

## Submission F001 (David Laughing Horse Robinson, Kawaiisu Tribe of Tejon, November 17, 2017)

**Fresno - Bakersfield (2014 June+) - RECORD #154 DETAIL**

**Status :** Action Pending  
**Record Date :** 11/17/2017  
**Response Requested :**  
**Affiliation Type :** Federal Agency  
**Interest As :** Federal Agency  
**Submission Date :** 11/17/2017  
**Submission Method :** Website  
**First Name :** David Laughing Horse  
**Last Name :** Robinson  
**Professional Title :** Chairman  
**Business/Organization :** Kawaiisu Tribe of Tejon  
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 , Bakersfield to Palmdale  
 , Los Angeles to Anaheim  
 , Los Angeles to San Diego  
 , Burbank to Los Angeles  
 , Palmdale to Burbank  
 , Central Valley Wye, Board of Directors, Central Valley, Construction  
 Package 1 Updates, Construction Package 4 Updates, Locally Generated  
 Alternative (Bakersfield), Press Releases, Road & Construction Alerts,  
 Southern California

**Cell Phone :**  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :**

F001-1

The Kawaiisu Tribe of Tejon being the only Treaty Tribe in California has not given our informed consent for California for this project that goes through the middle of our Treaty Land. The Treaty with the Utah Signed Dec. 30, 1849, Ratified by Congress Sept. 9, 1850, Affirmed Sept. 9, 1850, 9 Stat., 984... This would require and Act of Congress and an affirmation from the International Court of Justice at the Hague...

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Response to Submission F001 (David Laughing Horse Robinson, Kawaiisu Tribe of Tejon, November 17, 2017)

### F001-1

The High-Speed Rail Authority (Authority) and FRA rely on the California Native American Heritage Commission (NAHC) to provide current lists of local tribal representatives whose interests/cultural affiliations lay within the High-Speed Rail project areas. Using the tribal contact lists provided by the NAHC, the Authority and FRA have consulted with tribes for the undertaking beginning early in the project planning process consistent with the requirements of CEQA, 36 CFR 800, and the Section 106 Programmatic Agreement. Ongoing consultation is also how the Authority begins to identify tribal Consulting Parties under Section 106 of the National Historic Preservation Act for each High-Speed Rail Section. Since the EIR/EIS is intended to address CEQA/NEPA requirements only, compliance with federal treaties is outside the purview of the current environmental analysis.

## Submission F002 (Jamie LeFevre, Bureau of Reclamation, January 11, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #274 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/11/2018  
**Response Requested :**  
**Affiliation Type :** Federal Agency  
**Interest As :** Federal Agency  
**Submission Date :** 1/11/2018  
**Submission Method :** Website  
**First Name :** Jamie  
**Last Name :** LeFevre  
**Professional Title :** Natural Resources Specialist  
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**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :** No  
**Stakeholder Comments/Issues :**

F002-1 | The Public Utilities (Section 3.6) discusses effects to irrigation canals/ lines. Reclamation has irrigation laterals in Shafter that would be impacted by HSR. This section should identify Reclamation as having these facilities.

F002-2 | I did not see mention of Executive Order 13007 in the document which discusses Indian Sacred Sites. The document should include a discussion about Indian sacred sites and how access to the sites will be accommodated (if there are any) or if the EO is not applicable (the EO only applies to Federal lands).  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

## Response to Submission F002 (Jamie LeFevre, Bureau of Reclamation, January 11, 2018)

### **F002-1**

The Final Supplemental EIS has been revised to clarify that the U.S. Bureau of Reclamation owns and operates irrigation laterals in Shafter. Revisions have been made and are cited in Volume I Changes to the Draft Supplemental EIS (Errata) of the Final Supplemental EIS:

Table 3.6-1, page 3.6-7 will be formatted to include a row adding “Water Supply” in column 1 under Utility Type, “U.S. Bureau of Reclamation” in column 2, and “Kern County (Shafter)” in column 3.

This revision is for organization purposes only and does not change the analysis or the nature or significance of impacts associated with implementation of the F-B LGA or May 2014 Project.

### **F002-2**

Executive Order 13007 is not applicable; there is no federally-owned property in the Project footprint. For purposes of the F-B LGA, the FRA and Authority initiated consultation on August 12, 2015 with Native American tribes who have expressed interest in the Fresno to Bakersfield Project Section and continued to consult with interested tribes through the environmental review period. Furthermore, a search of the Native American Heritage Commission’s Sacred Land File conducted in 2015 failed to indicate the presence of any sacred sites within or nearby the Project footprint.

## Submission F003 (Clifton Meek, U.S. EPA, Region 9, January 16, 2018)

**Subject:** FW: EPA Comments - Draft Supplemental Environmental Impact Statement for the California High-Speed Rail System, Fresno to Bakersfield Section  
**Attachments:** 2018-01-16\_EPA comments SDEIS\_F-B HSR\_20170219.pdf

**From:** meek, clifton <meek.clifton@epa.gov>  
**Sent:** Tuesday, January 16, 2018 4:07 PM  
**To:** McLoughlin, Mark@HSR; stephanie.perez (stephanie.perez@dot.gov)  
**Cc:** zachary.j.fancher@usace.army.mil; Meyer, Susan A SPL; Dominique.Paukowits@dot.gov; Simonds, Shannon@DOT; mike.mccoy@sgc.ca.gov; cgriego@bakersfieldcity.us; Bayne, Andrew(PB)@HSR; Dunning, Connell; Mulvihill, Carolyn; Mahdavi, Sarvy  
**Subject:** EPA Comments - Draft Supplemental Environmental Impact Statement for the California High-Speed Rail System, Fresno to Bakersfield Section

Hi Mark and Stephanie-

Attached please find EPA's comments on the Draft Supplemental Environmental Impact Statement for the California High-Speed Rail System, Fresno to Bakersfield Section. Please give me a call if you have any questions regarding our comments. I look forward to our continued close coordination on this project over the coming months.

All the best,

Clifton

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Clifton Meek, Life Scientist  
U.S. EPA, Region 9  
Environmental Review Section - Transportation Team  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
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January 16, 2018

Stephanie Perez-Arrieta  
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Administration West Building –  
Mail Stop 20 1200 New Jersey  
Avenue, SE Washington, DC  
20590

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

**Subject:** Draft Supplemental Environmental Impact Statement for the California High-Speed Rail System, Fresno to Bakersfield Section (CEQ# 20170219)

Dear Ms. Perez-Arrieta and Mr. McLoughlin:

F003-1

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Statement (EIS) for the Fresno to Bakersfield Section of the California High-Speed Rail (HSR) System. Our review was completed pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

Throughout the programmatic and project-level environmental analysis for the high-speed rail (HSR) system, EPA has coordinated with the Federal Railroad Administration (FRA) and California High-Speed Rail Authority (CHSRA), at multiple decision checkpoints and as outlined in an agreement between EPA, U.S. Army Corps of Engineers, FRA, and CHSRA (*Integrated National Environmental Policy Act and Clean Water Act Section 404 Memorandum of Understanding*). In addition, CHSRA has promoted environmental sustainability through aggressive goals and policies described on their website and through a partnership with EPA, FRA, U.S. Department of Housing and Urban Development, Federal Transit Administration, and California Strategic Growth Council under the *Memorandum of Understanding for Achieving an Environmentally Sustainable HSR System for California*, signed in September 2011.

Extensive early coordination on the development of this Draft Supplemental EIS for the Fresno to Bakersfield section has resulted in efficiencies in the environmental review process and the identification and resolution of potential issues. EPA has commented on this project during monthly agency coordination meetings, and through a series of memoranda and comment letters following our review of technical studies and environmental documents. Most recently, we provided comments in a July 19, 2017 memorandum in response to the Administrative Draft Supplemental EIS. We thank FRA and CHSRA for addressing the many concerns we have highlighted in our letters and throughout the early coordination process. While portions of this project continue to have impacts on aquatic resources, communities, farmland, and other resources of concern, we appreciate FRA and CHSRA's commitments to minimize and mitigate the impacts anticipated in the Fresno to Bakersfield section. EPA has rated this project as Lack of Objections (LO) (see enclosed Summary of EPA Rating Definitions). We provide the following recommendations for consideration as you begin to prepare the Final Supplemental EIS.

# Submission F003 (Clifton Meek, U.S. EPA, Region 9, January 16, 2018) - Continued

F003-2

**Air Quality and Station Area Planning**

While a statewide HSR system will help to reduce the number of drivers contributing to automobile-related emissions, there remains the potential for localized increases in vehicle traffic, and associated air quality effects, around HSR station areas. Given that the San Joaquin Valley Air Basin has some of the worst 8-hour ozone and PM2.5 problems in the nation, it is critical that FRA and CHSRA consider specific actions to reduce unintended air quality effects from local automobile trips accessing the Bakersfield HSR station. A description of the viable alternatives available in the station area to reduce emissions of ozone precursors and particulate matter to the maximum extent would be a helpful addition to the Final Supplemental EIS. For example, one substantial benefit of a HSR system is the opportunity to improve local air quality by generating additional local transit service and reducing vehicle miles traveled.

We understand that CHSRA is working with the city of Bakersfield on a HSR Station Area Plan (to be adopted in 2018) which will include elements that promote local transit use, walking and biking, and additional discussion of how existing and planned transit services will connect with the HSR system. We recommend that the Final Supplemental EIS incorporate information, as available, from the Station Area Plan regarding connectivity of the proposed F Street Station to other transportation modes. As one of the HSR project objectives is to maximize intermodal transportation opportunities by locating stations to connect with local transit, the Final Supplemental EIS would greatly benefit from a more detailed description and updated figures showing existing and planned transit connectivity to the F Street Station area, along with a description of the air quality benefits that these measures will achieve. In this way, CHSRA can demonstrate a commitment to provide transit connectivity that will reduce multiple individual automobile trips and associated air quality impacts, as well as pave the way for focused development within and surrounding the city's downtown core.

We continue to believe that a well-planned HSR system can serve as an important catalyst for strengthening regional connectivity and economic centers, as well as providing environmental benefits, including improved air quality. Thank you for the opportunity to review the Draft Supplemental EIS for the Fresno to Bakersfield Section of the California HSR system. We look forward to further collaboration to reduce impacts and maximize benefits from the statewide system. If you have any questions, please contact Clifton Meek, the lead reviewer for this project, at 415-972-3370 or [meek.clifton@epa.gov](mailto:meek.clifton@epa.gov).

Sincerely,



Connell Dunning, Transportation Team Supervisor  
 Environmental Review Section  
 Enforcement Division

Enclosures: Summary of EPA Rating Definitions

Cc via email:

- Zachary Fancher, U.S. Army Corps of Engineers
- Susan Meyer Gayagas, U.S. Army Corps of Engineers
- Dominique Paukowitz, Federal Transit Administration
- Shannon Simonds, California Department of Transportation
- Mike McCoy, Strategic Growth Council
- Cecelia Griego, City of Bakersfield

**SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

**ENVIRONMENTAL IMPACT OF THE ACTION**

***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**ADEQUACY OF THE IMPACT STATEMENT**

***Category "1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

***Category "2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

***Category "3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

## Response to Submission F003 (Clifton Meek, U.S. EPA, Region 9, January 16, 2018)

### **F003-1**

The commenter notes that early coordination between the EPA and Authority during the development of the Supplemental EIR/EIS has resulted in efficiencies in the environmental review process and the identification and resolution of potential issues. The Authority takes this comment into consideration and will continue to coordinate with private and public sectors during the environmental review process and subsequent phases of the project (right-of-way acquisition, regulatory permitting, final design, etc.).

### **F003-2**

Page 3.3-35 of the Supplemental EIR includes a summary of the total emission changes due to the HSR system operation including emissions associated with ridership, regional vehicle travel, and direct project operation emissions from HSR stations. Emission results indicate the project would result in a net regional decrease in emissions of criteria pollutants. These decreases would be beneficial to the SJVAB and help the basin meet its attainment goals.