and adjacent to its existing facilities. Approximately $2 million was expended in this effort. The project was in its final construction drawing preparation phase when it was put on hold due to the agreement of the California High Speed Rail Authority (CHSRA) to study the LGA, which passes through GET’s property. As a result, GET has missed it’s opportunity to move into new state of the art facilities for maintaining and operating its transit fleet. Considerable resources have been subsequently expended on the existing facilities to make them useable for existing operations. Now the LGA appears to be the preferred alternative, GET has significant sunk costs for which we believe we are entitled to be compensated.

In discussions with the CHSRA in 2015, 2016 and 2017, GET was led to believe that the CHSRA could and would acquire GET’s property once the Draft SEIR/EIS was released. We are prepared for that to happen immediately so that we may move forward with rebuilding and relocating our operations. We have compiled the following list of costs for which we believe we should be compensated:

1. Replacement of our maintenance and operations facility as planned for expansion  
2. Compensation for number one should be in year of construction dollars  
3. Purchase of new property  
4. Relocation costs  
5. Presently conceived new facility  
6. Legal costs  
7. Costs of making improvements to the existing facility to extend its useful life, including, but not limited to:  
   a. Replacing facilities  
   b. Adding modular buildings to add office space  
   c. Adding septic facilities  
   d. Adding parking facilities
Chapter 23 Response to Comments from Local Agencies

Submission L002 (Karen King, Golden Empire Transit, December 29, 2017) - Continued

Golden Empire Transit District
Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS Comment
Page 2 of 3

L002-1

- Renovating the administration building
- Repaving the parking lot
- Adding maintenance bays to accommodate 45 foot buses
- New paint booth
- New bus wash

8. Lost opportunity for implementing BRT because we cannot service 60 foot buses at existing facility
9. Cost of leasing office space or adding additional temporary buildings to accommodate staff growth
10. Lost value of CNG station upgrade that was recently completed
11. Replacement of newer shop equipment (e.g. hoists) that was going to be transferred into the new facility
12. Lost federal grants that were funded for the new facility
13. Lost revenue because we can’t expand service because we can’t expand fleet
14. Potential increase in operating costs if the new facility location is not as efficient as this location
15. Replacement of the CNG fuel equipment and station
16. Potential demo/abatement of existing structures on new property
17. Depending on the new site location, increased operational costs because of the distance to/from the existing routes
18. Public Outreach expenses to inform and promote GET services from the new location, i.e. quality of services will not change/be reduced because of facilities relocation, etc.
19. Costs for new environmental studies of a new site
20. Potential environmental mitigation requirements of the project for a new site
21. Cost of workplace inefficiencies for having GET staff working from multiple temporary trailers and/or leased office spaces
22. Change management costs for the operational transition and training of staff into a new campus facility
23. New site utilities supply/access, i.e. natural gas supply (approximately 400 psi), power requirements (340-480 volt) for compression operations, water
24. New site security costs
25. Potential current location devaluation, (CHSRA and GET negotiations)
26. Loss of Federal Transit Administration appropriations funding owed by CHSRA alignment determination delays, (unable to obligate funding for new projects due to site changes)

GET respectfully requests action on the part of the CHSRA to initiate acquisition of the District’s property immediately so that we may resolve our maintenance and operations facility issues efficiently and effectively.

L002-3

Regarding the station area design, GET continues to be concerned that station design adequately consider public transit access and egress as well as through put to facilitate intermodal transfer from the high speed trains to local public transit. The station area design should also not impede the smooth operations of local transit in the downtown area for those routes not serving the F Street station directly. The SEIR/EIS discusses transit connection between the F Street station and the Amtrak Station and a downtown circulator service. It does not, however, articulate how these services would be funded or who would operate them.
The commenter has compiled a list of items for which Golden Empire Transit (GET) are requesting compensation. The list includes items such as purchase, build, and move to a new facility as well as temporary upkeep of current facility.

The Authority would acquire the land of property owners whose land is directly affected by the project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sec. 4601 et seq.) (Uniform Act). The Uniform Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project. For more information on the Uniform Act, see Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS and FB-Response-SO-01 of the Fresno to Bakersfield Section Final EIR/EIS. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website, please see, Your Property, Your High-Speed Rail Project (Authority 2013).

If the facility is acquired, coordination with GET will comply with SO-MM#3, found in Section 3.12.6.2 of the Draft Supplemental EIR/EIS. The measure states:

The Authority will minimize impacts resulting from the disruption to key community facilities. [...] The Authority will consult with the appropriate respective parties before land acquisition to assess potential opportunities to reconfigure land use and buildings and/or relocate affected facilities, as necessary, to minimize the disruption of facility activities and services, and also to ensure relocation that allows the community currently served to continue to access these services. Because many of these community facilities are located in Hispanic communities, the Authority will continue to implement a comprehensive Spanish-language outreach program for these communities as land acquisition begins. This program will facilitate the identification of approaches that would maintain continuity of operation and allow space and access for the types of services currently provided and planned for these facilities. Also, to avoid disruption to these community amenities, the Authority will ensure that all reconfiguring of land uses or buildings, or relocating of community facilities is completed before the demolition of any existing structures.

The Authority acknowledges GET’s planning and funding challenges resulting from the consideration of the F-B LGA. Consistent with the requirements of the Uniform Relocation Act, if the F-B LGA is approved, the Authority is committed to continuing to work closely and proactively with GET to facilitate GET’s ability to plan ahead and address issues of concern related to right-of-way acquisition.

Right-of-way acquisition is scheduled to begin in late 2018. The Authority will continue to make every effort to coordinate with GET to minimize the disruption of GET facility activities and services. The Authority’s relocation assistance documents in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS, available on the Authority’s website, outline compensation and acquisition procedures in detail.

Refer to Standard Response FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station.

The traffic flow in and out of the station was developed based on select zone runs developed for the project using the KernCOG Travel Demand Model. Where impacts to traffic flows were identified, mitigation measures are provided to address these impacts. Internal circulation within the site was not analyzed consistent with the methodology followed in the Fresno to Bakersfield Section Final EIR/EIS. However, as described in Chapter 2, F-B LGA Description, of the Draft Supplemental EIR/EIS, the design of the circulation network around the F Street Station would be organized to maximize separation of flows of private vehicle and public transit circulation to reduce delays of public transit caused by traffic congestion. The existing transit center to the east of F Street, where a future bus rapid transit line would be constructed, would also be connected to the primary building of the F Street Station with a dedicated bike/pedestrian walkway that is grade-separated at F Street. These features are examples of how the station design considers public transit access/egress and throughput to facilitate transfer from HSR trains to other modes of transport. Also, as described in Section 3.13, Station Planning, Land Use and Development, the F Street Station would be designed as a multi-modal transportation hub that would maximize intermodal transportation opportunities, meeting overall project objectives consistent
L002-3

with the voter-approved Proposition 1A.

Avoidance and Minimization Measure TRA-AM#7, Maintenance of Public Transit Access and Routes, requires that the Authority coordinate with the appropriate transit jurisdiction prior to limiting access during the construction phase of the project. Potential actions that would impact access to transit include, but are not limited to, relocating or removing bus stops, limiting access to bus stops or transfer facilities, or otherwise restricting or constraining public transit operations. Public transit access and routing will be maintained during construction, where feasible, through implementation of this measure.

Finally, FB-LGA-Response-GENERAL-05: Proximity of F Street Station to Downtown and Amtrak Station, provides additional information regarding the Authority's HST Station Area Development: General Principles and Guidelines (2011), which call for transit accessibility and proximity to transit corridors in the selection and design of the HSR stations. The response also describes the ongoing Station Area planning process being undertaken by the City of Bakersfield, which would link the F Street Station to the rest of the downtown area including through multimodal connectivity.

No revisions to the Final Supplemental EIR have been made in response to this comment.

L002-5

EIR/EIS identifies the BRT as a City of Bakersfield project. The reference to BRT is on page 3.13-15 of the Draft Supplemental EIR/EIS. City of Bakersfield Planning Director Jacqui Kitchen is cited as the source of this information, though the BRT project is not listed as a City project. Text clarifying that BRT is a GET project has been added to Section 3.13, Station Planning, Land Use, and Development. Refer to Chapter 16 of this Final Supplemental EIR.

L002-6

Per Avoidance and Minimization Measure TRA-AM#7, Maintenance of Public Transit Access and Routes, in Section 3.2.5 of the Draft Supplemental EIR/EIS, should construction of the station interfere with BRT service, the Authority will work with GET to identify temporary, alternate routes for safe and efficient operation of the BRT service.

L002-7

The Authority acknowledges GET's planning and funding challenges resulting from the consideration of the F-B LGA. Consistent with the requirements of the Uniform Relocation Act, if the F-B LGA is approved, the Authority is committed to continuing to work closely and proactively with GET to facilitate GET's ability to plan ahead and address issues of concern related to right-of-way acquisition.

Right-of-way acquisition is scheduled to begin in late 2018. The Authority will continue to make every effort to coordinate with GET to minimize the disruption of GET facility activities and services. The Authority's relocation assistance documents in Appendix 3.12-A of the Fresno to Bakersfield Section Final EIR/EIS, available on the Authority's website, outline compensation and acquisition procedures in detail.

October 2018

Page | 23-36
To Whom It May Concern,

Please see the attached PDF for comments on the Draft Supplemental EIR/EIS.

Thank you,

Paul Candelaria
Engineer III
Kern County Public Works Department.

Building & Development Division
(661) 862-8869 Direct
(661) 862-8851 Fax
paulc@kerncounty.com

EIR/EIS Comment:
Official Comment Period:
Attachments:

338_KernCountyPublicWorksDept_email_011618_Attachment.pdf (104 kb)
7) Section 3.2 Transportation, page 3.2-55 after Table 3.2-18. Please revise, Error! Not a valid bookmark self-reference.

Comments for design layout of Plans

8) Consider eliminating the Golden State Highway connection to 7th Standard Road and improve the intersection of Snow Road at Golden State Highway. This would also allow for improvement of the on/off-ramps at that location.

9) The Design Speed on 7th Standard Road should be at least 45 mph.

10) The 7th Standard bridge width over the railroad and State Route 99 should be Arterial width.

11) The raised median should be at least 14 feet, but at Arterial intersections, similar to Coffee Road, the median should follow Kern County Development Standards, Plate number R35.

12) Design elements will need to be dealt with later.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact me at this department.

Sincerely,

Paul Candelaria
Response to Submission L003 (Paul Candelaria, Kern County Public Works, January 16, 2018)

L003-1

The commenter indicates that the timeframe given to review the Draft Supplemental EIR/EIS and its availability was not adequate and indicates additional review time would have been appreciated. The commenter also indicates that the Environmental Footprint of the Project should not be restricted as part of this review since the final design is not complete. The commenter indicates that additional comment opportunities should be made during each stage of design. The Fresno to Bakersfield Section Draft Supplemental EIR/EIS was circulated for 60 days as required by CEQA (CEQA Guidelines §15080-15088).

In accordance with CEQA, the Draft Supplemental EIR/EIS was circulated for 60 days. The CEQA Guidelines provide:

"The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse" (14 C.C.R. 15105).

Likewise, Section 13(c)(9) of the FRA Procedures for Considering Environmental Impacts provides:

"The draft EIS shall be made available for public and agency comment for at least 45 days from the Friday following the week the draft EIS was received by EPA. The time period for comments on the draft EIS shall be specified in a prominent place in the document, but comments received after the stated time period expires should be considered to the extent possible" (64 FR 101, page 28545, May 26, 1999).

The Authority and FRA believe the time provided was sufficient for the public to review and provide comments on the Draft Supplemental EIR/EIS. A formal public hearing was held in Bakersfield on December 19, 2017, at which written and verbal comments were accepted on the Draft Supplemental EIR/EIS.

Per the requirements set out by the CEQA Guidelines 15086 and 15087, the Authority and FRA provided widespread notice of the availability of the Draft Supplemental EIR/EIS to ensure that members of the public and local, state and federal agencies had the opportunity to review and provide comments. The Authority and FRA provided broad notice of the availability of the Draft Supplemental EIR/EIS in the following ways: by mailing a notice to all individuals/organizations that have requested notice in writing; AND publication in newspaper(s) of general circulation; by directing mailing to owners/occupants of property within 300 feet of the F-B LGA footprint and the May 2014 Project footprint; via direct mailing to agencies, elected officials, tribes, etc.; via direct mailing to all on the project mailing list; by submitting copies to State Clearinghouse for state agency review; and via publication in the federal register. The Authority and FRA provided access to the Draft Supplemental EIR/EIS in the following ways: the entire Draft Supplemental EIR/EIS, Volumes I through III, were made available on the Authority’s website; CDs containing these documents were made available to anyone who requested them (in writing), free of charge; and by making CDs and printed copies available in public libraries in the vicinity of the affected alignments and the Authority offices. The Authority and FRA facilitated awareness of the availability of the Draft Supplemental EIR/EIS in the following ways: by providing information during monthly agency meetings and regular consultations; by holding general public meetings as well as individual meetings with stakeholders; by holding a public meeting; and by using mailed announcements.

Chapter 10 of the Draft Supplemental EIR/EIS lists the agencies, Native American tribes, elected officials, and organizations and businesses that were provided mailed notice of the availability of the document. Between November 3 and November 9, 2017, the Authority published a press release in all major newspapers in the area advising the public of the availability of the Draft Supplemental EIR/EIS on the Authority’s website. The Authority used the County Assessors’ rolls in Kern County to identify and provide notice to owners of land affected or within a 300-foot buffer of the May 2014 Project and F-B LGA rights-of-way property acquisition.

The public was given the opportunity to comment in any of several ways. Comments could be submitted to the Authority and FRA by card or letter (including cards and letters submitted at the public hearing), verbally at the public hearing, and by means of e-mail. The Authority and FRA have considered comments received after January 16, 2018 on the Draft Supplemental EIR/EIS. These comments are reproduced here in Chapters 20...
Approximately 290 submission letters (a submission letter by an individual or organization could consist of one or multiple comments) were submitted on the Draft Supplemental EIR/EIS. These submissions were provided via e-mail, via mailed letters, and via the Authority's website.

Refer to Section 3.1 of the Draft Supplemental EIR/EIS (pages 3.1-5 and 3.1-6) for a description of the resource study areas evaluated for the F-B LGA analysis. The specific study areas applicable to the resource topics are also defined in the following sections:

- 3.2 Transportation (Section 3.2.3)
- 3.3 Air Quality and Global Climate Change (Section 3.3.3)
- 3.4 Noise and Vibration (Section 3.4.2)
- 3.5 Electromagnetic Fields and Electromagnetic Interference (Section 3.5.2.3)
- 3.6 Public Utilities and Energy (Section 3.6.3)
- 3.7 Biological Resources and Wetlands (Section 3.7.2.3)
- 3.8 Hydrology and Water Resources (Section 3.8.2.2)
- 3.9 Geology, Soils, Seismicity, and Paleontological Resources (Section 3.9.2)
- 3.10 Hazardous Materials and Wastes (Section 3.10.2.1)
- 3.11 Safety and Security (Section 3.11.2.3)
- 3.12 Socioeconomics and Communities (Sections 3.12.3.1 and 3.12.3.2)
- 3.13 Station Planning, Land Use and Development (Section 3.13.2)
- 3.14 Agricultural Land (Section 3.14.3)
- 3.15 Parks, Recreation and Open Space (Section 3.15.2)
- 3.16 Aesthetics and Visual Resources (Section 3.16.2)
- 3.17 Cultural Resources (Section 3.17.2.1)
- 3.18 Regional Growth (Section 3.18.2.1)
- 3.19 Cumulative Impacts (Section 3.19.2)
- Chapter 4 Section 4(f)/6(f) Evaluation (Section 4.2.2.1)
- Chapter 5 Environmental Justice (Section 5.4.1)

The suggested corrections have been reviewed and Appendix 3.19-B has been revised as appropriate. Refer to Chapter 16 of this Final Supplemental EIR.

Table 8-A-1 lists one study intersection that would have significant impacts during the Construction Period, but eleven intersections that would experience a significant impact under Future (Year 2035) with Project Conditions (operational). In the paragraph below, the summary specifies that in the Bakersfield station area, the May 2014 Project would have significant impacts on eleven study intersections, while the F-B LGA would have significant impacts on nine study intersections. The text and table have not been changed.

Table 8-A-1 shows intersections evaluated in Kern County. Olive Drive and Knudsen Avenue was evaluated as part of the Station Area analysis and is included in Table 3.2-16.

The requested changes would not materially change the findings of the assessment or add new information required to inform the decision makers and as such the requested change has not been made.

The error message included under Impact TR#11 has been corrected. Refer to Chapter 16 of this Final Supplemental EIR.

8) The FB-LGA represents Preliminary Engineering for Project Definition. Additional design development and opportunities for review of and comment on the engineering documents will be available in future stages, and the Authority will continue to coordinate with local agencies regarding these design details.

9) Increasing the speed on 7th Standard Road over SR 99 will increase the length of the vertical curve near the Lerdo Canal channel. The existing Lerdo Canal Bridge would require replacement resulting in additional impacts to state waters. The higher speed would also require additional impacts to the Northbound SR 99 on/off ramps/Quinn...
L003-4

Road intersections and potentially adjacent properties.

10) The arterial cross section width of 110 feet right-of-way to right-of-way will be provided at a minimum. Within the interchange, the road and right-of-way width will vary with roadway and ramp geometric constraints.

11) The project will provide County standard roadway transition R35, where appropriate.

12) The Authority will continue discussions with local authorities as the project design is finalized.
Chapter 23 Response to Comments from Local Agencies

Submission L004 (Paul Candelaria, Kern County Public Works, January 16, 2018)

Fresno to Bakersfield Project
Section Draft Supplemental EIR/EIS Comment
770 I Street, Suite 600
Sacramento, CA 95814

Subject: California High Speed Rail – Fresno to Bakersfield Section Supplemental EIR/EIS

To Whom It May Concern,

This department has reviewed the Draft Supplemental Environmental Impact Report/Environmental Impact Statement and Analysis of the Comparable Section and has the following comments:

1) Regarding the timeframe given to review the DEIR/EIS and the time of availability. Additional time to review a project of this magnitude would have been appreciated, especially considering the time of the year i.e. - holidays.

2) The Environmental Footprint of the project should not be restricted as part of this review since the final design is not complete and could not be adequately reviewed within the limited comment period as noted above. Additional comments should be able to be made during each stage of design.

3) Per Appendix 3.19-B, Table B-2 Planned Transportation Projects – Kern County, page 3.19-B-4, T89 needs to be revised. Landco Drive north of Hagenman Road is a local road.


5) Under the section 3.2 Transportation, please take a look at the tables from page 3.2-27 thru 3.2-62 and make sure the roadway segments and intersection numbers match. For instance, on page 3.2-32 Table 3.2-8 Existing Conditions and page 3.2-59 Table 3.2-23 (2035) Plus Project. The intersection numbers do not match. This is very confusing.

6) Section 3.2 Transportation; Table 3.2-13 Year 2035 No Project Intersections Operating at Levels-of-Service E or F - Kern County. Please explain how the intersection of Olive Drive and Knudsen Drive not make the list.
7) Section 3.2 Transportation, page 3.2-55 after Table 3.2-18. Please revise. Error! Not a valid bookmark self-reference.

Comments for design layout of Plans

8) Consider eliminating the Golden State Highway connection to 7th Standard Road and improve the intersection of Snow Road at Golden State Highway. This would also allow for improvement of the on/off-ramps at that location.

9) The Design Speed on 7th Standard Road should be at least 45 mph.

10) The 7th Standard bridge width over the railroad and State Route 99 should be Arterial width.

11) The raised median should be at least 14 feet, but at Arterial intersections, similar to Coffee Road, the median should follow Kern County Development Standards, Plate number K35.

12) Design elements will need to be dealt with later.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact me at this department.

Sincerely,

[Signature]

Paul Candelaria
Response to Submission L004 (Paul Candelaria, Kern County Public Works, January 16, 2018)

The commenter indicates that the timeframe given to review the Draft Supplemental EIR/EIS and its availability was not adequate and indicates additional review time would have been appreciated. The commenter also indicates that the Environmental Footprint of the Project should not be restricted as part of this review since the final design is not complete. The commenter indicates that additional comment opportunities should be made during each stage of design. The Fresno to Bakersfield Section Draft Supplemental EIR/EIS was circulated for 60 days as required by CEQA (CEQA Guidelines §15080-15088).

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Likewise, Section 13(c)(9) of the FRA Procedures for Considering Environmental Impacts provides:

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The Authority and FRA believe the time provided was sufficient for the public to review and provide comments on the Fresno to Bakersfield Section Draft Supplemental EIR/EIS. A formal public hearing was held in Bakersfield on December 19, 2017, at which written and verbal comments were accepted on the Draft Supplemental EIR/EIS.

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Chapter 10 of the Draft Supplemental EIR/EIS lists the agencies, Native American tribes, elected officials, and organizations and businesses that were provided mailed notice of the availability of the document. Between November 3 and November 9, 2017, the Authority published a press release in all major newspapers in the area advising the public of the availability of the Draft Supplemental EIR/EIS on the Authority’s website. The Authority used the County Assessors' rolls in Kern County to identify and provide notice to owners of land affected or within a 300-foot buffer of the May 2014 Project and F-B LGA rights-of-way property acquisition.

The public was given the opportunity to comment in any of several ways. Comments could be submitted to the Authority and FRA by card or letter (including cards and letters submitted at the public hearing), verbally at the public hearing, and by means of e-mail. The Authority and FRA have considered comments received after January 16, 2018 on the Draft Supplemental EIR/EIS. These comments are reproduced here in Chapters 20...
Response to Submission L004 (Paul Candelaria, Kern County Public Works, January 16, 2018) - Continued

L004-1

through 26 of this Final Supplemental EIR. Approximately 290 submission letters (a submission letter by an individual or organization could consist of one or multiple comments) were submitted on the Draft Supplemental EIR/EIS. These submissions were provided via e-mail, via mailed letters, and via the Authority’s website.

Refer to Section 3.1 of the Draft Supplemental EIR/EIS (pages 3.1-5 and 3.1-6) for a description of the resource study areas evaluated for the F-B LGA analysis. The specific study areas applicable to the resource topics are also defined in the following sections:

• 3.2 Transportation (Section 3.2.3)
• 3.3 Air Quality and Global Climate Change (Section 3.3.3)
• 3.4 Noise and Vibration (Section 3.4.2)
• 3.5 Electromagnetic Fields and Electromagnetic Interference (Section 3.5.2.3)
• 3.6 Public Utilities and Energy (Section 3.6.3)
• 3.7 Biological Resources and Wetlands (Section 3.7.2.3)
• 3.8 Hydrology and Water Resources (Section 3.8.2.2)
• 3.9 Geology, Soils, Seismicity, and Paleontological Resources (Section 3.9.2)
• 3.10 Hazardous Materials and Wastes (Section 3.10.2.1)
• 3.11 Safety and Security (Section 3.11.2.3)
• 3.12 Socioeconomics and Communities (Sections 3.12.3.1 and 3.12.3.2)
• 3.13 Station Planning, Land Use and Development (Section 3.13.2)
• 3.14 Agricultural Land (Section 3.14.3)
• 3.15 Parks, Recreation and Open Space (Section 3.15.2)
• 3.16 Aesthetics and Visual Resources (Section 3.16.2)
• 3.17 Cultural Resources (Section 3.17.2.1)
• 3.18 Regional Growth (Section 3.18.2.1)
• 3.19 Cumulative Impacts (Section 3.19.2)
• Chapter 4 Section 4(f)/6(f) Evaluation (Section 4.2.2.1)
• Chapter 5 Environmental Justice (Section 5.4.1)

L004-2

The suggested corrections have been reviewed and Appendix 3.19-B has been revised as appropriate. Refer to Chapter 16 of this Final Supplemental EIR.

L004-3

The error message included under Impact TR#11 has been corrected. Refer to Chapter 16 of this Final Supplemental EIR.

L004-4

8) The FB-LGA represents Preliminary Engineering for Project Definition. Additional design development and opportunities for review of and comment on the engineering documents will be available in future stages, and the Authority will continue to coordinate with local agencies regarding these design details.

9) Increasing the speed on 7th Standard Road over SR 99 will increase the length of the vertical curve near the Lerdo Canal channel. The existing Lerdo Canal Bridge would require replacement resulting in additional impacts to state waters. The higher speed would also require additional impacts to the Northbound SR 99 on/off ramps/Quinn Bridge...
Road intersections and potentially adjacent properties.

10) The arterial cross section width of 110 feet right-of-way to right-of-way will be provided at a minimum. Within the interchange, the road and right-of-way width will vary with roadway and ramp geometric constraints.

11) The project will provide County standard roadway transition R35, where appropriate.

12) The Authority will continue discussions with local authorities as the project design is finalized.
Submission L005 (Lauren Bauer, Kern County Water Agency, January 16, 2018)

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**Fresno - Bakersfield (2014 June+) - RECORD #281 DETAIL**

- **Status:** Action Pending
- **Record Date:** 1/16/2018
- **Response Requested:**
- **Affiliation Type:** Local Agency
- **Interest As:** Local Agency
- **Submission Date:** 1/16/2018
- **Submission Method:** Project Email
- **First Name:** Lauren
- **Last Name:** Bauer
- **Professional Title:** Water Resources Planner
- **Business/Organization:** Kern County Water Agency
- **Address:**
  - Apt/Suite No.: 
  - City: 
  - State: 
  - Zip Code: 
  - Telephone: (661) 634-1411
  - Email: lbauer@kcwa.com
- **Email Subscription:**
- **Cell Phone:**
- **Add to Mailing List:**
- **Stakeholder Comments/Issues:**
- **To Whom It May Concern:**

Please find attached the Kern County Water Agency's comments on the subject document.

If you have any questions or are unable to access the attachment, please let me know.

Thank you,
Lauren

Lauren Bauer
Water Resources Planner
Kern County Water Agency
Office: (661) 634-1411
Fax: (661) 634-1401
lbauer@kcwa.com<mailto:lbauer@kcwa.com>

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**EIR/EIS Comment:** Yes
**Official Comment Period:** Yes
**Attachments:** 281_KernCountyWaterAgency_011618_Attachment.pdf (284 kb)
facilities. IDA’s Henry C. Garnett Water Purification Plant provides potable water to multiple urban
purveyors in the greater Bakersfield area. The Henry C. Garnett Water Purification Plant operates 24
hours per day, seven days per week. Additionally, many of IDA’s delivery points do not include
redundant systems to provide alternative water supplies should the Henry C. Garnett Water Purification
Plant’s operations be interrupted. The proposed Project’s construction and operation has the potential to
significantly impact the Agency’s facilities, including the Henry C. Garnett Water Purification Plant’s
operations, in a multitude of ways. However, the DSEIR/EIS does not provide sufficient information,
including an adequate Project description, construction risk analysis or mitigation measures, to identify
the potential risks and assess the adequacy of potential mitigation measures to ensure the Agency’s
facilities and operations will not be interrupted or unduly impacted by the design (including field
investigations), construction and operation of the Project. Therefore, the DSEIR/EIS should be revised
to include discussion and analysis of the potential risks and mitigation measures to the Agency’s facilities
and operations. Further, as a matter of public health and safety, the DSEIR/EIS should demonstrate that
IDA’s Henry C. Garnett Water Purification Plant operations will not be interrupted by the design
(including field investigations), construction and operation of the Project.

Comment 2: The DSEIR/EIS does not contain sufficient information to determine the Project’s
potential impacts to ingress and egress of the Agency’s facilities. The Agency’s property and facilities, including its water treatment facilities, in the Project area are
bordered by Highway 204. Those facilities are connected by a single lane vehicle tunnel under Highway
204. The Project description and preliminary plans in the DSEIR/EIS indicated that construction and
operation of the Project are likely to impact ingress and egress to the Agency’s various facilities by
Agency staff and its contractors and vendors. However, the DSEIR/EIS does not contain sufficient
information for Agency staff to determine the full extent of the potential impacts. Further, the
DSEIR/EIS does not include sufficiently descriptive mitigation measures to ensure the Agency’s
operating are not interrupted. Therefore, the DSEIR/EIS should be revised to include a detailed
description and analysis of the potential impacts to ingress and egress of the Agency’s facilities and the
incorporation of appropriate mitigation measures.

Comment 3: The DSEIR/EIS does not contain sufficient information to analyze the potential
impacts of operation of the Master Interlocking House to Agency’s operations, including
operational costs. Drawings TT-D1034 and -D1035 of the preliminary design show the construction of a Master
Interlocking House and an associated access road through IDA’s property. The Project’s preliminary
design proposes to construct the Master Interlocking House over one of IDA’s existing precipitation solids
basins. Eliminating the basin will impact IDA’s ability to manage its precipitation solids on-site,
leading to an increase in IDA’s operation costs. Additionally, during meetings held February 28, 2015,
and January 27, 2016, Agency staff notified HSIR staff that proposed access road through IDA’s property
was unacceptable due to site safety and security risks and potential operational impacts and alternate
routes were presented.

The DSEIR/EIS does not include information regarding the operation and maintenance, including access
frequency, of the Master Interlocking House and access road. Further, the DSEIR/EIS does not identify,
describe or analyze alternate routes for the access road. As a result, Agency staff is unable to determine
the impacts to IDA’s operations, including operational costs and site security. Therefore, the DSEIR/EIS
should be revised to include a describe and analysis of an alternate access road route that does not traverse
IDA’s property and the construction, operations and maintenance of the Master Interlocking House.
Further, the DSEIR/EIS should be revised to include appropriate mitigation measures.

Comment 4: The DSEIR/EIS does not discuss or mitigate the potential impacts to IDA’s solar
photovoltaic facility. Drawing TT-D1034 of the preliminary design shows an elevated track adjacent to IDA’s solar
photovoltaic facility. Surfacing of the elevated track will reduce solar power generation, leading to an
increase in IDA operational costs. The DSEIR/EIS does not include a discuss of the potential impact, nor
does it propose any mitigation measures. Therefore, the DSEIR/EIS should be revised to include a
discussion and mitigation of the impact to IDA’s solar photovoltaic facility.

Comment 5: The DSEIR/EIS does not include mitigation measures to compensate for the potential
loss of IDA’s soil stockpiling site. Drawings TT-D1036, -D1048 and -D1055 of the preliminary design indicate a section of elevated track
will be constructed over a portion of IDA’s property that is used for stockpiling and borowing soil, as
needed. Loss of the use of this site would lead to an increase in operational costs. Therefore, the
DSEIR/EIS should be revised to describe and analyze the potential impacts to IDA and include an
appropriate mitigation measure.

Comment 6: The DSEIR/EIS does not include sufficient information, including mitigation
measures, regarding sound attenuation during construction and operation of the Project. The
DSEIR/EIS does not include sufficient detail for Agency staff to determine how sound will be
attenuated during construction and operation of the Project to minimize the impact the Agency’s facilities,
including the Stuart T. Pyle Water Resources Center and the Henry C. Garnett Water Purification Plant
buildings. Therefore, the DSEIR/EIS should be revised to include a description and analysis of sound
attenuation, including mitigation measures.

Comment 7: The Project field investigations and design should demonstrate that IDA’s Henry C.
Garnett Water Purification Plant operations will not be interrupted by the construction and
operation of the Project. Although drawings UT-C1034 and -C1035 indicate the Agency’s existing utilities will be protected in
place, the DSEIR/EIS indicates additional field investigations and project design details are forthcoming.
Therefore, the Agency requests the Project field investigations and final design will need to address how
the Agency’s existing utilities will be located and relocated, if required. Proposed field investigations

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Comment 8: The DSEIR/EIS does not include sufficient information to evaluate the potential impacts to water delivery facilities, such as the CVC and Calloway Canal, to ID4’s Henry C. Garnett Water Purification Plant.

As a matter of public health and safety, water deliveries to ID4’s Henry C. Garnett Water Purification Plant shall not be interrupted during construction and operation of the Project. The DSEIR/EIS does not include sufficient information to describe, assessing and mitigate potential impacts to water delivery facilities, such as the CVC and Calloway Canal, during construction and operation of the Project. For example, Agency staff has previously expressed concern that groundborne vibrations from construction and operation of the Project could damage a CVC airtight located near Highway 264 that is a primary source of water supply deliveries to Henry C. Garnett Water Purification Plant. Therefore, the DSEIR/EIS should be revised to include a description and analysis of the potential impacts to water delivery facilities, such as the CVC and Calloway Canal. Further, the SDEIR/EIS should identify appropriate mitigation measures to ensure water supply deliveries to ID4’s and Casewo Water District (Casewo) are not interrupted.

Comment 9: The DSEIR/EIS does not include sufficient information regarding the coordination of the Project planning and construction activities with the Hageman Flyover project.

Agency staff has been working with the project proponents and consultants for the Hageman Flyover project to ensure adequate protection and operation of Agency facilities, including uninterrupted service to ID4 and Casewo. The DSEIR/EIS does not include sufficient information for Agency staff to determine if the proposed Project will conflict with the Hageman Flyover project, including its utility mitigation measures. Therefore, the DSEIR/EIS should be revised to include a description of the Project’s coordination with Hageman Flyover project.

Agency staff is available to meet with California High-Speed Rail Authority staff to ensure the Agency’s concerns are addressed and its facilities are adequately protected. If you have any questions, please contact Michael McGovern, of my staff, at (661) 634-1400.

Sincerely,

[Signature]

cornea
General Manager
Response to Submission L005 (Lauren Bauer, Kern County Water Agency, January 16, 2018)

L005-1
As indicated in Chapter 3.6 under impact analysis PU&E 12: Potential conflicts with water facilities (considered a low-risk utility, as described in the Fresno to Bakersfield Section Final EIR/EIS [Authority and FRA 2014]) could occur through physical alterations to water supply facilities or through the introduction of water supply reliability concerns.

As with the May 2014 Project, there would be a number of potential low-risk utility conflicts associated with the proposed F-B LGA alignment and facilities, including water lines. As discussed in Section 3.6.5.3 of the Fresno to Bakersfield Section Final EIR/EIS (Authority and FRA 2014), the majority of water line crossings would occur in urban areas where the HSR would be on an elevated guideway, making it likely that disturbance will be avoided. The F-B LGA would not, however, be elevated through Shafter. This configuration could result in increased conflicts with existing water lines, compared to the elevated guideway configuration used in other portions of the alignment. Where conflicts would occur between the proposed alignment and existing water lines, the water lines would be relocated away from HSR facilities in order to ensure continued service. The Authority would work with the appropriate city public works departments to move affected lines and water facilities with minimal disruption to existing service.

Additionally, the Authority held several meetings with Kern County Water Agency staff at the Henry C. Garnett Water Purification Plant on 5/7/15, 5/14/15, 1/27/16, and 6/6/16, in which the alignment and the impacts to the facility were discussed.

Finally, implementation of PUE-IAMM#1: Minimization of Utility Interruption would reduce impacts to public utility interruptions by coordinating planned interruptions providing utility users an opportunity to plan appropriately for the service interruption. Prior to construction in areas where utility service interruptions are unavoidable, the contractor will notify the public through a combination of media in that jurisdiction (e.g., phone, email, mail, newspaper notices) and the affected service providers of the planned outage. The notification will specify the estimated duration of the planned outage and would be published no less than seven days prior to the outage. Construction will be coordinated to avoid interruptions of utility service to hospitals and other critical users. The contractor will submit the public communication plan to the Authority in advance of the work for verification that appropriate notification was provided.

This measure reduces impacts to public utility interruptions by coordinating planned interruptions providing utility providers an opportunity to plan appropriately for the service interruption. Prior to construction the contractor shall prepare a technical memorandum documenting how construction activities will be coordinated with service providers to minimize or avoid interruptions.

L005-2
The columns are clearly shown on Sheets ST-J1024 to ST-J1027, and include the aerial background. The tunnel is shown on sheet ST-J1025 at station 6810+40.

Additionally, per PUE-IAMM#1: Minimization of Utility Interruption: This obligation reduces impacts to public utility interruptions by coordinating planned interruptions providing utility users an opportunity to plan appropriately for the service interruption. Prior to construction in areas where utility service interruptions are unavoidable, the contractor will notify the public through a combination of media in that jurisdiction (e.g., phone, email, mail, newspaper notices) and the affected service providers of the planned outage. The notification will specify the estimated duration of the planned outage and would be published no less than seven days prior to the outage. Construction will be coordinated to avoid interruptions of utility service to hospitals and other critical users. The contractor will submit the public communication plan to the Authority in advance of the work for verification that appropriate notification was provided.

This measure reduces impacts to public utility interruptions by coordinating planned interruptions providing utility providers an opportunity to plan appropriately for the service interruption. Prior to construction the contractor shall prepare a technical memorandum documenting how construction activities will be coordinated with service providers to minimize or avoid interruptions.

L005-3
The commenter states that the Supplemental EIR/EIS does not contain sufficient information to analyze the potential impacts of operations on their facility from the Master Interlocking House proposed by the F-B LGA and which would interfere with their existing precipitation solids basins. Additionally, the commenter is concerned with how access will work to the Master Interlocking House.

The access to the Master Interlocking House would come from Airport Drive to Nadine Lane to enter the HSR right-of-way before crossing the bridge over the Calloway Canal. HSR Signal Maintainers would travel under/adjacent to the viaduct until reaching the...
Response to Submission L005 (Lauren Bauer, Kern County Water Agency, January 16, 2018) - Continued

L005-3
settling ponds. Existing plant roadways would be avoided until reaching the ponds.

The Authority has worked closely with government agencies, businesses, and individuals to refine the F-B LGA design to avoid or minimize impacts, including property acquisitions, to the maximum extent possible in light of the performance criteria for the high-speed rail. This refinement process will continue throughout final design for the selected alternative. The next step will be to negotiate reimbursement agreements to provide Kern County Water Agency design coordination and then construction coordination. With that agreement in place the agency will be engaged in the resolution of utilities conflicts.

L005-4
The commenter suggests that shading from the elevated HSR tracks near ID4’s solar photovoltaic facility would reduce solar power generation, resulting in higher operational costs.

The Authority has worked closely with government agencies, businesses, and individuals to refine the F-B LGA design to avoid or further minimize impacts to the maximum extent possible in light of the performance criteria for the high-speed rail. This included a meeting with the Kern County Water Agency on May 7, 2015, where this issue was discussed with the Agency and it was understood that a portion of the solar facility may be subject to potential shading. This issue will be resolved during the right-of-way reconciliation process and is not considered an environmental impact under CEQA. CEQA requires the identification of the physical adverse effects of a project on the environment and not the economic impacts of a project, such as the Agency’s higher operating costs.

L005-5
The commenter states that the Supplemental EIR/EIS does not include mitigation measures to compensate for the potential loss of ID4’s soil stockpiling site.

The Authority has worked closely with government agencies, businesses, and individuals to refine the F-B LGA design to avoid or minimize impacts, including property acquisitions, to the maximum extent possible in light of the performance criteria for the high-speed rail. This refinement process will continue throughout final design for the selected alternative.

L005-6
Section 3.4 of the Supplemental EIR/SEIS addresses Noise and Vibration impacts and evaluated office and industrial noise receptors within 2,500 feet of the HSR and vibration receptors within 275 feet. Implementation of mitigation measures N&V-MM#1 through 7 would reduce noise impacts to less than significant.

L005-7
Field investigations will be performed to verify the type and location of existing utilities and whether relocation is required prior to final design. To the extent practicable, operations will not be interrupted during utilities relocation.

L005-8
Impact PU&E#12 in Section 3.6 of the Supplemental EIR/EIS discusses potential conflicts with water facilities that could occur through physical alterations to water supply facilities or through the introduction of water supply reliability concerns. As discussed, the Authority would work with irrigation districts and landowners to protect irrigation systems as they intersect the HSR. When relocating an irrigation facility is necessary, the Authority shall ensure that, where feasible, the new facility is operational prior to disconnecting the original facility to help alleviate the potential for service interruptions. In addition, avoidance and minimization measure PUE-IAMM#1 requires that when relocating an irrigation facility is necessary, the Contractor will provide a new operational facility prior to disconnecting the original facility where feasible. Irrigation facility relocation preferences are included in the design-build contract and reduce unnecessary impacts to continued operation of irrigation facilities. This obligation reduces impacts to public utility interruptions by coordinating planned interruptions providing utility users an opportunity to plan appropriately for the service interruption.
In response to the specific comment regarding vibration impacts, per mitigation measure NV-MM#2: building damage from construction vibration is only anticipated from impact pile driving at very close distances to buildings. If pile driving occurs more than 77 feet from fragile or historic buildings, 55 feet from residential structures, 25 to 50 feet from buildings, or if alternative methods such as push piling, or auger piling, or cast-in-drill-hole (CIDH) can be used, damage from construction vibration is not expected to occur. Other sources of construction vibration do not generate high enough vibration levels for damage to occur. When a construction scenario has been established, pre-construction surveys are conducted at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. The Authority will arrange for the repair of damaged buildings or will pay compensation to the property owner.

Although vibration impacts would occur during construction activities, the construction activities are considered temporary, as they would cease after completion. The construction vibration impacts would be substantially lessened or avoided, and reduced to a less-than-significant impact under CEQA, with implementation of Mitigation Measure N&V-MM #2.

Additionally, specific restrictions to vibrations during construction adjacent to the CVC siphon can be discussed and included in the contract documents as well as water deliveries to the plant.

The commenter states that the Draft Supplemental EIR/EIS does not include sufficient information regarding the coordination of the Project planning and construction activities with the Hageman Flyover project. Under existing conditions the Hageman Flyover does not exist and has not been considered. Based on the KernCOG RTP, the flyover exists under year 2035 conditions and has been included in the analysis. No revisions have been made to the Final Supplemental EIR in response to this comment.

The Authority has developed the F-B LGA alignment in coordination with Caltrans regarding the Hageman Flyover project to avoid impacts.
January 4, 2018

California High-Speed Rail Authority
770 I Street, Suite 650 MS-1
Sacramento, CA 95814

Subject: Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS Comment

To whom it may concern:

Kern Delta Water District (Kern Delta) appreciates the opportunity to comment on the “Fresno to Bakersfield Project Section Draft Supplemental EIR/EIS” (EIR). It appears from the documents provided that the California High-Speed Rail Authority (CAHSLRA) plans to cross over two of Kern Delta’s facilities, the Kern Island Main Canal north of Golden State Highway and the Eastside Canal at Edison Highway. Kern Delta will require, at minimum, the following:

1. $5,000 Engineering and Legal Review Fee per crossing
2. $500 Encroachment Permit Fee per crossing
3. Common Use Agreement with exhibits to be prepared by CAHSLRA for each crossing
4. Approval of any location or relocation of existing utilities within its rights-of-way
5. All columns and their footings are to be located outside Kern Delta rights-of-way

Kern Delta will need further clarification on plans to East California Avenue (Drawing No. CV-R1025) east of Quantico Street as it appears East California Avenue is being relocated on top of the Eastside Canal’s northern bank. If this is true, additional fees and requirements may apply. Kern Delta looks forward to working with the CAHSLRA as this project moves forward. If you have any questions, please contact Staff Engineer, Daniel Delos at (661) 834-4656.

Sincerely,

L. Mark Mulkay
Kern Delta Water District
General Manager

did
Response to Submission L006 (L. Mark Mulkay, Kern Delta Water District, January 4, 2018)

L006-1
The commenter notes that the F-B LGA would cross over two facilities owned by the Kern Delta Water District. The commenter outlines fee requirements and coordination effort requirements for the HSR to cross these facilities. Refer to Section 3.6.5 of the Draft Supplemental EIR/EIS, for a full description of Avoidance and Minimization Measure PUE-IAMM#1. This measure requires that when relocation of an irrigation facility is necessary, if feasible the Contractor will provide a new operational facility prior to disconnecting the original facility, where feasible. Irrigation facility relocation preferences will be included in the design-build contract and would reduce unnecessary impacts to continued operation of irrigation facilities. Additionally, this measure “reduces impacts to public utility interruptions by coordinating planned interruptions… [and] notifying affected service providers.” The coordination and relocation requirements would satisfy the Kern Delta Water District’s requests for coordination and permit fee payment, as necessary.

The commenter also states that it appears that E California Avenue is being relocated to the Eastside Canal’s northerly bank, and that if true, fees and requirements above and beyond those described in the first part of the comment would apply. According to Roadway Layout Drawing CV-R1025 (included in Volume III of the Draft Supplemental EIR/EIS), E California Avenue is not being relocated. The drawing depicts this road along its existing configuration.
Good Afternoon,

Please find attached, an electronic copy of the San Joaquin Valley Air Pollution Control District's comments on the above referenced project. Please note a hard-copy will follow in the mail and thank you for the opportunity to provide comments.

Regards,

Mark Montelongo
Senior Air Quality Specialist
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-5905 (Phone)
(559) 230-6061 (Fax)
Mark.Montelongo@valleyair.org

EIR/EIS Comment : Yes
Official Comment Period : Yes
Attachments : 335_SJVAirPollutionContDlst_email_011618_Attachment.pdf (77 kb)
Submission L007 (Mark Montelongo, San Joaquin Valley Air Pollution Control District, January 16, 2018) - Continued

Construction Air Quality Emissions Analysis Methodology

2) While the VERA requires full mitigation of construction air quality impacts regardless of the quantification methodology, the District recommends the HSRA acknowledge that the quantification methodology in the Draft EIR/EIS for evaluating construction air quality emissions impacts is outdated. For example, the California Air Resources Board Emission Factor (CARB EMFAC) year 2011 was used for estimating emissions versus a newer version which is CARB EMFAC year 2014.

The District appreciates the HSRA crossing commitment to working with the District and appreciates the opportunity to aid the HSRA in identifying and mitigating impacts on air quality. If you have any questions or require further information, please contact Mark Montelongo, Senior Air Quality Specialist at (559) 230-6090.

Sincerely,

Arnaud Marjollet
Director of Permit Services

Brian Clements
Program Manager

AM: mm
Response to Submission L007 (Mark Montelongo, San Joaquin Valley Air Pollution Control District, January 16, 2018)

L007-1

EMFAC 2011 was the latest version of the EMFAC model when the analysis of construction air quality emissions was initially conducted for the May 2014 Project, as reflected in the Fresno to Bakersfield Section Final EIR/EIS. The analysis in the Draft Supplemental EIR/EIS is consistent with the Fresno to Bakersfield Section Final EIR/EIS.

Consistent with the commenter’s request, a footnote has been added to Section 3.3.3.2, Statewide and Regional Emissions Calculations, of the Final Supplemental EIR to acknowledge that although there is a more current EMFAC model available, the analysis was based on EMFAC 2011 to provide a consistent evaluation and comparison of air quality emissions for the May 2014 Project and the F-B LGA. (Refer to Chapter 16 of the Final Supplemental EIR.)