

23 Business and Organization Comments

Part 4 of 4

Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019)



Good Evening,

On behalf of Fairmead Community & Friends, please accept the attached comments on the DEIR for the Central Valley Wye. Exhibits to the letter to follow in a separate email.

Regards,

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June 20, 2019

Sent Via Email [CentralValley.Wye@hsr.ca.gov]

Attn: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

Re: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS Comment

Dear Sir or Madam:

242-45

On behalf of Fairmead Community & Friends ("FCF"), please accept these written comments on the Draft Supplemental Environmental Impact Report for the Central Valley Wye section of the Merced to Fresno Section (the "DEIR"). For the reasons set forth below, the DEIR is legally inadequate and fails as an informational document.¹

As an initial matter, FCF would like to thank HSRA staff for engaging with residents of the community of Fairmead throughout this environmental review process. This engagement has resulted in acknowledgment of significant environmental impacts associated with the SR 152 alternatives that will be felt disproportionately within Fairmead, as well as feasible mitigation measures that will help to address those impacts. However, the DEIR must still be revised as described below to comply with the requirements of the California Environmental Quality Act ("CEQA"). FCF looks forward to continuing to work with HSRA staff on revision of the DEIR and efforts to avoid or mitigate significant impacts on Fairmead.

¹ In the Notice of Availability of the DEIR, HSRA notes that it is "issuing the Draft Supplemental EIR/EIS pursuant to CEQA only at this time for public and agency comments under CEQA" because "the [Federal Railroad Administration] has not signed the document for publication under NEPA." (*See also* EIR Clarification and Errata.) As a result, FCF expressly reserves any and all rights under the National Environmental Protection Act ("NEPA") and intends to provide further comment if and when an environmental impact statement is published for public review and comment pursuant to NEPA.

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Turning to the DEIR, The California Supreme Court has held that “[t]he foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 (hereinafter “*Laurel Heights*”) quoting *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259 disapproved on other grounds by *Kowis v. Howard* (1992) 3 Cal.4th 888; *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.)

The purpose of an EIR is to “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (*Laurel Heights*, 47 Cal.3d at 390 citing Pub. Resources Code § 21061; CEQA Guidelines, § 15003, subds. (b)-(e).) The phrase “significant effect on the environment” means “a substantial, or potentially substantial, adverse change in the environment.” (Pub. Resources Code § 21068; *Laurel Heights*, 47 Cal.3d at 390.)

“The EIR is the heart of CEQA, and the mitigation and alternatives discussion forms the core of the EIR.” (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; Pub. Resource Code §§ 21001(d) [“Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.”]; 21000(g) [“[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.”]; 21000(d) [“[I]dentify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.”].)

I. Project Description

“[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287 quoting *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.) On the other hand, “[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655.) “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its

environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives ...” (*Id.*)

“The project description must contain (1) the precise location and boundaries of the proposed project; (2) a statement of the objectives sought by the proposed project, including the underlying purpose; (3) a general description of the project’s technical, economic, and environmental characteristics; and (4) a statement briefly describing the intended uses of the EIR.” (*South of Market Community Action Network*, 33 Cal.App.5th at 332 citing CEQA Guidelines, § 15124.)

242-46

Here, the DEIR’s project description is not “accurate, stable and finite” and does not give the public and interested parties an accurate view of the project. In the Fact Sheet, the DEIR states that the HSRA:

...proposes to construct and operate the Merced to Fresno Section project, with an approximately 51- to 55-mile portion for the Central Valley Wye, as part of the larger, 800-mile California High Speed Rail (HSR) system planned throughout California. The HSR system will connect the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. As part of the Merced to Fresno Section of the statewide HSR system, the Central Valley Wye would create the east-west HSR connection between the San Jose to Merced Section to the west and the north-south Merced to Fresno Section to the east.

...
The Authority has identified the Preferred Alternative in this Draft Supplemental EIR/EIS as the SR 152 (North) to Road 11 Wye Alternative. ...

(DEIR Fact Sheet, p. 1.) Similarly, the DEIR summary states:

The California High-Speed Rail System will provide intercity, high-speed service on 800 miles of track throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area (Bay Area), the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. Figure S-1 shows this system. It will use electrically powered, high-speed, steel-wheel-on-steel-rail technology, and will incorporate

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242-46 | state-of-the-art, safety, signaling, and automated train control systems to enable trains to travel up to 220 miles per hour (mph) over a dedicated track alignment. When completed, the system will provide new passenger rail service to more than 90 percent of the state’s population, providing more than 200 weekday trains to serve the statewide intercity travel market.

(p. S-1.)

242-47 | **A. The DEIR Does Not Sufficiently Describe The Precise Location And Boundaries Of The Proposed Project.**

The DEIR does not accurately describe interim service plans that call for operating an initial section of track from Merced to Bakersfield, as described in the May 1, 2019 Project Update Report to the California State Legislature (“PUR”). (Attached hereto as Exhibit “A”.)

In the May 1, 2019 PUR, HSRA states “[o]ver the next two years, the Authority will continue to advance construction in the Central Valley to lay the foundation for the Merced-Fresno-Bakersfield line, move important environmental documents through the approval process and release critical procurements.” (PUR, p. 116.) It further states, “[t]he Central Valley includes four high-speed rail stations for the interim service,” which are Merced, Fresno, Tulare/Kings and Bakersfield. (PUR, p. 143.) Although unclear on this point, the PUR also appears to treat the Madera stop as included in the interim service section. (See PUR, p. 68, Table 4.0 [as part of Merced to Bakersfield segment, in 2027, “Rolling stock running from Madera to Bakersfield”]; PUR, p. 14 [describing State Ridership Model calibration, “Assumed high-speed rail from Merced to Fresno to Bakersfield as part of an integrated service with the San Joaquins, including stops at Madera and Kings/Tulare.”].)

242-47 | The Legislative Analyst’s Office (“LAO”) issued a report on May 9, 2019 that analyzes the PUR. (Attached hereto as Exhibit “B”.) The LAO report notes as a “Key Issue[] for Legislative Consideration” that, “**No Funding Plan Beyond Merced to Bakersfield.** At this time, HSRA has not specifically identified how the over \$60 billion in estimated construction costs for the portions of Phase I beyond the Merced-to-Bakersfield segment would be funded.” (LAO report, p. 11 [emphasis in the original].)

242-47 | Based on the PUR and LAO report, the description of the instant project does not correctly describe the specific location and boundaries of the proposed project, as it does not describe the interim service section of the project and is not clear regarding whether or when HSRA will complete a station in Madera. It is also unclear from the DEIR project description how long the

242-47 | interim service period will operate, and it is possible (if not likely) based on LAO’s funding analysis that interim service may well become permanent. HSRA’s shifting descriptions of the project in the DEIR on the one hand, and PUR on the other, vitiates the DEIR process as a vehicle for public participation. (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197 [“The incessant shifts among different project descriptions do vitiate the city’s EIR process as a vehicle for intelligent public participation.”]; *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287 [“...a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading.”].)

These same concerns necessitate additional CEQA analysis regarding impacts on the City of Madera, which were discussed in the 2012 EIR/EIS, but which did not include analysis of the impacts associated with interim operations. The DEIR in general does not include sufficient analysis of the impacts of the alternatives on project sections that were analyzed in prior documents.

242-48 | **B. The DEIR Does Contain A Sufficient Statement Of The Objectives And Purpose Of The Proposed Project.**

For the same reasons stated in Section 1 above, the statement of objectives and proposed purpose of the project is deficient. The DEIR states:

The purpose of the statewide HSR system is to provide a reliable high-speed electric- powered train system that links the major metropolitan areas of the state, and that delivers predictable and consistent travel times. A further objective is to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California’s unique natural resources (Authority and FRA 2005).

242-48 | (DEIR, p. 1-6.) Specific to the Central Valley Wye section, the DEIR states:

The purpose of the wye itself is to connect the Merced to Fresno Section, which runs north-south, to the San Jose to Merced Section, which runs primarily east-west. The two tracks traveling west from the San Jose to Merced Section would connect to a set

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242-48 of two tracks branching north toward Merced and to a set of two tracks branching south toward Fresno.

(DEIR, p. 1-7.)

While these stated purposes may well be accurate for the HSR system as a whole, the interim service section does not fulfill this purpose or the stated objectives. Given the conclusions of the PUR and LAO report, there is significant uncertainty regarding whether the connection from San Jose to Merced will be completed, and thus whether the purpose and objective in the DEIR is accurate.

Absent revision in conformity with these comments, the DEIR is inadequate.

242-49 C. The DEIR’s General Description Of The Project’s Technical, Economic, And Environmental Characteristics Is Inadequate.

For the same reasons stated in Sections 1 and 2 above, the DEIR contains an inaccurate and misleading description of the Projects technical, economic and environmental characteristics.

II. Alternatives Analysis

The DEIR must analyze “a reasonable range of alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives.” (*Laurel Heights*, 47 Cal.3d at 400; Guidelines, § 15126(d).) Moreover, “[t]hese alternatives must be discussed, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (*Id.*)

Here, the DEIR analyzes four project alternatives:

1. SR 152 (North) to Road 13 Wye Alternative
2. SR 152 (North) to Road 19 Wye Alternative
3. Avenue 21 to Road 13 Wye Alternative
4. SR 152 (North) to Road 11 Wye Alternative (CEQA proposed project/Preferred Alternative)

(DEIR, p. 2-11.) Notably, three of the four considered alternatives pass through the community of Fairmead. (DEIR, p. 2-10.) Only Avenue 21 to Road 13 avoids dividing Fairmead and dislocating Fairmead residents. (*Id.*)

242-49 The DEIR describes the process by which the HSRA narrowed its focus from an initial 17 alternatives for the wye, to the four that are analyzed in the DEIR:

Based on the analysis in the Checkpoint B Summary Report, the Authority and FRA determined that 13 of the 17 Central Valley Wye alternatives should be eliminated from further environmental review. This decision was supported by the evaluation of the alternatives in the context of the following factors: consistency with the HSR system and Merced to Fresno Section Purpose and Need, impacts on aquatic resources, impacts on the environment, relative construction costs, logistics of implementation/construction, incompatibility with land use, and public/agency input.

(DEIR, p. 2-9.)

242-49 Elimination of alternatives that would avoid Fairmead on the basis of relative construction costs and public/agency input is improper under CEQA under these circumstances. As noted in *Laurel Heights* above, alternatives must be discussed in an EIR “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (47 Cal.3d at 400.) Here, it appears from the DEIR that reasonable alternatives that would avoid Fairmead were not analyzed, in part, in response to cost concerns and input from local agencies.

As a result, the DEIR fails to analyze a reasonable range of alternatives.

III. Environmental Setting

“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657-658 quoting *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.) CEQA Guidelines state that “‘a description of ‘the physical environmental conditions in the vicinity of the project’ which constitute the ‘baseline physical conditions’ for measuring environmental impacts.” (*San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at 658 citing Guidelines, § 15125, subd. (a).)

The baseline environmental setting “must be premised on realized physical conditions on the ground, as opposed to merely hypothetical conditions allowable under existing plans...” (*San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at 658.) Further, Environmental conditions

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may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods. (*Id.*)

242-50

A. Baseline For Noise And Vibration

The DEIR states that the ambient noise conditions within the community of Fairmead are established by “monitoring sites N79 to N81, N84, and LT26,” which resulted in a day-night sound level range of “62 to 73 dBA.” (DEIR, p. 3.4-21.) Notably, the day-night sound level measure includes “a penalty added for nighttime (10 p.m. to 7 a.m.) noise periods.” (DEIR, p. 3.4-3.) In the DEIR technical appendices, HSRA also lists the equivalent sound level for the same receptors in and near Fairmead. (DEIR, p. 6-2.) However, it appears that the DEIR uses only the day-night sound level range, with the included nighttime penalty, to assess baseline sound conditions, related impacts, and conformity with local plans. This oversight renders the baseline analysis for existing sound conditions in Fairmead inadequate.

242-51

Additionally, the DEIR appears to rely only noise measurements taken from January 9, 2012 to January 11, 2012. (DEIR, pp. 6-1 - 6-2.) These measurements are both seven years out of date, and given the short three day time period for measurements, are unlikely to include the full range of current noise conditions within Fairmead. They also do not include any assessment of weekend noise conditions, given that January 9, 2012 through January 11, 2012 were included Monday through Wednesday.

242-52

With respect to vibration, Chapter 3.4.5.3 makes very little attempt to discuss the current vibration conditions in the project area, and no attempt to discuss baseline conditions in Fairmead. The discussion of baseline vibration conditions is limited to the following two sentences:

Existing vibration sources within the vibration RSA for all of the Central Valley Wye alternatives are primarily train operations near the city of Chowchilla. Trains traveling within the vibration RSA include freight services operated by UPRR and BNSF, and Amtrak passenger trains.

242-52

(DEIR, p. 3.4-23.) The DEIR then points the public to the technical appendices for “[d]etailed discussions of vibration measurements...,” but does not a plain statement regarding the vibration baseline. (*Id.*) This is not sufficient for the public to understand the baseline vibration conditions within the project area, or within the community of Fairmead. See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659 quoting *Laurel Heights Improvement Assn.*, 47 Cal.3d at 45 [The decision makers and general public should not

242-52

be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis. ‘An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”])

For these reasons, the description of baseline for noise and vibration for the project and specifically in Fairmead is insufficient.

242-53

B. Baseline For Aesthetics

The DEIR includes a description of the visual characteristics of Fairmead from two different locations. (DEIR, pp. 3.16-22 - 3.16-25.) It describes Fairmead as being part of a “pervasive valley agricultural image” and states:

Visual quality varies from one home site or settlement to another. The visual quality of some settlements may be rated high because of the presence of trees, architectural style, or site landscaping, which contribute to vividness through attractive tree canopies or distinctive architectural forms (weathered barns, water towers, period architecture), or generally high visual unity or intactness (for example, classic old farms with tightly organized, tall tree canopies that appear as highly unified vertical islands). Other sites or congregations of homes may rate low because of structure deterioration, presence of abandoned farm equipment, landform disturbances, or visual clutter and other expressions of low visual unity and intactness. The visual quality of this landscape is strongly influenced by the surrounding agricultural landscape, and is considered moderate overall.

(DEIR, p. 3.16-24.)

What the DEIR fails to acknowledge is that in the context of a rural community like Fairmead, the presence of abandoned farm equipment and other “visual clutter” may, to those who appreciate rustic agricultural qualities and the history of place, enhance rather than detract from aesthetic value. Beauty is in the eye of the beholder. FCF members including Barbara Nelson convey that Fairmead is a quiet, rural community with attractive views of farmhouses, range land and almond orchards in the foreground, and the stoic Sierra Nevada mountains at the western horizon. Families have lived in Fairmead for generations, in large part because of the aesthetic characteristics of the community. Many residents have left Fairmead and returned, missing the

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242-53 community that they grew up in. While to HSRA staff and retained consultants Fairmead may offer only a “moderate” visual quality, many residents of Fairmead see things differently. Fairmead has a strong rural character that will be disrupted by construction of a futuristic high speed rail project that will obstruct views.

242-54 FCF also takes issue with the reference to “two state correctional facilities” to the northeast of Fairmead. These facilities are an approximately five mile drive from the center of Fairmead, and do not impact the aesthetics of the community. To the extent that the presence of correctional facilities reduced the baseline environmental setting for aesthetics, the DEIR is inaccurate and misleading.

The DEIR provides an inaccurate, incomplete and misleading description of the baseline aesthetic character of the community of Fairmead, and thus fails as an informational document.

242-55 **C. Baseline For Socioeconomic And Community Impacts**

The DEIR does not accurately describe the baseline social and economic setting of Fairmead given its use of incorrect and outdated data. Additionally, the DEIR presents an incomplete characterization of the social and economic realities of the community.

First, Chapter 3.12 of the DEIR utilizes outdated information as a foundation for its description of the economic and social setting of the community by relying on ACS data from the 2010-2014 five-year population estimate in lieu of the most current 2013-2017 data. By drawing from outdated data, Chapter 3.12 cites information that is no longer accurate, resulting in an incorrect baseline description. For instance, the DEIR claims that “Hispanics... account for 60 percent of the total population” of the community, as indicated by the ACS data from 2014 presented in the DEIR (DEIR p. 3.12.25). However, ACS data from 2017 demonstrates that 75% of the community is Hispanic. (U.S. Census Bureau ACS 2017).

242-56 Second, the baseline description of Fairmead’s social and economic setting as presented in the DEIR is incomplete since it fails to present information about the geographic distribution of households in the community, citing only that “Fairmead consists of 401 households with an average household size of 3.3, with an approximately 82 percent being family households” (DEIR p. 3.12.25). In order to fully and accurately assess the social impacts (i.e. loss of community cohesion, dislocation of residents, division of an existing community) and socioeconomic impacts of the preferred alternative, HSRA must present baseline information about the distribution and associated social and economic information of households within the Fairmead, and in particular, information regarding households located on each side of the preferred route.

242-57 Third, the DEIR fails to discuss relevant data regarding Fairmead’s social and economic setting, as well as more broadly relevant to existing environmental burdens within the community. For example, CalEnviroScreen 3.0³ ranks the census tract that includes Fairmead within the top 15% of census tracts for existing environmental burdens. This overall ranking includes the following percentile scores for social and economic indicators: asthma: 64%; low birth weight: 91%; cardiovascular rate: 83%; education: 82%; linguistic isolation: 65%; and poverty: 73%.

Due to the outdated, incorrect, and incomplete nature of the data presented, the baseline social and economic description of Fairmead does not accurately describe the current social and economic conditions of the community, and is thus deficient.

IV. Significant Environmental Impacts

Pursuant to the CEQA guidelines, “Significant effect on the environment” means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” (CEQA Guidelines, § 15382.)

“The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” (CEQA Guidelines, § 15064(b)(1).) Thresholds of significance, as defined in Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project’s impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project’s environmental effects may still be significant.(CEQA Guidelines, § 15064(b)(2).)

The conclusions contained in an EIR are subject to judicial review to determine “whether they are supported by substantial evidence and whether the EIR is sufficient as an informational document.” (*Laurel Heights*, 47 Cal.3d at 407.) “Argument, speculation, unsubstantiated

³ CalEnviroScreen 3.0 is a mapping tool and methodology released by the California Environmental Protection Agency that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. (Available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.)

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opinion or narrative, [or] evidence which is clearly erroneous or inaccurate...does not constitute substantial evidence.” (Cal. Code Regs., tit. 14, § 15384(a).) Moreover, a conclusion is not supported by substantial evidence, and an EIR is not sufficient as an information document, if its conclusions and discussions are internally inconsistent or contradictory. (*See Communities for a Better Environment*, 184 Cal.App.4th at 89.)

242-58 **A. The DEIR’s Analysis Of Transportation Impacts Is Inadequate.**

The DEIR under the Environmental Justice chapter acknowledges “Construction of the three alternatives aligned along SR 152 would require permanent closure of two roadways within the residential core of Fairmead: Road 19 1/2 and Road 20 1/2. The Avenue 21 to Road 13 Wye Alternative would require permanent closure of Road 19 1/2 within southern Fairmead.” (DEIR, p. 5-32.) However, the Transportation chapter does not appear to evaluate the impacts of these closures on vehicle, bicycle or pedestrian transportation in Fairmead. The referenced road closures will have a significant impact on transportation within Fairmead and must be analysed in the DEIR.

242-59 **B. The DEIR’s Analysis Of Air Quality Impacts During Construction Is Inadequate.**

A lead agency therefore should take special care to determine whether the project will expose “sensitive receptors” to pollution. (*See, e.g., CEQA Guidelines, App. G.*) If it will, the impacts of that pollution are more likely to be significant. (*See California Department of Justice, Environmental Justice at the Local and Regional Level Legal Background*, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

Fairmead, within the surrounding San Joaquin Valley Air Basin, suffer from some of the nation’s worst air quality. As a result, it is necessary that the DEIR provide an accurate and thorough analysis of the HSRA project’s potential to further degrade air quality.

The DEIR correctly acknowledges significant impacts related to construction for: (a) Temporary Direct Impacts on Air Quality within the SJVAB; (b) Temporary Direct Impacts on Implementation of an Applicable Air Quality Plan; and (c) Temporary Indirect Impacts on Air Quality outside the SJVAB. (DEIR, p. 3.3-89.) It explains:

Exhaust emissions and fugitive dust would be emitted during construction and have the potential to pose localized health impacts. These pollutants include heavy metals from batching, oxides of nitrogen, and DPM from construction equipment, and

242-59 other pollutants. Detailed modeling was conducted using emissions levels that would be representative of all four Central Valley Wye alternatives equally.

(DEIR, p. 3.3-88.) However, the DEIR goes on to conclude that mitigation measures will reduce air quality impacts during construction to less than significant levels. (*Id.*)

This analysis is likely inaccurate because the dust control measures employed by HSRA to date, notably near the Three Palms Mobile Home Park in the City of Fresno, have not been effective at controlling dust-related air quality impacts. Residents of Three Palms have reported impacts related to dust that include exacerbated asthma and dust coating exterior and interior surfaces. This may be due to the impact of high heat on efforts to spray down construction areas as a dust control measure.

Moreover, the additional emissions produced by trucks and heavy equipment during construction are likely to exacerbate existing poor air quality, and negatively impact health for those who live near the construction zones.

242-59 Additionally, the California Supreme Court in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510 recently held that a DEIR must make “...a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” The DEIR here does not meet that standard, failing to discuss impacts of increased air pollution during construction on asthma rates and other health risks.

Based on these deficiencies, the DEIR is inadequate.

242-60 **C. The DEIR’s Analysis Of Noise And Vibration Impacts Is Inadequate.**

1. Construction Impacts

The DEIR acknowledges that “[n]oise impacts during construction would be significant under CEQA for all Central Valley Wye alternatives, because they would affect sensitive receptors by temporarily and periodically increasing ambient noise levels in the project vicinity above levels without construction of the Central Valley Wye alternatives.” (p. 3.4-26.) However, the DEIR goes on to conclude that after implementation of construction noise mitigation measures, “the impacts would be reduced to less than significant under CEQA for all Central Valley Wye alternatives.”

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242-60 The conclusion that construction noise mitigation measures will be sufficient to reduce construction noise impacts to less than significant levels is unsupported by substantial evidence. Fairmead contains single family residences, a school, and a Head Start preschool near construction sites, and within noise and vibration screening distances, for all SR 152 alternatives. (DEIR, p. 3.4-20.) Construction in and near Fairmead will include construction of a new overpass over SR 99 and construction of above and at grade tracks through Fairmead. These significant activities will not be mitigated merely by implementing the stated mitigation measures.

242-61 Further, the conclusion that mitigation measures employed by HSRA will be effective is contrary to the direct experience of residents who live near currently active HSRA construction sites, including Three Palms Mobile Home Park in the City of Fresno. Specifically, in Three Palms, residents have experienced significant, persistent and very loud construction activities, much of which has occurred at night and disrupted sleep. These impacts will be even more significant in a rural community like Fairmead that has significantly lower existing ambient noise conditions.

HSRA must implement stronger construction noise mitigation measures than are currently proposed in the DEIR to reduce construction impacts to less than significance. Because the DEIR erroneously concludes that noise impacts in the residential rural community of Fairmead will be less than significant after mitigation, and because the analysis begins with an inadequate baseline as demonstrated above, the discussion of noise impacts is inadequate.

242-62 **2. Operational Impacts**

The DEIR acknowledges significant noise impacts on the community of Fairmead under all three SR 152 alternatives, resulting from operation of the proposed project. It describes noise from operations as follows:

Operations of any of the Central Valley Wye alternatives would generate noise levels above existing ambient levels. The level of operations noise would depend on the number of trains per day, speed of the trains, track configuration, and receptor distance to the tracks. The impacts presented represent a conservative analysis assuming the maximum frequency of trains anticipated with Phase 1 operations in 2040. The 2016 Business Plan anticipates that 40 trains per day would operate in 2025 between the Central Valley and Silicon Valley via the Central Valley Wye alternatives. When the HSR is fully operational in 2040, 232 trains per day would operate throughout the HSR system. Train service in the corridor is

242-62 anticipated to run from around 6:00 a.m. to midnight, and non-service activities to maintain the system are anticipated to occur overnight during non-revenue service hours.

(DEIR, p. 3.4-30.)

As an initial matter, this discussion of noise impacts due to HSRA operations is inadequate because it does not analyze the interim operation of the Bakersfield to Merced section. The DEIR assumes train speeds from 150-220 mph for all four analyzed alternatives. (DEIR, p. 3.4-31.) Speeds will likely be lower during interim operations, given temporary stops and shorter distances between destinations. HSRA has informed FCF that at higher speeds, train noise will largely be due to air resistance, while at lower speeds residents can expect to hear the sounds associated with the train itself (engine noise, wheels against the tracks, etc.). The DEIR must analyze the noise impacts associated with lower speed operations during the interim operation period.

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242-63 Further, it appears that the DEIR is either inconsistent or inaccurate with respect to impacts on Fairmead Elementary and the Fairmead Head Start preschool program. The DEIR first notes that both schools “fall within the screening distances are nearly all single-family residences, though there are also three schools (Fairmead Elementary, Fairmead Head Start, Chowchilla Seventh-Day Adventist School), the Chowchilla Seventh-Day Adventist Church, and a portion of the Chowchilla Cemetery.” (DEIR, p. 3.4-20.) Next, without further explanation, the DEIR concludes that “[a]ll of the sensitive receptors affected are single-family residences; no other sensitive receptor types (e.g. schools, churches, cemeteries) would be affected because they are of sufficient distance from the centerline that noise levels would not exceed the moderate and severe noise impact threshold.” (DEIR, p. 3.4-31.)

Without further analysis of the noise and vibration impacts from interim operations, as well as the impacts on Fairmead Elementary and Head Start, the DEIR is inadequate and fails as an informational document.

242-64 **D. The DEIR’s Analysis Of Aesthetic Impacts Is Inadequate.**

1. Construction Impacts

The DEIR acknowledges that construction in and near Fairmead will have significant impacts on aesthetics, stating:

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During the construction period, approximately 1 to 3 years in duration, construction equipment storage, earthmoving, construction of structures, concrete plant operations, and associated nighttime lighting would alter the existing visual quality of the affected area for adjacent viewers. Construction activities along the HSR alignment would cause dust and material stockpiles that could create an untidy appearance, collectively degrading the visual unity and intactness of the surroundings. Nighttime construction lighting could result in glare and light spillover, affecting nighttime views of residences. Where these temporary construction activities occur in residential areas where highly visually responsive residential viewers are present and along scenic highways where moderately highly responsive travelers are present, the activities would degrade the existing visual quality.

Residential viewers would be affected by all of the Central Valley Wye alternatives where construction activities occur within 0.25 mile of their viewpoint. This impact would result in degraded visual quality, as it would introduce features, such as large construction equipment, that would contrast with the established character of a view and would alter the existing visual character and quality of a residential area. As described in Section 3.16.5.3, Landscape Units and Key Viewpoints, the SR 152 (North) to Road 13 Wye Alternative would affect the most residential viewers. The SR 152 (North) to Road 19 and SR 152 (North) to Road 11 Wye Alternatives would each affect a similar number of residential viewers, while the Avenue 21 to Road 13 Wye Alternative would affect the fewest residential viewers.

(DEIR, p. 3.6-35.)

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However, the DEIR goes on to incorrectly conclude that aesthetic impacts during construction will be reduced to less than significant levels through implementation of identified mitigation measures. (*Id.*) The two mitigation measures identified in the DEIR are:

(1) AVR-MM#1, Minimize Visual Disruption from Construction Activities, which would minimize visual disruption from construction activities by limiting preconstruction clearance of vegetation and buildings, preserve vegetation that may help screen

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views, restore and revegetate land cleared once construction is complete, and locate construction staging sites away from residential viewers whenever feasible, and to screen staging areas from sensitive receptors.

(2) AVR-MM#2, Minimize Light Disturbance during Construction, would minimize disturbance from construction lighting by requiring contractors to shield and direct it downward to limit spillover from the construction site. These measures would limit the temporary degradation of visual quality, reducing the impact to less than significant.

(*Id.*)

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The conclusion that these mitigation measures will reduce aesthetic impacts during construction to less than significant levels is belied by the description of the visual construction impacts combined with the context in which construction will be completed. This context, as described above in Section III.B., includes disruption of the rural aesthetic and open spaces that defines the Fairmead. Existing buildings and vegetation will not hide construction activities, given that limited buildings and vegetation are present near construction sites within and near Fairmead. As such, mitigation measures limiting preconstruction clearance, preserving vegetation and revegetating land will be inadequate in Fairmead. Similarly, given that very little ambient light exists at night within Fairmead, additional community-specific mitigation measures would be required to reduce aesthetic impacts during construction to less than significant levels.

As the DEIR incorrectly concludes that aesthetic impacts on Fairmead will be less than significant after implementation of identified mitigation measures, and because the baseline for aesthetic impacts is inaccurate, the DEIR is inadequate and fails as an informational document.

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2. Operational Impacts

The DEIR correctly concludes that post-construction aesthetic impacts in Fairmead would be permanent and significant, even after the identified mitigation measures are implemented. Specifically, the DEIR states:

The impact under CEQA would be significant because the SR 152 (North) to Road 13 Wye Alternative would result in the loss of distant scenic views for residential viewers, thereby substantially degrading the existing visual character or quality of the Fairmead

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Landscape Unit and its surroundings. The Central Valley Wye alternatives include design standards to integrate structures within a community and to reduce intrusiveness of large structures, which would reduce but not avoid loss of views. ... mitigation measures would soften and obscure the conflicting aesthetic of the HSR infrastructure, but they would not return views blocked by the Central Valley Wye alternatives. Therefore, the impact under CEQA would remain significant.

While the DEIR is correct that aesthetic impacts will be significant due to loss of distant scenic views, including views of the Sierra Nevada mountains, it fails to properly discuss the fact that the HSRA project will conflict with the rural residential aesthetic that currently exists within the community of Fairmead. (*See supra.*) Without such a discussion, the DEIR is inadequate.

242-66

E. Socioeconomic And Community Impacts

1. Community Cohesion; Disruption or Severance of Community Interactions; Division of Established Communities.

The DEIR states that the SR 152 to Road 13 alternative, like the other SR 152 alternatives:

...would travel through Fairmead in a new right-of-way, introducing a new linear feature that would physically divide the community in the east-west direction, and blocking residential views that include distant views to the Sierra Nevada range. The residential northern part of the community (comprising approximately 100 housing units, or 20 percent of the Fairmead's total housing units) would be separated from the residents and community facilities (such as churches, Fairmead Elementary School, and Fairmead Head Start) south of Avenue 23, dividing and disrupting the cohesiveness of the community.

(DEIR, p. 3.12-40.) With respect to the preferred SR 152 to Road 11 alternative, the DEIR states similarly:

Impacts on community cohesion to Fairmead under this alternative would be similar to those described for the SR 152 (North) to Road 13 Wye Alternative because both alternatives would result in similar physical divisions, the same permanent changes to local

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roadway circulation, and a similar number of residential displacements. The SR 152 (North) to Road 11 Wye Alternative would displace 15 Fairmead residences (approximately 3 percent of all Fairmead residences).

(DEIR, p. 3.12-43.) Based on this analysis, the DEIR correctly concludes that the community cohesion, division of an existing community, and disruption or severance of an existing community impacts on Fairmead are significant, even after implementation of mitigation measures identified in the document.

One point that requires more analysis is the lack of replacement housing within the community of Fairmead, exacerbating the impact of dislocation of existing residents. As discussed more fully below, these impacts require the development of quality affordable housing within Fairmead as a mitigation measure for the identified community cohesion impacts. Other mitigation measures must also be added and clarified as discussed below.

242-67

2. Displacement

The DEIR notes that all three analyzed SR 152 alternatives would result in displacement of residential units in Fairmead. Under the preferred SR 152 to Road 11 alternative, the DEIR states that 15 residential units would be displaced, with an estimated 36 people needing relocation. (DEIR, p. 3.12-45.)

However, the DEIR concludes that these impacts will not be significant because "would not result in the displacement of a substantial number of existing housing units, necessitating the construction of replacement housing because there are sufficient residential replacement properties in the relocation RSA to accommodate displaced residences." (DEIR, p. 3.12-48.)

This analysis fails to acknowledge that there is insufficient replacement housing within the community of Fairmead. (*See* DEIR, p. 3.12-27 ["notably, the homeowner and rental vacancy rates in Fairmead were 0 percent in 2014."]; *see also* EIR/EIS Merced to Fresno Section, p. 3.12-33 [recognizing that there is an inadequate supply of replacement housing for residents of Fairmead that may be displaced by high speed rail, and that people who would be forced to relocate "would be isolated from their communities," and concluding that "[m]itigation measures could include avoiding residential displacements or providing replacement housing in...Fairmead..."].) Displacing the residents of fifteen residential units will have a significant impact on the community of Fairmead in that, absent additional mitigation including development of affordable housing in Fairmead, it will result in a loss of population within the historic community. Further, the displacement of the residents of 15 households is, in and of

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242-67 | itself, a significant impact. This is especially true given that many displaced residents are seniors that have lived in their homes for years and/or decades.

Because the DEIR does not adequately discuss the impacts of displacement in Fairmead in conjunction with the lack of replacement housing in the community, it is inadequate and fails as an informational document.

242-68 | **3. Impacts To Children’s Health And Safety**

The DEIR concludes that construction activities will not have a significant impact on children's health and safety, despite the fact that construction activities will take place in the residential community of Fairmead near homes, Fairmead Elementary, and the Fairmead Head Start preschool. (DEIR, p. 3.12-54.) This conclusion is based, at least in part, on the effect of measures to control fugitive dust. (*Id.*) However, the dust control measures employed by HSRA to date, notably near the Three Palms Mobile Home Park in the City of Fresno, have not been effective at controlling dust-related air quality impacts. Residents of Three Palms have reported impacts related to dust that include exacerbated asthma and dust coating exterior and interior surfaces. This may be due to the impact of high heat on efforts to spray down construction areas as a dust control measure. Based on the observations of residents near current HSRA-overseen construction projects, there is likely to be a significant impact on Children’s health and safety.

242-69 | **F. Land Use**

The DEIR states that “[c]onstruction activities associated with the Central Valley Wye alternatives would permanently convert existing land uses to transportation uses within the permanent rights-of-way.” (DEIR, p. 3.13-28.) Specific to Fairmead, the DEIR further states that:

The community of Fairmead is the largest community within unincorporated areas of the RSA. The SR 152 (North) to Road 13, SR 152 (North) to Road 19 Wye and SR 152 (North) to Road 11 Wye Alternatives would result in the physical conversion of portions of the community of Fairmead to transportation-related uses. This conversion would also convert large portions of land (58 acres for the SR 152 [North] to Road 13 Wye Alternative, 75 acres for the SR 152 [North] to Road 19 Wye Alternative, 148 acres for the Avenue 21 to Road 13 Wye Alternative, and 111 acres for the SR 152 [North] to Road 11 Wye Alternative) identified for future development in the draft Fairmead Colony Area Plan (Madera

242-69 | County Planning Department 2012), which could alter current and planned land use changes occurring within the community.

(DEIR, p. 3.13-29.) Based on this discussion, the DEIR concludes that:

The impact under CEQA would be significant for SR 152 (North) to Road 13 Wye, SR 152 (North) to Road 19 Wye, and SR 152 (North) to Road 11 Wye alternatives in Fairmead because land use conversion within an established community resulting from construction of these Central Valley Wye alternatives would reduce and restrict access between portions of the community, and could potentially result in a substantial change in the pattern or density of land use in this community that would be incompatible with existing and planned land uses.

242-69 | (*Id.*)

However, the DEIR incorrectly concludes that mitigation measures will reduce the impacts on land use patterns in Fairmead to less than significant levels. While the DEIR does include mitigation that will likely lessen land use conversion impacts in Fairmead, those impacts are likely to continue to be significant under the currently proposed mitigation measures. One issue not discussed by the DEIR with respect to land use is that the HSRA project will cut Fairmead off from the City of Chowchilla, though Fairmead is within Chowchilla’s sphere of influence. This fact has been taken into consideration in land use planning, and the physical division between Chowchilla and Fairmead will likely have land use impacts.

As a result, the DEIR discussion related to land use impacts is inadequate, and the DEIR fails as an informational document.

242-70 | **G. Parks, Recreation And Open Spaces**

The DEIR concludes that there would be no significant impacts to parks, recreation and open spaces in Fairmead. In doing so, it fails to acknowledge at least two issues. First, the DEIR does not acknowledge or discuss the fact that a joint use agreement is in place for Fairmead Elementary School, allowing community recreation at the school subject to certain conditions. Second, the DEIR fails to accurately discuss the impact of the permanent closure of Road 19 ½ in Fairmead on access to Fairmead Elementary. The DEIR instead concludes without further discussion that “[t]here would be no permanent barriers to access of the Fairmead Elementary School...”

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242-70 | Based on these issues, the DEIR’s analysis of impacts related parks, recreation and open space is inadequate, and the DEIR fails as an informational document.

242-71 | **H. Cumulative Impacts**

“CEQA requires that an EIR contain an evaluation of the cumulative impacts caused by other past, present and reasonably foreseeable probable future projects including those projects outside the control of the agency.” (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 397 citing *inter alia* CEQA Guidelines, §§ 15130 (a); 15355.) “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence...” (CEQA Guidelines §§ 15130(b).)

The DEIR does not adequately address cumulative impacts within the study area, or more specifically, on the community of Fairmead. To the extent that the DEIR presently concludes that the impacts discussed above are not, by themselves, significant impacts, the DEIR fails to adequately consider them in the context of past, present, and reasonably foreseeable future projects.

In particular, the DEIR fails to analyze the impact of the planned industrial park that the City of Chowchilla plans for the southern portion of its city limits and sphere of influence. That industrial park, if completed, will have significant air quality, noise, aesthetic and other impacts on Fairmead. Those impacts will be cumulative with those identified by HSRA in the DEIR, as well as those identified by FCF in this letter.

FCF notes again that Fairmead is within census tract 6039000201, which CalEnviroScreen 3.0 ranks within the top 15% of census tracts for existing environmental burdens. This ranking includes the following indicator percentiles: ozone: 85; PM 2.5: 84; pesticides: 86; toxic releases: 58. The additional impacts caused by the HSRA project alternatives will be cumulatively significant against this baseline condition of severe environmental burden.

242-72 | **I. Environmental Justice**

The "purpose of an environmental justice analysis is to determine whether a project will have a disproportionately adverse effect on minority and low income populations." (*Crenshaw Subway Coal. v. L.A. Cnty. Metro. Transp. Auth.* (C.D.Cal. Sep. 23, 2015, No. CV 11-9603 FMO (JCx)) 2015 U.S.Dist.LEXIS 143642, at *101 quoting *Mid States Coalition for Progress v. Surface Transp. Bd.* (8th Cir. 2003) 345 F.3d 520, 541.)

242-72 | The Environmental Justice chapter here properly identifies Fairmead as an environmental justice community: “Fairmead qualifies as a low-income and minority population because the percent of the population that is low-income and minority is more than 10 percent greater than the reference community average.” (DEIR, p. 5-12.) The chapter contains a description of significant impacts from the SR 152 alternatives, and mitigation measures designed to reduce those impacts. Many such mitigation measures were identified by residents of Fairmead and members of FCF.

Based on the mitigation measures identified in the DEIR, it concludes:

With the beneficial effect of the mitigation proposed for the SR 152 alternatives, which exceeds the mitigation proposed at the time the Merced to Fresno Final EIR/EIR was issued, the FRA has preliminarily concluded that there would be no disproportionately high and adverse effects on the community of Fairmead from construction and operations of any of the Central Valley Wye alternatives. The preliminary determination assumes that agreement can be reached with the necessary parties to implement the mitigation measures discussed in this chapter. A final determination as to whether there are disproportionately high and adverse effects on Fairmead will be included in the Merced to Fresno Section: Central Valley Wye Final Supplemental EIR/EIS.

242-72 | (DEIR, p. 5-54.)

Absent the completion of all agreements necessary to implement the mitigation measures discussed in the Environmental Justice chapter, as well as the additional mitigation measures discussed in this letter, there will be disproportionate adverse impacts on Fairmead. (*See VII., infra.*)

242-73 | **J. Septic Systems**

The Notice of Completion notes that the DEIR does not discuss impacts on septic systems. However, the SR 152 alternatives will have significant impacts on septic systems within the community of Fairmead, especially for those septic systems that are in the path of the HSRA project alternatives and would need to be properly abandoned. As a result, absent an analysis regarding impacts on septic systems in Fairmead, the DEIR is inadequate.

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V. Feasible Mitigation Measures

CEQA requires identification of “feasible mitigation measures.” (*Laurel Heights*, 47 Cal.3d at 402.) “Mitigation” may include “(a) Avoiding the impact altogether by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; [and] (e) Compensating for the impact by replacing or providing substitute resources or environments.” (Cal. Code Regs., tit. 14, § 15370.) The term “feasible” means means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (Cal. Code Regs., tit. 14, § 15364.)

Additionally, “[f]ormulation of mitigation measures should not be deferred until some future time.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 quoting CEQA Guidelines, § 15126.4(a)(1)(B).) An EIR is inadequate if “[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” (*Communities for a Better Environment*, 184 Cal.App.4th at 92.)

There are important design features and mitigation measures in the DEIR, many of which were identified by Fairmead residents and FCF. Those measures include:

1. Providing a Community Center for the Community of Fairmead
2. Connecting Fairmead to the nearest municipal water system
3. Connecting Fairmead to the Chowchilla Wastewater Treatment Plant and developing sewer distribution and collection systems
4. A multi-use trail along Road 19 1/2 between Avenue 24 and Avenue 22 3/4 to maintain pedestrian and bicycle access between the northern and southern portions of Fairmead (1.25 miles)
5. Sidewalk installation at Avenue 23 (0.75 mile) and Arnott Drive (0.15 mile), and roadway repairs and sidewalk installations at Avenue 22 3/4 (0.5 mile), Moore Street (0.15 mile), Yates Avenue (0.3 mile), Road 19 1/2 (0.25 mile), Elm Street (0.3 mile), Fairmead Circle (0.12 mile), and Hickory Street (0.25 mile).
6. Grading of Sycamore Street between Avenue 22 1/2 and Avenue 22 3/4 (0.25 mile)
7. Roadway improvements, sidewalk installations, and landscaping at Fairmead Boulevard
8. (1.65 miles), Sinclair Drive (0.2 mile), and Maple Street (0.4 mile)

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9. Street repair, sidewalk installation, and stormwater management at Avenue 22 1/2 (0.75 mile)
10. Installation of streetlights at the Avenue 22 1/2 bus stop
11. Landscaping along the HSR corridor (1.75 miles)

(DEIR, p. 5-34.)

Critically, however, the DEIR notes that “Implementation of these mitigation measures would require cooperation of the Chowchilla Elementary School District and Madera County.” (*Id.*) Given that these mitigation measures are necessary to avoid significant and disparate impacts on Fairmead for all of the SR 152 alternatives, the DEIR must contain alternative mitigation measures in Fairmead should such third-party cooperation not be secured. As one example, the DEIR presently discusses conversion of Fairmead Elementary School into a community center. Should cooperation of Chowchilla Elementary School District either not relocate Fairmead Elementary as planned, or otherwise fail to cooperate, the DEIR must include a commitment to provide a community center at another location in Fairmead. As another example, if Madera County ultimately does not agree to maintain and operate a community center in Fairmead, other alternatives for maintenance and operation must be explored.

242-75

Additionally, the DEIR fails to note that cooperation from the City of Chowchilla and Madera County is required for the proposed sewer and water mitigation measures in Fairmead. Both measures would involve service extension from the City of Chowchilla. While FCF is presently negotiating with Chowchilla for a septic-to-sewer project, an agreement has not yet been reached. Should those negotiations be unsuccessful, the DEIR should contain mitigation measures related to sewer and water service improvements in Fairmead that do not require such cooperation. Those measures could include water distribution improvements and extension to households served by domestic wells, and an alternative septic-to-sewer conversion project.

242-76

Further, several additional feasible mitigation measures must be included in the DEIR. First, with respect to noise impacts, the DEIR does not currently include construction of sound barriers within Fairmead, though the Merced to Fresno Final EIR/EIS did include this measure. (DEIR, p. 3.4-39 n.12.) This, despite acknowledgment that there will be significant noise impacts in Fairmead, and the discussion above regarding changes that must be made to the noise and vibration baseline and impacts analysis. The DEIR should be revised to include a sound barrier in Fairmead to mitigate residential noise impacts, as well as noise impacts on Fairmead Elementary School and Fairmead Head Start.

Regardless of whether a sound wall is constructed, FCF also requests specific commitments with respect to building sound insulation, including commitments to offer this mitigation measure to

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242-76 | all homes within a distance from the right of way sufficient to mitigate significant noise impacts. The DEIR presently discusses building sound insulation, but is not clear regarding to whom those measures will be offered. (See DEIR, p. 3.4-45.)

242-77 | Turning to mitigation for community cohesion, division of existing communities and dislocation of residents, the DEIR must include new affordable housing development within Fairmead. As discussed above, these impacts in Fairmead are all significant. New affordable housing in Fairmead is critical to mitigating these impacts. FCF has proposed a partnership between HSRA and Self Help Enterprises, Inc. or another affordable housing developer to implement this measure. This mitigation measure was identified by residents of Fairmead as a measure to ensure that the HSRA project does not result in a less cohesive community and to provide replacement housing within the community to dislocated residents who wish to remain. It must be included in the FEIR.

242-78 | In addition, FCF has identified certain community projects to mitigate aesthetic impacts, including new signage and other measures. These measures must be included in the DEIR.

242-79 | Moreover, the DEIR does not sufficiently mitigate for the project’s adverse economic impacts in Fairmead, including job loss,³ because there is no formal mitigation measure for job displacement and because the programs which HSRA reference in the DEIR fail to ensure that local workers have equitable access to High Speed Rail construction work. The DEIR states that HSRA has implemented programs for the purpose of “increas[ing] the ability of local workers to compete for available project jobs.” Yet, Fairmead residents note that they have been unsuccessful in competing for available project jobs, despite attending HSR job fair and other events. Instead, Fairmead residents express concern that they will be turned away from access to HSRA jobs for lack of necessary certifications.

For this reason, HSRA’s existing commitments in the DEIR are not sufficient to address the economic impacts that Fairmead residents expect to face as a direct result of the project. In addition to the programs referenced in the DEIR aimed at increasing local workers’ access to jobs, HSRA should develop and implement a formal, economic impacts mitigation measure aimed at prioritizing Fairmead residents for construction work. Such a mitigation measure should: (a) ensure (through effective and direct community outreach) that local workers in Fairmead are provided with access to any necessary construction certification programs; (b) present such certification opportunities on a timeline that will allow local workers the chance to

242-79 | ³ At least one Fairmead resident has told FCF that he will lose his job at a food processing plant that is within the HSRA project right-of-way for the preferred alternative.

242-79 | become eligible for the work in time to be hired; and (c) commit to hiring Fairmead residents for HSRA positions.

The DEIR must modify, clarify and/or add the mitigation measures discussed in this section and consistent with discussions to date between HSRA and FCF in order to comply with its CEQA obligations to implement feasible mitigation measures.

242-80 | VI. **Failure To CEQA Guidelines For Preparation Of Joint Documents.**

The CEQA guidelines state that “[i]f a lead agency finds that an EIS or finding of no significant impact for a project would not be prepared by the federal agency by the time when the lead agency will need to consider an EIR or negative declaration, the lead agency should try to prepare a combined EIR-EIS or negative declaration-finding of no significant impact.” (CEQA Guidelines, § 15222.) They similarly state, “[t]o avoid the need for the federal agency to prepare a separate document for the same project, the lead agency must involve the federal agency in the preparation of the joint document.” (*Id.*) The Guidelines also state that state agencies should “cooperate with federal agencies to the fullest extent possible to reduce duplication between the California Environmental Quality Act and the National Environmental Policy Act.” (CEQA Guidelines, § 15226.) Efforts to cooperate “should persist” even where a federal agency is uncooperative. (CEQA Guidelines, § 15228.)

Here, HSRA concluded that an EIS would need to be prepared by FRA, but it failed to adequately involve the FRA in preparation of the DEIR and the FRA did not approve its release for purposes of CEQA or NEPA. It is unclear from the DEIR whether efforts to obtain cooperation from the FRA are sufficient to comply with CEQA guidelines, and FCF requests clarification regarding efforts to comply.

242-81 | VII. **Disparate Impact**

State law provides that no person shall, on the basis of race, national origin, ethnic group identification, and other protected classes, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state. (Gov. Code § 11135.)

In addition, California’s Fair Employment and Housing Act, California Government Code 12900, et seq. guarantees all Californians the right to hold and enjoy housing without discrimination based on race, color or national origin. (See also Gov. Code § 65008 [Any discriminatory action taken “pursuant to this title by any city, county, city and county, or other local governmental

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242-81 | agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, land ownership, tenancy, or any other land use in this state...”]; Government Code §§ 12955, subd. (l) [unlawful to discriminate through public or private land use practices, decisions or authorizations].)

Similarly, Title VI prohibits recipients of federal funds, like HSRA, from taking actions that have the effect of discriminating on the basis of race. (*See* 42 U.S.C. § 2000d.)

242-81 | Discrimination under these authorities may be shown by a “disparate impact,” meaning that an act which is not expressly discriminatory may still be unlawful if it harms a protected class more than other classes of people. A prima facie case of disparate impact under Section 11135 and Title VI is established by showing: (1) the occurrence of certain outwardly neutral practices; and (2) a significantly adverse or disproportionate impact on minorities produced by the defendant’s facially neutral acts or practices.” (*Darensburg v. Metro. Transp. Comm’n* (N.D.Cal. 2009) 611 F.Supp.2d 994, 1042.) A showing of “discriminatory intent” is not required. (*Id.*)

Here, HSRA has selected a preliminary preferred alternative that passes through the historic community of Fairmead. The DEIR acknowledges that, in 2014, Fairmead had a minority group representation of 80 percent in 2014.” Further, as noted above, more recent data states a higher hispanic population than acknowledged in the DEIR. Given the high percentage of Fairmead’s residents who are people of color, as compared to surrounding areas that would be suitable for the Central Valley Wye, if HSRA selects any of the three alternatives that pass through Fairmead, that act will have a disparate impact on a protected class.

* * * * *

Please do not hesitate to contact us with any questions or concerns. We look forward to continuing to work with the High Speed Rail Authority, and hope to reach an amicable resolution to these issues.

Best Regards,



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The comments are noted; no specific environmental concern is noted in the comment. The document was distributed for National Environmental Policy Act (NEPA) review effective September 13, 2019.

242-46

The comment asserts that the Draft Supplemental EIR/EIS lacks an “accurate, stable, and finite” project description. Please refer to Chapter 2 of the Draft Supplemental EIR/EIS for a description of the project; please also refer to Standard Response CVY-Response-GENERAL-5: Phased Implementation, Interim Operating Plans and Draft 2020 Business Plan.

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Please refer to Standard Response CVY-Response-GENERAL-5: Phased Implementation, Interim Operating Plans and Draft 2020 Business Plans.

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Please see Standard Response: CVY-Response-GENERAL-5: Phased Implementation, Interim Operating Plans and Draft 2020 Business Plan.

Please refer to Standard Response CVY-Response-GENERAL-5: Interim Operating Plans and 2020 Business Plan.

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Please refer to Standard Response CVY-Response-GENERAL-2: Alternatives Analysis and Selection for CVY regarding considerations pertaining to the corridor selection.

The Draft Supplemental EIR/EIS acknowledges that the Avenue 21 to Road 13 Wye Alternative would affect Fairmead and Chowchilla differently compared with the three wye alternatives with east–west alignments adjacent to State Route (SR) 152 by virtue of being farther south of both communities (refer to Figure 2-5 in the Draft Supplemental EIR/EIS.)

Section 3.12, Socioeconomics and Communities, describes the comparative differences among the four alternatives pertaining to community division and the displacement of residences and businesses.

The potential effect of the Central Valley Wye on Fairmead has been one of many important considerations in the development of the alternatives for study, and as the commenter notes, the Avenue 21 to Road 13 Wye Alternative would avoid Fairmead. However, as discussed in Chapter 8, Preferred Alternative, the Authority identified the SR 152 (North) to Road 11 Wye Alternative as the Preferred Alternative after balancing the multiple factors described in Sections 8.4 and 8.5. These factors include the regional transportation and transportation safety benefits derived from aligning the east–west high-speed rail (HSR) alignment with SR 152 as well as the impacts across all alternatives related to biological resources and wetlands, noise, displacements, the conversion of land uses in Fairmead, the conversion of Important Farmland, aesthetic and visual resources in Fairmead, the Robertson Boulevard Tree Row, and community cohesion in Fairmead. The Authority determined that the SR 152 (North) to Road 11 Wye Alternative represents the best balance of adverse and beneficial impacts on the natural environment and community resources, maximizing the transportation and safety benefits of the HSR system.

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242-50

The baseline measurements are composed of hourly noise measurements, which were converted into day-night noise levels (Ldn) because the primary noise-sensitive receptors are category 2 (and therefore use Ldn); however, when the receptor is category 3, like a church, the hourly equivalent sound level (Leq) is used, as noted in the noise impact tables.

242-51

No major transportation projects have been completed near this area that would substantially change noise conditions from when the measurements were conducted. The previous noise measurements therefore are appropriately representative of more-current typical weekday noise conditions.

242-52

The vibration assessment for this area is documented in the noise and vibration technical report for the Merced to Fresno EIR/EIS from 2012, as explained in Section 3.4.1 of the Draft Supplemental EIR/EIS.

Vibration impacts during operations are not included in this Final Supplemental EIR/EIS because the distance from the HSR tracks to the area where impacts would occur is 70 feet; therefore, vibration would be contained within the HSR right-of-way. This is because of the very inefficient propagation of vibration through the soils near the Central Valley Wye alternatives, the low vehicle input force, and the use of elevated structures, which would result in a substantial loss of intensity with respect to vibration levels in areas where vibration-sensitive receptors are located. As a result, vibration levels from operation of the Central Valley Wye alternatives would not cause human annoyance. For more information, refer to the noise and vibration technical report (Authority and Federal Railroad Administration [FRA] 2016).

242-53

Comment noted.

The Authority recognizes that the character of a community, whether urban or rural, is partially determined by its aesthetic and visual qualities. Community character is influenced directly by the presence and appearance of physical features. The description of landscape character considers the physical features that influence the various landscape units. For example, areas that contain crops, orchards, farm houses, and associated structures are described as having a rural or agricultural landscape character.

The analysis of the Fairmead landscape unit found the overall existing, or baseline, visual quality to be moderate, after considering areas of both high and low visual unity and intactness. The two key viewpoints (KVP) near the HSR alignments were also found to have a moderate visual quality (KVPs 5 and 6).

The aesthetic analysis focuses on the physical landscape. It is not performed to capture and report on the psychological responses of each resident and his or her ties to the place. The analysis ranks views on a scale, between low and high, using established practices to compare the aesthetic effects of a proposed project's alternatives. If one considers "low" to be a view of open ponds of toxic waste in a decaying industrial facility and "high" to be a fully natural setting or a historic building surrounded by lush landscaping, the rating of "moderate" for the views analyzed in Fairmead from an aesthetic standpoint is reasonable.

The analysis of the effects of the HSR project on the Fairmead landscape unit would not change with a higher existing/baseline rating. The effects would remain significant and unavoidable, reflecting the concerns voiced in the comment.

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242-54

The presence of the correctional facilities had no bearing on the aesthetic analysis, other than their nighttime light in the area surrounding Fairmead. With respect to line of sight, the path light travels, the two state correctional facilities are within 2 to 2.5 miles of Fairmead. Therefore, because of their high levels of nighttime illumination, they were included to describe nighttime light conditions in Fairmead accurately.

242-55

The 5-year estimates from the 2010–2014 American Community Survey (ACS) were described in Section 3.12, Socioeconomics and Communities, of the Draft Supplemental EIR/EIS; however, that information was not used to establish a baseline for any of the analyses in that section.

As described on page 5-8 (footnote 2) of the Draft Supplemental EIR/EIS, when the analysis was prepared, the 5-year estimates from the 2010–2014 ACS were the most-recent data available. The information demonstrated that 80 percent of the population in the community of Fairmead was considered minority, with 60 percent Hispanic or Latino. As such, the community of Fairmead was considered a minority population for the purposes of the environmental justice analysis presented in Chapter 5, Environmental Justice, of the Draft Supplemental EIR/EIS. The 5-year estimates from the 2017 ACS (the most-recent data at that time) indicate that 85 percent of the population in the community of Fairmead was considered minority, with 75 percent Hispanic or Latino (U.S. Census Bureau 2017a). The information suggests an incremental increase in the size of the minority population in the community. However, because the community was already identified as a minority population, the updated information referenced in the comment does not change the analysis or conclusions reached in the Draft Supplemental EIR/EIS.

242-56

The Authority fully analyzed and disclosed the impacts on the community of Fairmead at an appropriate level under both the California Environmental Quality Act (CEQA) and NEPA. As specified in Section 15064(e) of the CEQA Guidelines, “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Therefore, under CEQA, social and socioeconomic impacts need only be evaluated to the extent of their potential to result in environmental impacts. For the purposes of CEQA, the Draft Supplemental EIR/EIS provides a full evaluation of community cohesion impacts and potential residential displacements and relocations, as well as associated environmental impacts, in Impacts SO#1, SO#2, SO#3, and SO#17.

The analysis of permanent impacts on community cohesion, described in Impact SO#2, concludes that impacts on the community of Fairmead would remain significant, even with implementation of Mitigation Measures SO-MM#1 and SO-MM#2. Inclusion of the geographic location of the households and the exact household size, as suggested by the commenter, would not alter this conclusion because the community was already found to be affected by construction. Furthermore, the analysis of temporary impacts on community cohesion, as well as permanent operations-related noise impacts on community cohesion, would not benefit from the information suggested in the comment regarding the geographic distribution of households and average household size because the fundamental nature of the impacts would remain the same. The analysis of displaced residents in Impact SO#3 appropriately relies upon an assumption regarding the number of persons per household, as derived from the 2010–2014 ACS data. House-by-house estimates regarding size and composition are not readily available, nor can they be obtained in a reasonable manner for the purposes of this analysis. Furthermore, even should this information be provided, it would not change the estimate regarding the number of displaced residential units that would need to be replaced or accommodated, as described in Table 3.12-10 on page 3.12-45 of the Draft Supplemental EIR/EIS. Please note, however, that Table 3.12-10 has been revised since publication of the Draft Supplemental EIR/EIS to rectify an overstatement of estimated displaced people from unincorporated Madera County for the SR 152 (North) to Road 11 Wye (the Preferred Alternative). In the Draft Supplemental, this number had been overstated as 158. As reflected in this Final Supplemental EIR/EIS, this number has been revised to 125, consistent with the Draft Relocation Impact Report (DRIR). For the purposes of NEPA, the Authority fully and adequately identified the potential for

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242-56

social and economic impacts in the Draft Supplemental EIR/EIS under Impacts SO#1, SO#2, SO#3, SO#4, SO#5, SO#6, SO#9, SO#13, SO#14, SO#17, SO#19, and SO#20. These impact discussions rely on a reasonable level of detail, as provided in the 2010–2014 ACS, for household size. The information requested, such as a house-by-house estimate of household size and composition, is not readily available, nor can it be obtained in a reasonable manner for the purposes of this analysis. Furthermore, even if this information could be provided, it would not alter the conclusions reached in the analysis.

242-57

The Authority fully analyzed and disclosed impacts on the community of Fairmead at an appropriate level under CEQA and NEPA. As specified in Section 15064(e) of the CEQA Guidelines, “economic and social changes resulting from a project shall not be treated as significant effects on the environment.” Therefore, under CEQA, social and socioeconomic impacts need only be evaluated to the extent of their potential to result in environmental impacts. The factors described in this comment do not introduce new information or alter the analysis or conclusions presented in the Draft Supplemental EIR/EIS pertaining to environmental impacts for the purposes of CEQA. For the purposes of NEPA, the Draft Supplemental EIR/EIS considers social and socioeconomic factors relevant to the impacts that could result from construction and operation of the Central Valley Wye alternatives. Accordingly, the Draft Supplemental EIR/EIS considers relevant air quality and health factors pertinent to the HSR project’s construction- and operations-related activities. Chapter 5, Environmental Justice, identifies and evaluates impacts on minority and low-income populations, including the community of Fairmead. Consideration of the additional factors presented in the comment would not alter identification of this community as an environmental justice population or the analysis of impacts that could result from construction and operation of the Central Valley Wye alternatives. Furthermore, the factors described in this comment do not introduce new information or alter the analysis or conclusions presented in the Draft Supplemental EIR/EIS relevant to environmental justice impacts from construction and operation of the Central Valley Wye alternatives.

Notwithstanding the foregoing, the Authority recognizes Fairmead’s unique circumstances. Chapter 5, Environmental Justice, describes the mitigation that has been developed, with the goal of offsetting HSR’s contribution to stressors on the community. Specifically, as part of Mitigation Measure EJ-MM#1, the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events. Through Mitigation Measure EJ-MM#2, the Authority would address the community’s lack of sewer and water service, which constrains future development, by providing funding to connect Fairmead to the Chowchilla Wastewater Treatment Plant and water system.

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242-58

Table 5-10 in Chapter 5 of the Draft Supplemental EIR/EIS reflects several transportation-related factors that were considered in the preliminary and final environmental justice determination. Table 5-10 notes comparative effects of the alternatives' potential for "permanent road closures within Fairmead" as part of the analyses of construction-related transportation effects, socioeconomic/community cohesion effects, and access to Fairmead Elementary School play areas. The commenter asserts that such road closure effects were not analyzed in the transportation section of the Draft Supplemental EIR/EIS. However, please refer to the discussion of Impact TR#2, Permanent Impacts on Major Roadways from Permanent Road Closures and Relocations, in Section 3.2, Transportation, of the Draft Supplemental EIR/EIS. In this impact discussion, there are references to pertinent figures for each of the Central Valley Wye alternatives (i.e., Figures 2-8, 2-10, 2-12, and 2-14) as well as Appendix 3.2-A, which depict and list, respectively, the cited road closures for the various alternatives. Accordingly, the roads cited by the commenter were incorporated by reference in Section 3.2; the effects of such closures were appropriately disclosed in Section 3.2.

242-59

Sensitive receptors were identified in Table 3.3-5 on page 3.3-35 of the Draft Supplemental EIR/EIS. Localized impacts on these sensitive receptors were evaluated under Impact AQ#6: Temporary Direct Impacts on Air Quality—Localized Health Impacts, starting on page 3.3-64. As disclosed therein, impacts on sensitive receptors from localized construction emissions would be less than significant.

Regarding construction-period effects on air quality, including fugitive dust from construction, please refer to the analysis and conclusions in Section 3.3, Air Quality and Global Climate Change, Impact AQ#1. The Authority has incorporated into the project a dust control plan to reduce dust caused by construction, using measures that include washing vehicles before they exit the construction site, watering unpaved surfaces, and limiting vehicle speeds. Section 3.3 also describes mitigation measures for construction impacts on air quality.

The proposed project would be required to comply with San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII (Fugitive PM10 Prohibitions). SJVAPCD Regulation VIII can be viewed here: <https://www.valleyair.org/rules/1ruleslist.htm#reg8>. Regulation VIII compliance would minimize the generation of fugitive dust during construction.

With respect to regional construction emissions, the Authority has entered into a memorandum of understanding with SJVAPCD to offset all project construction emissions (i.e., from on-site heavy equipment, haul trucks, batch plants, etc.) through SJVAPCD's Voluntary Emission Reduction Agreement. As such, project construction emissions would be offset to zero. A copy of the memorandum of understanding has been included as an attachment to this Final Supplemental EIR/EIS. With respect to long-term project operations, the proposed project would result in a net reduction in all criteria pollutant emissions, as detailed in the Draft Supplemental EIR/EIS, Table 3.3-19, page 3.3-66. As such, the proposed project would not impede the region's ability to demonstrate conformity under the federal Clean Air Act. In response to the recent *Sierra Club v. County of Fresno* decision, the air quality discussion in this Final Supplemental EIR/EIS has been expanded to include a discussion of health risks related to criteria pollutant emissions.

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242-59

The Authority is aware of the concerns raised regarding air quality and dust control near the Three Palms Mobile Home Park during construction of the Caltrans SR 99 Relocation. The SR 99 Relocation project was included in the Authority's Merced to Fresno Final EIR/EIS document and followed the Authority's standard mitigation measures and impact, avoidance and minimization features (IAMFs) at the time. As SR 99 is a state facility, Caltrans managed the construction of the SR 99 realignment and relied on the Authority's environmental document throughout this process.

The Authority has refined air quality and dust control measures for construction since the publication of the Merced to Fresno Final EIR/EIS. The Authority has worked on improving their IAMFs and mitigation measures and added more detail to these specifications to facilitate Contractor implementation. Refer to Appendix 3.1-C: Comparison of Central Valley Wye Mitigation Measures and Merced to Fresno Final EIR/EIS Mitigation Measures and IAMFs for a description of the changes to comparable mitigation measures in this document and those in the Merced to Fresno Final EIR/EIS. AQ-IAMF#1 has been expanded to include specifications for water volume on exposed surfaces (an adequate volume to wet the top one inch of soil). For Merced to Fresno Final EIR/EIS and the Caltrans SR 99 Relocation, the comparable IAMF did not state the water volume necessary for IAMF compliance. The addition of this detail will provide for improved fugitive dust suppression strategies.

242-60

The Authority would implement Mitigation Measure NV-MM#1 to mitigate construction-related noise impacts. Furthermore, the construction monitoring program would implement temporary noise barriers, where applicable. The barriers should provide 5 decibels of noise reduction, or more, in the impact area. The monitoring program permits the contractor to reschedule operations to minimize noise during sensitive hours. Chapter 5, Environmental Justice, of the Draft Supplemental EIR/EIS specifically acknowledges that the community of Fairmead would experience construction noise impacts. It finds that, with mitigation, temporary construction-related noise effects from the Central Valley Wye alternatives would be reduced to a level below the level that would be anticipated to cause human annoyance.

242-61

As noted on page 3.4-26, Mitigation Measure NV-MM#1 would require construction contractors to conduct real-time construction noise monitoring to ensure that construction noise levels (both daytime and nighttime) are within FRA standards. Because this measure would ensure conformance with FRA noise standards, the conclusion that the effect would be reduced to less than significant is appropriate.

The Authority is aware of the concerns raised regarding noise near Three Palms Mobile Home Park during the construction of the Caltrans SR 99 Relocation and the resolution through reduced construction hours. As part of these expressed concerns, the Authority implemented measures to reduce noise impacts on Three Palms Mobile Home Park during construction. These measures include avoiding nighttime construction in residential neighborhoods and re-routing construction-related truck traffic along roadways that would cause the least disturbance to residents (NV-MM#1).

The Caltrans SR 99 Relocation project was included in the Authority's Merced to Fresno Final EIR/EIS document and followed the Authority's standardized mitigation measures and IAMFs as written at the time. As SR 99 is a state facility, Caltrans managed the construction of the SR 99 realignment and relied on the Authority's environmental document.

The Authority has refined noise measures for construction since the publication of the Merced to Fresno Final EIR/EIS. The Authority has improved their standardized mitigation measures and IAMFs, including adding more detail to these specifications to facilitate Contractor implementation. Refer to Appendix 3.1-C: Comparison of Central Valley Wye Mitigation Measures and Merced to Fresno Final EIR/EIS Mitigation Measures for a description of the changes between mitigation measures in this document and those in the Merced to Fresno Final EIR/EIS.

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242-62

HSR operations are described in Section 2.4. The final design was used to determine impacts because it yields the most conservative analytical conclusions. The impact analysis considers noise from each component of a train, which is defined in terms of a noise-generating mechanism (e.g., propulsion, wheel/rail, aerodynamic, etc.). Although the noise impact analysis does not assess aerodynamic noise sources for trains traveling at speeds below 150 mph, the effects of the components are additive.

Interim train operations would be less frequent and would travel at slower speeds. Therefore, they would have less of an effect on the noise and vibration environment than train travel during the full operational phase.

242-63

As described under Impact NV#5 in the Draft Supplemental EIR/EIS, the noise and vibration technical report (Authority and FRA 2016) provides noise impact tables with additional details regarding sensitive receptors, including the alignment location, land use, existing noise level, noise impact limit, and associated noise contour impact distances under each Central Valley Wye Alternative. Figure 19 in Appendix C to the noise and vibration technical report shows the SR 152 (North) to Road 13 Wye Alternative overlaying an area of Chowchilla, with impact lines indicating Institutional land uses, including Fairmead Elementary School, Fairmead Head Start, the Seventh-Day Adventist Church, and a cemetery. This alternative does not approach these receptors. However, noise measurements were conducted near the schools. Impact lines for the SR 152 (North) to Road 19 Wye Alternative are shown in Figure 19B in Appendix C to the noise and vibration technical report; impact lines for the SR 152 (North) to Road 11 Wye Alternative (the Preferred Alternative) are shown in Figure 19E. Therefore, although the facilities mentioned in the comment are indeed within the noise and vibration resource study area for the Central Valley Wye alternatives, they fall outside the screening distances (i.e., the areas where noise impacts could occur).

242-64

The Authority recognizes that the proposed project could alter views of scenery in the San Joaquin Valley. However, the degree to which views of a visual resource (e.g., a scenic mountain range) are affected by a proposed project is highly dependent upon a number of factors. One factor is the duration of the view. For example, when a viewer is stationary, such as in a residence, objects that block a view can affect the experience of the viewer to a greater extent than when a viewer is traveling and seeing the view for a short time. Other factors include the location, number, and sensitivity of viewers and any existing obstructions relative to the visual resource being viewed. These factors, as well as the location of the proposed project relative to them, were considered when determining the potential impacts of construction on aesthetics and visual quality. In addition, views that would be impaired in areas that have high visual quality ratings would be considered to have greater impacts than views in areas where the visual quality ratings are low.

Analysis of the Fairmead landscape unit found the overall existing, or baseline, visual quality to be moderate, considering areas of both high and low visual unity and intactness. Analysis also found viewers with a high exposure within 0.25 mile of potential Central Valley Wye alignments and identified two KVPs (KVPs 5 and 6) where highly sensitive residential viewers are located. Both of these KVPs were found to have moderate visual quality and residential viewers with a high viewer response.

The three Central Valley Wye alignments that would pass through Fairmead would be just north of Avenue 23. Some residences in this area would have high exposure to construction, while others would have their views of construction limited or obstructed by existing landscaping, trees, or orchards. Residential density along Avenue 23 and to the north is such that agricultural uses, not residential uses, predominate. Therefore, the number of residential viewers with high exposure to HSR construction would be limited.

Only a limited number of viewers with a high viewer response would be exposed to HSR construction. Furthermore, mitigation measures are provided to keep staging areas away from residences and recreational areas and shield nighttime construction lighting from similar sensitive viewers. Therefore, the visual impacts from construction experienced by sensitive viewers would be reduced throughout the Fairmead landscape unit to a less-than-significant level. Moreover, in both the Merced to Fresno and Fresno

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242-64

to Bakersfield EIR/EIS documents, the analysis of construction impacts in or near other similar rural and agricultural communities in the San Joaquin Valley found similar significant impacts related to construction activities, which were reduced to a less-than-significant level by identified mitigation measures.

The Authority does not propose any construction activities that would be different from previously analyzed activities; therefore, the analysis and conclusions reached with regard to construction-period impacts for the Central Valley Wye are consistent with the analysis and conclusions reached for previously analyzed HSR construction-period impacts.

242-65

The analysis identified significant aesthetic impacts and used loss of distant views as an embodiment of the open and rural character of much of the project area around the community of Fairmead as the basis for conclusions of significant environmental impacts. Fairmead is already bordered to the west by SR 99, therefore the analysis did not concentrate on the contrast between infrastructure and the rural residential aesthetic. Such a contrast was considered in the analysis, but it was considered secondary to the loss of views.

To note this consideration, “and rural residential aesthetic” has been added to the impact statement.

242-66

The Authority fully and adequately identified the potential for residential and business displacements and described appropriate measures to assist individuals and businesses with relocation, including those in the community of Fairmead. As described in Impact SO#3, Displacements and Relocations of Residences, on pages 3.12-45 through 3.12-48 of the Draft Supplemental EIR/EIS, displaced residents would be relocated to replacement housing, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (SO-IAMF#2), which provides benefits to displaced individuals, assisting them financially and providing advisory services related to relocation of their residences or businesses. Benefits are available to both owner occupants and tenants of either residential or business properties. Prior to any acquisition, the Authority would develop a relocation mitigation plan (SO-IAMF#3) in consultation with affected cities and counties that would be tailored to the specific needs of the affected communities, including the community of Fairmead. The Authority would conduct outreach meetings for residents, including low-income, minority, and sensitive populations within the community of Fairmead, to understand their special relocation needs, per the requirements set forth in Mitigation Measure SO-MM#1. The Authority would help displaced residents find suitable housing within the communities where they currently reside, if desired. The Authority would also work with residents of affected communities by conducting community workshops that support long-term neighborhood cohesion. Although these measures would reduce the impact on the community of Fairmead, the Authority acknowledges that the measures would not avoid it altogether, in part because there is not enough available housing in the community of Fairmead to accommodate the residents who would be displaced by construction of the HSR project. The Authority is committed to all reasonable measures to mitigate impacts resulting from displacement of residences and businesses in the community of Fairmead as well as other affected residences and businesses throughout the study area. This includes the assistance and relocation planning efforts specified in SO-IAMF#2, SO-IAMF#3, and Mitigation Measure SO-MM#1. Construction of affordable housing is not proposed because of the availability of replacement housing in the region (i.e., the city of Chowchilla, community of Madera Acres, and unincorporated portions of Merced and Madera Counties). The measures proposed involve community consultation (through the relocation mitigation plan described in SO-IAMF#3). Furthermore, as part of Mitigation Measure EJ-MM#1, the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place

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242-66

for community gatherings and events. Through Mitigation Measure EJ-MM#2, the Authority would address the community's lack of sewer and water service, which constrains future development, by providing funding to connect Fairmead to the Chowchilla Wastewater Treatment Plant and water system.

242-67

The commenter appears to be confusing the analysis conducted for the purposes of CEQA with the analysis conducted for the purposes of NEPA. The commenter's assertion that a new significant impact (a term applied to the CEQA analysis) exists that was not disclosed in the Draft Supplemental EIR/EIS is incorrect. The Draft Supplemental EIR/EIS identified 12 available residential units in the community of Fairmead as of September 2018, leaving three residential units that could not be accommodated by the existing housing stock within the community, assuming that 15 residential displacements would occur as a result of construction of the SR 152 (North to Road 11 Wye Alternative (Table 3.12-11, page 3.12-47 of the Draft Supplemental EIR/EIS). On the basis of this information, as well as the availability of replacement housing within the region (i.e., the city of Chowchilla, community of Madera Acres, and unincorporated portions of Merced and Madera Counties), the Draft Supplemental EIR/EIS concludes that the impact under CEQA would be less than significant. The commenter references the environmental justice analysis in the 2012 Merced to Fresno EIR/EIS (applicable to the NEPA analysis), noting that alternatives evaluated in that document, which were proposed to cross through a portion of the community of Fairmead, could have isolated persons from their community of origin. This analysis is consistent with that described on pages 5-36 and 5-37 of the Draft Supplemental EIR/EIS, which applies to the NEPA portion of the document. As described on page 5-54 of the Draft Supplemental EIR/EIS, the Authority has conducted extensive outreach meetings in the community of Fairmead to identify and evaluate measures for mitigating impacts, beyond the resource-specific measures to reduce noise, visual, and community-division impacts stemming from construction and operation of the Central Valley Wye alternatives. This includes Mitigation Measure EJ-MM#1, which would commit the Authority to provide funding to Madera County to construct a new community center in Fairmead that could serve as a permanent meeting place for community gatherings and events, and Mitigation Measure EJ-MM#2, which would address issues related to the community's lack of sewer and water service. These measures would reduce the negative effect of existing stressors in the community, improve the quality of life for Fairmead residents, and remove a constraint to development in Fairmead. In particular, removal of the constraint could facilitate the development of new businesses or new housing, which would partially offset the loss of residential housing resulting from construction of the Central Valley Wye alternatives. As described in the response to submission MF2-242, comment 66, the measures proposed by the Authority to address

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242-67

issues related to displacement (SO-IAMF#2, SO-IAMF#3, and Mitigation Measure SO-MM#1) involve community consultation (through the relocation mitigation plan described in SO-IAMF#3), which could include coordination with organizations or other developers, to engage in affordable housing projects in the community of Fairmead or elsewhere in the region, as warranted by local demand. The preliminary environmental justice determination (under NEPA) in the Draft Supplemental EIR/EIS found that construction and operation of the Central Valley Wye alternatives would not result in disproportionately high and adverse effects on the community of Fairmead because of the measures described in this response. This differs from the determination reached in the Merced to Fresno EIR/EIS because that document did not include the extensive measures proposed in the Draft Supplemental EIR/EIS to address impacts on the community of Fairmead, specifically, Mitigation Measures SO-MM#1, SO-MM#2, EJ-MM#1, and EJ-MM#2.

242-68

Sensitive receptors are identified in Table 3.3-5 on page 3.3-35 of the Draft Supplemental EIR/EIS. Localized impacts on these sensitive receptors were evaluated under Impact AQ#6: Temporary Direct Impacts on Air Quality—Localized Health Impacts, starting on page 3.3-64. As disclosed therein, localized construction emissions impacts on sensitive receptors would be less than significant.

Regarding construction-period effects on air quality, including fugitive dust from construction, please refer to the analysis and conclusions in Section 3.3, Air Quality and Global Climate Change, Impact AQ#1. The Authority has incorporated into the project a dust control plan to reduce dust caused by construction, using measures that include washing vehicles before they exit the construction site, watering unpaved surfaces, and limiting vehicle speeds. Section 3.3 also describes mitigation measures for construction impacts on air quality.

The proposed project would be required to comply with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions). SJVAPCD Regulation VIII can be viewed here: <https://www.valleyair.org/rules/1ruleslist.htm#reg8>. Regulation VIII compliance would minimize the generation of fugitive dust during construction.

The Authority is aware of the concerns raised regarding air quality and dust control near the Three Palms Mobile Home Park during construction of the Caltrans SR 99 Relocation. The Caltrans SR 99 Relocation project was included in the Authority's Merced to Fresno Final EIR/EIS document and followed the Authority's standard mitigation measures and IAMFs as written at the time. As SR 99 is a state facility, Caltrans managed the construction of the SR 99 realignment and relied on the Authority's environmental document.

The Authority has refined air quality and dust control measures for construction since the publication of the Merced to Fresno EIR/EIS. The Authority has improved their mitigation measures and IAMFs since publication of the Merced to Fresno EIR/EIS, and has added more detail to these specifications to facilitate Contractor implementation. Refer to Appendix 3.1-C: Comparison of Central Valley Wye Mitigation Measures and Merced to Fresno Final EIR/EIS Mitigation Measures for a description of the changes between mitigation measures in this document and those in the Merced to Fresno Final

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242-68

EIR/EIS. AQ-IAMF#1 has been expanded to include specifications for water volume on exposed surfaces (an adequate volume to wet the top one inch of soil). For the Merced to Fresno Final EIR/EIS and Caltrans SR 99 Relocation, the comparable IAMF did not state the adequate water volume necessary for IAMF compliance. The addition of this detail will provide for improved fugitive dust suppression strategies.

242-69

The commenter cites two different impact discussions in this comment. The commenter correctly cites from the discussion of Impact LU#5, which concluded that effects from permanent conversion of existing land uses to transportation uses, resulting in adjacent incompatible uses, would be less than significant. However, the portion of the comment citing mitigation measures refers to the discussion related to Impact LU#3, regarding the potential for the project to result in permanent direct impacts on land uses. The commenter correctly notes that, for Impact LU#3, the Draft Supplemental EIR/EIS concludes that impacts would be significant and that mitigation measures would be required.

The comment asserts that connectivity between Fairmead and Chowchilla is not considered in the environmental document. Please refer to Section 3.12, Socioeconomics and Communities, and specifically the following impact discussions relevant to community cohesion and the division of established communities: Impacts SO#1, SO#2, and SO#17. Specifically, Impact SO#2 directly acknowledges that the Preferred Alternative and other wye alternatives would have the potential to result in physical divisions in Fairmead. Mitigation Measures SO-MM#1 and SO-MM#2 are proposed to help lessen such effects, but the CEQA conclusion discussion on page 3.12-44 acknowledges that such effects would remain significant and unavoidable, even with adherence to these feasible mitigation measures.

As part of Mitigation Measure EJ-MM#1, the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events. Through Mitigation Measure EJ-MM#2, the Authority would address the community's lack of sewer and water service, which constrains future development, by providing funding to connect Fairmead to the Chowchilla Wastewater Treatment Plant and water system.

Response to Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019) - Continued

242-70

Table 3.15-3 of the Draft Supplemental EIR/EIS expressly identifies the recreational facilities at Fairmead Elementary School as play areas within 1,000 feet of three of the Central Valley Wye alternatives. Although the detailed narrative on page 3.15-17 notes that some of the facilities are fenced and thus not available for public use, the analysis in the remainder of the section treated the mix of recreational facilities as a unit for purposes of environmental analysis. Therefore, the commenter's statement that there is a joint use agreement in place would not change any of the environmental impact conclusions regarding park and recreational facilities at Fairmead Elementary School. Moreover, Impact PK#4, on page 3.15-28, expressly considers the impacts of closure of Road 19½ on access to the recreational facilities at Fairmead Elementary School.

For these reasons, the analysis of recreational facilities at Fairmead Elementary School was adequate.

242-71

The commenter asserts that the Draft Supplemental EIR/EIS did not analyze the impact of the planned industrial park in the city of Chowchilla. The commenter appears to be referring to the Chowchilla Industrial Park Specific Plan, which the City of Chowchilla adopted in late 2018 (after printing but before publication of the Draft Supplemental EIR/EIS for CEQA review in May 2019). Notwithstanding, the Chowchilla Industrial Park Specific Plan retains and incorporates previously in-place land use designations. As shown in Figures 2-3 and 2-4 of the Chowchilla Industrial Park Specific Plan, the specific plan incorporates essentially the same areas/acreages of light industrial, heavy industrial, and service commercial as those previously identified in city zoning. The specific plan converted some light and heavy industrial land to service commercial. The cumulative analyses in the Draft Supplemental EIR/EIS were based on past, present, and reasonably foreseeable future projects and, accordingly, reflected the applicable land use designations in effect and/or anticipated to be in effect. The specific plan actually reduced the amount of light and heavy industrial land in the specific plan area relative to what had been previously zoned. Moreover, the specific plan did not actually approve any specific development—commercial, industrial, or otherwise. Although the specific plan indicates a minor change in land use designation within its area, it does not introduce any new on-the-ground land use that would need to be part of a cumulative analysis.

Regarding CalEnviroScreen, the analysis in Section 3.3, Air Quality and Global Climate Change, discloses that the San Joaquin Valley Air Basin is in a state and/or federal non-attainment for ozone, particulate matter smaller than or equal to 2.5 microns in diameter and particulate matter smaller than or equal to 10 microns in diameter. Section 3.10, Hazardous Materials and Wastes, also discloses existing uses of hazardous materials in the project area, including, but not limited to, those associated with existing agricultural operations and existing transportation operations. Other sections of the Draft Supplemental EIR/EIS fully describe other environmental issues and other burdens existing in Fairmead and the entire project area. The rankings set forth in CalEnviroScreen are noted, but these rankings do not represent any specific project or development relevant to the consideration of cumulative impacts.

Response to Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019) - Continued

242-72

The preliminary environmental justice determination cited by the commenter was based on a holistic view of the following factors:

- The collective potential for impact avoidance and minimization features (IAMFs) and resource-area mitigation measures to avoid, minimize, or compensate for the various environmental impacts of the project.
- The additional mitigation measures included in the environmental justice chapter (EJ-MM#1 and EJ-MM#2).
- Whether any of the identified adverse environmental effects would be disproportionately borne by minority or low-income populations (environmental justice communities).

The mitigation measures included in the environmental justice chapter (EJ-MM#1 and EJ-MM#2) are directed at identified environmental justice effects (effects under NEPA and other federal regulations); therefore, CEQA case law is not binding on mitigation measures expressly and only for environmental justice impacts. Moreover, the environmental justice chapter does not include any CEQA significance conclusions relative to environmental justice because CEQA requires no such determination. Accordingly, the preliminary and final environmental justice determinations were appropriately based on consideration of the factors above, including, as noted on page 5-54, an assumption that "agreement can be reached with the necessary parties to implement the mitigation measures discussed in this chapter."

242-73

Section 3.6 of the Draft Supplemental EIR/EIS discusses existing major public utilities and impacts on those existing utilities. However, the individual septic systems in Fairmead are discussed in the Draft Supplemental EIR/EIS in Chapter 5, Environmental Justice. The Draft Supplemental EIR/EIS notes that Fairmead is not connected to a municipal water supply or wastewater treatment system. Therefore, residents rely on private wells, which have dried up, and individual septic systems that pose groundwater contamination issues because the lot sizes in Fairmead are often too small to leach effluent adequately. Impacts of the project on the septic systems and private wells are identified in the Draft Supplemental EIR/EIS.

As noted in Section 5.6.3.1, Construction Impacts and Mitigation, with implementation of Mitigation Measure EJ-MM#2, the Authority would provide the funding and technical assistance needed to connect Fairmead to the nearest municipal water system, as well as the Chowchilla Wastewater Treatment Plant, and develop a sewer distribution and collection system in collaboration with Fairmead and Madera County community leaders. Proper abandonment procedures for individual septic system would be followed per Madera County regulations.

Response to Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019) - Continued

242-74

The commenter lists the mitigation proposed in both Section 3.12, Socioeconomics and Communities, and Chapter 5, Environmental Justice, then asserts that mitigation pertaining to the conversion of Fairmead Elementary School into a community center (EJ-MM#1) requires coordination with a third party and therefore violates CEQA requirements for identifying feasible mitigation. The comment also includes a vague reference to other mitigation measures that require third-party cooperation, asserting that those also fail to meet CEQA requirements, without citing specific examples.

Mitigation Measure EJ-MM#1 has been revised in the Final Supplemental EIR/EIS. It now requires the Authority to provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events.

As noted in Section 5.2.2, although an environmental justice analysis is required in NEPA reviews (per Executive Order 12898), such analysis is not explicitly required under CEQA.

The comment cites CEQA case law in stating that Mitigation Measure EJ-MM#1 (which has now been revised) is not adequate. This mitigation measure is directed at identified environmental justice effects (i.e., effects under NEPA and other federal regulations). CEQA case law is not binding on mitigation measures intended expressly and only for environmental justice impacts.

The other mitigation measure referenced is Mitigation Measure SO-MM#1, which concerns vehicular crossings along the HSR corridor, roadway modifications, construction of a multi-use trail, sidewalk and streetlight improvements, and landscaping along the corridor. As a state agency, the Authority's jurisdiction permits implementation of the improvements referenced in Mitigation Measure SO-MM#1 without third-party approvals; therefore, this mitigation measure is considered feasible under CEQA.

242-75

Section 3.6 of the Draft Supplemental EIR/EIS discusses major public utilities. However, the individual septic systems in Fairmead are discussed in the Draft Supplemental EIR/EIS in Chapter 5, Environmental Justice.

As noted in Section 5.6.3.1, Construction Impacts and Mitigation, with implementation of Mitigation Measure EJ-MM#2, the Authority would provide the funding and technical assistance needed to connect Fairmead to the nearest municipal water system, as well as the Chowchilla Wastewater Treatment Plant, and develop a sewer distribution and collection system in collaboration with Fairmead and Madera County community leaders.

242-76

As noted in Impact NV#1, Mitigation Measure NV-MM#1 would reduce construction-related noise impacts to a less-than-significant level. This measure requires temporary construction site sound barriers near a noise source as potential noise mitigation.

Concerning operational noise, as noted under Impact NV#5, sound barriers are not proposed for any of the Central Valley Wye alternatives because they are not required under the Authority's Noise and Vibration Mitigation Guidelines, as shown in Appendix 3.4-A. The Authority's criteria are not met because of the receptors' low density in the resource study area for noise. Mitigation Measure NV-MM#3 states that, if sound barriers are not proposed, the Authority can take other measures to reduce sound levels, such as installing sound insulation to provide outdoor-to-indoor noise reductions (e.g., by adding an extra layer of glazing to windows, sealing holes in exterior surfaces that act as sound leaks, and providing forced ventilation and air-conditioning so that windows do not need to be opened). This measure may provide some level of noise attenuation, but even with implementation of this measure, the impact would remain significant.

Response to Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019) - Continued

242-77

Please refer to the response to submission MF2-242, comment 66. In response to the commenter's request for mitigation in the form of a partnership between the Authority and an affordable housing developer to provide new affordable housing in Fairmead, the Authority respectfully declines to adopt such a measure.

The Authority will undertake all of the assistance and relocation planning efforts specified in SO-IAMF#2, SO-IAMF#3, and Mitigation Measure SO-MM#1. Given the demonstrated availability of replacement housing in the area, these are anticipated to be effective in lessening and/or mitigating project-related impacts on Fairmead; the future mitigation proposed by the commenter is not justified.

242-78

Please refer to the response to submission MF2-247, comment 210, which describes mitigation measures that are substantially the same as those proposed by the commenter.

242-79

As described on page 3.18-21 of the Draft Supplemental EIR/EIS, the Authority is committed to helping lower-income persons, persons receiving public assistance, single parents, persons with no high school or a General Education Development diploma, and/or those who suffer from chronic unemployment compete for available jobs. In addition, through the Community Benefits Agreement, the Authority requires each prime contractor on an awarded construction package to commit 30 percent of all construction dollars to small businesses, with separate goals for hiring disadvantaged and disabled-veteran businesses.

With respect to the suggestion about implementing a formal economic impacts mitigation measure, the impact discussions referenced in the response to submission MF2-245, comment 124, fully represent the potential economic impacts that could occur as a result of construction and operation of the Central Valley Wye alternatives. The measures described would provide fair compensation in areas where impacts would not be otherwise outweighed by the local and regional benefits of the HSR project.

The Authority disagrees with the assertion that the Authority needs to "comply with its CEQA obligations to implement feasible mitigation measures." As described earlier in this response, the potential economic and employment impacts are fully and adequately represented in the Draft Supplemental EIR/EIS. Furthermore, in accordance with Section 15064(e) of the CEQA Guidelines, "economic and social changes resulting from a project shall not be treated as significant effects on the environment." Accordingly, the purported impacts that the commenter notes would not be identified as potentially significant and therefore would not require mitigation under CEQA.

Lastly, although some individuals may experience indirect employment changes as a result of construction of the HSR project, the region as a whole would experience economic benefits and employment opportunities from construction and operation of the HSR project, as described in response to submission MF2-245, comment 124.

Response to Submission 242 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 21, 2019) - Continued

242-80

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by the State of California pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated July 23, 2019 and executed by the Federal Railroad Administration and the State of California.

The Authority is issuing this joint Final Supplemental EIR/EIS under NEPA assignment.

242-81

The Authority is committed to ensuring that no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in the design, construction, and operation of the HSR system. In June 2012, the Authority adopted a policy and plan to ensure that the HSR system complies with Title VI (Authority 2012). The Authority's Title VI program ensures that no person in California is excluded from participation in, or denied the benefits of, its programs, activities, and services on the basis of race, color, national origin, age, sex, or disability. The Authority's Title VI program includes guidance on public participation, limited English proficiency, environmental justice, Title VI assurances, complaint procedures, annual reports, and data collection (please refer to https://www.hsr.ca.gov/programs/title_vi/). This program also includes a commitment to inclusive public involvement of all persons affected by the HSR project (Authority 2012).

Consistent with the Authority's Title VI program and NEPA, environmental review for the Central Valley Wye alternatives includes public outreach to minority and low-income communities, including the community of Fairmead, and an analysis of potential environmental justice effects, as documented in Chapter 5, Environmental Justice. The Authority has proposed feasible mitigation to minimize the effects of construction and operation of the Central Valley Wye alternatives. With the beneficial effect of Mitigation Measures EJ-MM#1 and EJ-MM#2, described in Chapter 5, the Authority has concluded that there would be no disproportionately high and adverse effects on the community of Fairmead from construction and operation of the Central Valley Wye alternatives.

Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #243 DETAIL

Status : Unread
 Record Date : 6/21/2019
 Submission Date : 6/21/2019
 Interest As : Business and/or Organization
 First Name : Breanne
 Last Name : Ramos
 Submission Content :

June 20, 2019

Merced to Fresno Section:
 Central Valley WYE Draft Supplemental EIR/EIS
 California High Speed Rail Authority
 770 L Street
 Suite 620 MS-1
 Sacramento, CA 95814

Good Afternoon,

On behalf of Preserve Our Heritage, Chowchilla Water District, Fagundes Fagundes Fagundes, Madera County Farm Bureau and Merced County Farm Bureau, I've attached our comments for the California High-Speed Rail Authority's Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS. We appreciate the opportunity to comment and look forward to hearing your responses. Should you have any questions on the attached, please reach out at your convenience.

243-82

Thanks in advance,

Breanne Ramos
 Executive Director
 Merced County Farm Bureau
 (209)723-3001

Attachments : WYE EIR EIS Comment Letter.pdf (298 kb)

Dear California High-Speed Rail Authority,

On behalf of Chowchilla Water District, Fagundes Fagundes Fagundes, Madera County Farm Bureau, Merced County Farm Bureau and Preserve Our Heritage (petitioners) the petitioners in County of Madera v. California High-Speed Rail Authority, case number 34-2012-80001165-CU-WM, we submit the following comments for the record on the circulated California High Speed Rail – Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement (DSEIR). It is our belief that the current EIR document does not take into consideration the changes made to the scope of the project as it is now being undertaken.

Many of the conclusions in the DSEIR are based on outdated information and assumes that the system will be fully developed. The DSEIR relies on the 2016 Business Plan, which has been replaced by the 2018 Business Plan, making it invalid. The DSEIR does not identify the changes to impacts identified in the 2012 Merced-Fresno EIR/EIS that would result from the proposed WYE component, nor does it take into account Governor Newsom's indication that the project will be scaled back, and the focus will shift to completing only the Merced to Bakersfield sections, there by changing the scope of the project. During this same time, the Federal Rail Authority has ceased dialogue with CHSRA and canceled \$928,620,000 in funding. This EIR does not address these sudden changes to the project and does not provide information that will show how this project will move forward given its shaky performance and funding scenarios. It is our belief, under CEQA requirements, that major revisions to project funding and scope must be addressed in the draft document. CEQA Guidelines require that the decision-making body consider the previous EIR as revised by the supplemental EIR.

243-83

This document disguises itself as a supplement to the 2012 EIR/EIS, while actually evaluating the Central Valley WYE as a stand-alone project component of the HSR. CEQA requires that the lead agency disclose and evaluate the potential for new significant effects and the potential for increases in the severity of impacts identified in the previous EIR for which the supplement is prepared. It is also not clear within the DSEIR as to how the mitigation measures being

Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-83	<p>proposed for the WYE will alleviate the impacts of the WYE or how they relate to the 2012 Merced-Fresno EIR/EIS. The proposed mitigation measures in the DSEIR are lacking in specificity, performance standards, implementing responsibility and timing of implementation.</p>	243-88	<p>maintenance costs of those facilities will be that of the California High Speed Rail Authority.</p>
243-84	<p>As it relates specifically to the document, we believe that there is a lack of adequate grade separated “interchanges” along the Highway 152 alternatives. Currently as shown in <i>Section 3.2 Transportation</i> there is only one grade separated interchange (Road 9) that allows access to Highway 152. This would funnel all vehicle traffic from connecting county roads to one access point. We would hope that at the very least some sort of highway access could be configured at the Road 4 overcrossing especially since Road 4 is a major thoroughfare with connection points to Avenue 21 and Avenue 18 ½ as well as the Alview Dairyland School.</p>		<ul style="list-style-type: none"> • A bridge for the HSR will need to be constructed at all HSR crossings over canals. The bridges will be the property of the California High Speed Rail Authority and the operation and maintenance costs of those facilities will be that of the California High Speed Rail Authority. The CWD earthen canal bank under the HSR bridge will need to be stabilized with a concrete liner for a distance of 200 feet on each side of the HSR crossing. • Irrigation pipelines will need to be replaced with pipe that can withstand the forces and vibration of the HSR at all locations where it crosses over or near an existing pipeline. • New infrastructure will need to be installed and maintained by California High Speed Rail Authority in circumstances where HSR severs a property’s connection to facilities. • Construction of HSR shall not interfere with the district’s ability to deliver or run water and/or flood releases through facilities, Berenda Slough, Ash Slough, Chowchilla River and Dutchman Creek
243-85	<p>We have concerns with the closure of Road 15½ and Avenue 21 as depicted in Civil Drawing CV-S1220-C. Road 16 is a major connection point to Avenue 21 for the Alview Dairyland School District. Avenue 21 is one of only two rural roads that have a continuous connection from Road 16 to Road 4 and this is one of the major roads used by the Alview Dairyland School District as well as the Chowchilla Union High School District for their home to school transportation system. The multiple closures on this alignment would cause a hardship.</p>	243-89	<p>From an endangered species perspective, it has been known that not only Caltrants, but landowners have had concerns about federally protected Red-Tail and Swainson Hawks. In fact, the same species of hawks are prevalent along the current proposed WYE alignment particularly along the Road 13 option. In 2011, landowners brought concerns about Swainson Hawks and at the time, CHSRA responded with various mitigation measures, however we still do not feel these measures are adequate protections. Specifically, we do not feel that these measures address the issue that at certain times of the year it has been documented that hundred of hawks migrate through the area spending numerous days in the area.</p>
243-86	<p>Civil Drawings show the closure of multiple private agricultural roads. One example is reviewed by observing CV-S1240-C. Closing these roads with no alternative access under or over the rail will cause hardships for all farming operations along the Avenue 21 and Road 13 Alternative. This design will funnel all agricultural equipment to county roads with grade separated crossings. This raises the risk of traffic incidents caused by slow moving agricultural equipment, especially during the very active harvest periods.</p>	243-90	<p>Protections need to be provided for landowners, residents and the public agencies that represent them. Because of these facts we request the following mitigations be added:</p>
243-87	<p>Civil Drawings in the Supplemental EIR show overly large grade separated overcrossings. For example, Civil drawing CV-R1230-C shows an overcrossing that is approximately one mile in length. There are current overcrossings that span four lanes of Highway 152 that are half this size. We question why so much land is being used to go over the high-speed rail tracks.</p>		<ul style="list-style-type: none"> • Develop a mechanism to ensure that all agriculture infrastructure is left in a condition that satisfies on-going demands, to include reconstruction if necessary. • Provide financial assurances that there will be sufficient funds to complete and/or replace agriculture infrastructure being affected but not left operational by CHSRA. • Develop construction specifications and performance measures that will reduce construction related affects with provisions to alter or adjust the construction process/schedule to accommodate agricultural operations and on farm needs. • Provide all construction plans and specifications for review and approval by affected property owners, meet as necessary with affected property owners to discuss and clarify construction process and adjust construction plans and specifications to address needs of agricultural operations.
243-88	<p>Within the document, CHSRA has identified the preferred alternative as, SR 152 (North) to Road 11 WYE, which intersects with CWD facilities more than 20 times with varying severity. The following are general requests to remedy impacts on water infrastructure regardless of the chosen route and as the construction of the project nears, these requests will need to be refined.</p> <ul style="list-style-type: none"> • An overpass or under pass will need to be constructed where the HSR crosses all water distribution facilities to allow continued operation and maintenance of those facilities with no increases in cost and time to do so. Overpasses or underpasses will need to be able to allow passage of equipment such as pickup trucks, 10-ton capacity dump trucks, pesticide spray trucks, gradalls, grader/slopers, dozers and excavators. • The overpasses or underpasses constructed to mitigate impacts on water facilities will be the property of the California High Speed Rail Authority and the operation and 		

Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-90

- Establish a monitoring program that provides a procedure to address and cure issues that arise during construction that were not contemplated or are being caused by non-compliance on the part of the contractor or CHSRA.

243-91

As a group we have been consistently watchful of the California High Speed Rail Authority (CHSRA) since it's early beginnings with the voting public. On April 17, 2013, petitioners entered into a settlement agreement with CHSRA. It is our position that CHSRA has an obligation to continue to comply with the terms of said agreement, despite findings within the document.

Agriculture is the economic driver in the areas currently covered within the document, and it is our position that CHSRA should not take the concerns of this industry lightly. As the project has progressed from Merced to Fresno, there have been a host of issues that have not been properly addressed, and we believe these issues will carry over into the WYE project. We have watched not only our own communities, but the communities south of us, and have learned that CHSRA has not been thorough in ensuring that operations affected by the construction of HSR are made whole and left in a condition that operations are not impaired. Agricultural land has been acquired, developed on and not paid for by CHSRA. Farmers and ranchers have made efforts, based on what appears to be false promises and information given to them by CHSRA, to adjust their operations to conform with project requirements, yet have not been compensated. Portions of the projects have been erected, and then torn down and rebuilt again because of a lack of proper oversight. It is clear that CHSRA has demonstrated an inability to follow construction schedules or make progress on segments that have begun construction. These issues along with many others have led to significantly increased costs, that will likely be the case with the WYE if a proper plan is not implemented.

243-92

In 2013, former California High Speed Rail Chairman, Quinn Kopp, testified many concerns that still are viable today. At that time, he pointed out budget restraints and safeguards that were originally promised however no longer seemed to be in effect. We would largely suspect that they are not in effect today either. One would also believe that the requirement regarding 'useable segments' is also ignored.

243-93

BSNF Railway also raised concerns in 2013 that still do not seem to be addressed. At the time, BSNF did not believe going to a 'Blended Service' was a favorable option. In fact, that is exactly what is being proposed, and it does not appear that this concern has been adequately addressed. We share that concern. In addition, there was a concern that 'Design-Build' would NOT be used as a project delivery method where CHSRA construction would impact BSNF or customers. We share that concern as well.

243-94


One only must look at some of the results along the current Madera to Wasco section to see the adverse impacts on Valley residents and landowners. We have heard the horror stories from our fellow farmers and friends to the South.... Farms and homes have been needlessly destroyed, and compensation to affected people has been delayed. Although, we somewhat understand the

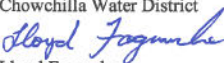
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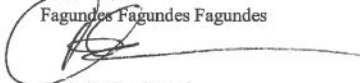
passion that some have for HSR, it should not be inflicted upon folks to the detriment of their livelihood. Sufficient and enforceable protections must be stated in this DSEIR.


We appreciate the opportunity to comment on the Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement as the continued buildout of this project will greatly impact Merced and Madera County farmers and ranchers. We will also remain watchful of all actions taken by the Authority. Again, thank you for the opportunity and please contact any of the petitioners at your convenience should you have any questions on the above.

Sincerely,


Brandon Tomlinson
Chowchilla Water District


Lloyd Fagundes
Fagundes Fagundes Fagundes


Christina Beckstead
Madera County Farm Bureau


Breanne Ramos
Merced County Farm Bureau


Steve Massaro
Preserve Our Heritage

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019)

243-82

The Draft Supplemental EIR/EIS does not evaluate the Central Valley Wye as a stand-alone project component of the HSR system. As explained in Section 2.1, the Authority has prepared programmatic, or "Tier 1," environmental documents for the statewide HSR system, followed by the Merced to Fresno Final EIR/EIS as the first "Tier 2" environmental document.

Figure 2-1 in the Draft Supplemental EIR/EIS depicts how the wye relates to the Merced to Fresno Project Section of the HSR system as well as the San Jose to Merced Project Section of the HSR system.

This Draft Supplemental EIR/EIS builds on both the Tier 1 environmental documents and the Merced to Fresno Final EIR/EIS to provide further detailed examination of wye alternatives that are broadly consistent with the prior studies and decisions.

The Authority has prepared this document consistent with requirements of the CEQA Guidelines regarding additional environmental review following project approval, which, in this context, is applicable to the 2012 approval of the Merced to Fresno Project Section, exclusive of a decision on the Central Valley Wye.

The comment states that it is unclear how the mitigation measures proposed in this document alleviate impacts or how they relate to the Merced to Fresno Final EIR/EIS. Chapter 3, Section 3.1.2, explains that the mitigation measures in the Draft Supplemental EIR/EIS were largely included in the Merced to Fresno Final EIR/EIS, but some have been reworded or combined for clarification.

The comment suggests the mitigation measures proposed in the Draft Supplemental EIR/EIS lack specificity, performance standards, and information regarding implementing responsibility and the timing for implementation. The Authority respectfully disagrees. The mitigation measures described in the Draft Supplemental EIR/EIS are detailed and presented to provide performance standards where necessary.

The information requested by the commenter about specifics regarding timing and the responsibility for implementing and overseeing mitigation measures is normally included in an MMRP. Draft CEQA documents are not required to include MMRPs, nor is such

243-82

inclusion typical. However, the Authority has included an MMRP as part of the Final Supplemental EIR/EIS. The Draft Supplemental EIR/EIS provided adequate detail regarding the nature of the mitigation measures and allowed consideration of how such measures avoid, minimize, or compensate for identified environmental effects.

Please also refer to the Standard Response CVY-Response-GENERAL-7: Relationship Between the Merced to Fresno Final EIR/EIS and Central Valley Wye Final Supplemental EIR/EIS Documents.

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-83

The comment asserts that the Draft Supplemental EIR/EIS is based on outdated information and that reliance on the 2016 Business Plan made the document invalid because the Authority had issued the 2018 Business Plan.

The Draft Supplemental EIR/EIS did not become invalid because the Authority issued a new business plan. The Authority is required by state statute to prepare and submit a business plan to the legislature every 2 years. The business plan includes many topics that are not directly relevant to the Draft Supplemental EIR/EIS.

One topic that does relate to the Draft Supplemental EIR/EIS is the information about anticipated statewide HSR system ridership, which is used in certain environmental analyses. As explained in Section 2.3 of the Draft Supplemental EIR/EIS, the HSR ridership forecasts used in this document reflect the 2016 Business Plan ridership forecasts. These forecasts ranged from a medium forecast of 42.8 million riders on a Phase 1 HSR system in 2040 to a high forecast of 56.8 million in 2040. The forecasts were used principally in the topic areas regarding operations-period air quality and energy effects.

The Authority subsequently published a 2018 Business Plan, as noted by the commenter. The 2018 Business Plan utilized the same travel demand model that generated the 2016 ridership forecasts, but, because of changes in the model's inputs, the ridership forecasts were slightly lower than those in the 2016 Business Plan. The medium ridership forecast for 2040 decreased by 6.5 percent, from 42.8 to 40 million, and the high ridership forecast decreased by 10.1 percent, from 56.8 to 51.6 million.

The Authority has also released a Draft 2020 Business Plan, which reflects a Phase 1 medium ridership forecast of 38.6 million in 2040 and a high of 50.0 million in 2040. The forecasts were generated with the same model used for the 2016 and 2018 forecasts, but, again, the inputs differed.

These incremental differences regarding the HSR system's ridership forecasts in the 2018 and 2020 Business Plans do not undermine the analysis presented in the Draft Supplemental EIR/EIS. To the extent that lower ridership compared with that described in the Draft Supplemental EIR/EIS would result in fewer trains operating in 2040, the

243-83

adverse impacts associated with train operations would be less than those presented in the Draft Supplemental EIR/EIS (e.g., reduced noise from train passbys). Project benefits would also be lower (e.g., benefits that would have been realized from fewer vehicle miles traveled, reduced greenhouse gas emissions, less energy consumed for transportation).

The comment also asserts that the governor's 2019 remarks and FRA's determination to cancel a certain amount of federal funding for HSR means that the HSR system as a whole will be scaled back, which should have been reflected in the Draft Supplemental EIR/EIS. However, the HSR system is not being scaled back. The Authority is continuing to conduct planning and environmental reviews on each Phase 1 project section while at the same time continuing engagement with FRA concerning grant funding as well as working to find resources to fund future construction to continue and complete the Phase 1 HSR system.

The potential interim service considered in the 2019 project update report (Merced to Bakersfield) would include the wye alternatives. Please also refer to the Standard Response CVY-Response-GENERAL-5: Phased Implementation, Interim Operating Plans and Draft 2020 Business Plans update regarding the consideration of interim service.

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-84

As summarized in Table 2-7, each of the Central Valley Wye alternatives proposed to run along the SR 152 corridor would require closure of a number of public roadways and also entail the creation of new roadway overcrossings or undercrossings. Each of the Central Valley Wye alternatives would incorporate several overcrossings or undercrossings to allow access to SR 152, as shown in Figures 2-8, 2-10, and 2-14.

The Authority's policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles that need to cross the HSR tracks. However, in rural areas, the distance between overcrossings or undercrossings would vary from less than 2 miles to approximately 5 miles where other roads are perpendicular to the proposed HSR alignment.

There would be an SR 152 overpass and interchange at Road 9 and an SR 152 underpass and interchange at Road 16. In addition, grade-separated structures would limit access to SR 152 at Road 4 and Road 12.

The location and placement of interchanges was intended to be consistent with the Freeway Agreement between the California Department of Transportation (Caltrans) and Madera County. As noted in Section 3.2.2.2, this agreement originated in 1959 and was supplemented in August 1969. The agreement confirmed future interchanges and grade separations, along with a plan for widening the road in the future. The Authority anticipates that following the selection of a Preferred Alternative, Caltrans and Madera County will further update this agreement and possibly enter into a similar, separate agreement with the City of Chowchilla concerning the future disposition of the portion of SR 152 within Chowchilla city limits.

243-85

The comment expresses concern over closure of Road 15½ and Avenue 21, as depicted in Civil Drawing CV-S1220-C and CV-S1230-C. This drawing relates to the Avenue 21 to Road 13 Wye Alternative (which is not the Preferred Alternative) which would close Avenue 21 after its intersection with Road 15. Road 15½ exists as a paved public road north of Avenue 21 and a dirt road south of Avenue 21. For Avenue 21 to Road 13 Wye Alternative, Road 15½ would no longer intersect with Avenue 21 and Road 15½ would dead end before the HSR tracks.

The Preferred Alternative, SR 152 (North) to Road 11 Wye Alternative, would not close Avenue 21. As shown in Civil Drawing CV-S1160-D, there would be an SR 152 overpass and interchange at Road 9 and, as shown in Civil Drawing CV-S-1230-D, an SR 152 underpass and interchange at Road 16. In addition, grade-separated structures would limit access to SR 152 at Road 4 and Road 12. However, as shown in Civil Drawing CV2-S1220-D, the Preferred Alternative would result in the closure of Road 15½. Because the Preferred Alternatives would not close Avenue 21, the impacts cited by the commenter on school bus routes would not be realized.

As discussed in Impact TR#13, any permanent impacts on school bus routes resulting from other road closures would be identified in the final design, allowing schools enough time to evaluate existing routes and make any necessary adjustments.

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-86

The comment references a design drawing for the Avenue 21 to Road 13 Wye Alternative as an example of closing private agricultural roads. The comment expresses concern over funneling agricultural equipment to county roads, which may create a safety hazard.

As identified in Chapter 8, Preferred Alternative, the SR 152 (North) to Road 11 Wye Alternative would minimize the number of road closures. Roadway overpasses would be provided approximately every 2 to 5 miles. The transportation impact analysis reviewed both the temporary and permanent proposed roadway closures and modifications (Impacts TR#8 and TR#9), including grade separations, that would be caused by the Central Valley Wye alternatives to determine possible traffic rerouting. The analysis concluded that even with traffic rerouting due to road closures, rural roadways would continue to operate at acceptable levels. Additional text has been added to Impact TR#9 to acknowledge the potential for agricultural equipment to use county roads.

243-87

The cited drawing, CV-R1230-C, is associated with the Avenue 21 to Road 13 Wye Alternative (which is not indicated as the Preferred Alternative). The cited drawing depicts a proposed grade separation at Road 16 (the Berenda Way Overhead), which would allow Road 16 to pass over the HSR tracks at this location. As shown in related drawing ST-K1230C, the proposed length of the overcrossing structure is approximately 517 feet long with the mid-span spanning 207 feet at an elevation approx. 48 feet above existing ground level. Current design, determined by Caltrans or Madera County, calls for a three percent gradient at both approach ramps and a four to one side slope. With these parameters, additional land on either side is to enable Road 16 to rise up and to cross the tracks for safe vehicular use. In the vicinity of Road 16, these adjacent lands would be agricultural lands to complete the Road 16 structure.

243-88

The comment requests methods to ensure that Chowchilla Water District (CWD) will have continued access to water infrastructure facilities for operation and maintenance. The commenter also states that construction of HSR should not interfere with the district's ability to deliver or run water and/or flood releases through CWD facilities.

In the next design phase, the Authority will identify and establish a process by which local utility agencies can maintain access below the railroad right-of-way, similar to how Caltrans provides opportunities for local agencies to maintain infrastructure access at Caltrans facilities. From this process, utility crossings will be located where justified and necessary by the local agencies. In addition, to minimize potential effects related to utility system interruptions, including interruptions at CWD facilities, contractors would implement PUE-IAMF#2, which would require them to verify that new irrigation facilities are operational prior to disconnecting the original facility in places where irrigation facility relocations would be required and such verification is feasible. PUE-IAMF#3 requires public notification of planned outages prior to construction. Construction would be coordinated to avoid interruptions of utility service to hospitals and other critical users. In addition, PUE-IAMF#4 requires that contractors prepare a technical memorandum to document how construction activities would be coordinated with service providers to minimize or avoid interruptions. The Authority also acknowledges the 2013 settlement agreement that includes CWD. Paragraph 5 of that agreement includes a list of measures the Authority has already agreed to implement, including underpasses as a means of ensuring that CWD retains adequate access to its facilities. Therefore, although the Authority appreciates the suggestions from the commenter, the requests are largely incorporated into the aforementioned IAMFs and/or the settlement agreement and thus no further measures are necessary to respond to this comment.

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-89

Please refer to submission MF2-248, comments 244 and 245. The commenter expressed concern regarding how the Central Valley Wye may affect Swainson's hawk and red-tailed hawk, including migratory individuals. The commenter suggests that although mitigation measures exist to protect these species, the mitigation measures are not enough to reduce impacts to less-than-significant levels. Mitigation measure BIO-MM#50, Provide Compensatory Mitigation for Loss of Swainson's Hawk Nesting Trees and Habitat, has been modified to clarify how impacts on Swainson's hawk will be compensated. In addition, please refer to submission MF2-248, comment 261, regarding general revisions, including further information that has been added to the EIR regarding the Pacific Flyway. Although this discussion is not limited to red-tailed hawk or Swainson's hawk, it is relevant to both species as well as the commenter's concern.

Furthermore, mitigation measure BIO-MM#24b, unchanged from the Draft EIR, contains specific protections for nesting raptors such as Swainson's hawk and red-tailed hawk.

243-90

The Authority appreciates the comment requesting additional mitigation measures but notes that many of the cited issues are addressed by IAMFs included in the project.

Regarding agricultural infrastructure, please refer to Standard Response CVY-Response-AGRICULTURE-1 Severance of Agricultural Infrastructure Serving Important Farmland.

Regarding the request that construction specifications consider agricultural operations, the Authority will take this request under advisement as a policy matter, although such approach is not necessary to mitigate any significant environmental impact.

Regarding mitigation monitoring and enforcement, this Final Supplemental EIR/EIS includes a Mitigation Monitoring and Enforcement Program that identifies parties responsible for carrying out mitigation measures as well as for overseeing such activities. Please refer to the Mitigation Monitoring and Enforcement Program.

243-91

The commenter is describing a scenario in which the Authority is acquiring agricultural property without paying the landowner. The Authority respectfully disagrees with this assessment. The Authority is following, and will continue to follow, the right-of-way acquisition process prescribed by state law when acquiring property for the HSR system. The Authority is committed to continue working constructively with property owners regarding any needed parcel acquisitions.

243-92

Please refer to Standard Response CVY-Response-GENERAL-3: Funding and Project Costs.

243-93

The comment refers to concerns about "Blended Service" and use of the design/build procurement method. The term "Blended Service" in the comment appears to refer to the type of HSR service contemplated in a different project section, namely San Francisco to San Jose, an area where HSR trains would share track with other passenger rail and be limited to slower speeds. "Blended Service" is not proposed for the Merced to Fresno Project Section, including the Central Valley Wye component of the Merced to Fresno Project Section. As described in Chapter 2, Alternatives, the proposed design for HSR in the Merced to Fresno Project Section is a dedicated HSR alignment, with trains that would be capable of traveling at speeds of up to 220 mph. The HSR alignment will not share tracks with other passenger rail services.

Please refer to Section 2.5, Updated Construction Plan, concerning the planned design-build approach.

Response to Submission 243 (Breanne Ramos, Merced Cnty Farm Bureau for Chowchilla Water Dist, Madera Cnty Farm Bureau, et al., June 21, 2019) - Continued

243-94

The commenter refers to the experiences of residents and landowners related to construction of other parts of the statewide HSR system but provides no factual evidence of unnecessary destruction of property, acquisitions, or delays in payments to property owners. Please refer to response to submission MF2-243, comment 91.

The Authority has developed the design for the Central Valley Wye alternatives to an appropriate level of detail for the purposes of the analysis in the Draft Supplemental EIR/EIS. As the final design progresses, the process for identifying specific properties that may be subject to acquisition may be refined; however, under no circumstance will the Authority pursue unnecessary acquisition or destruction of personal property.

The Authority has fully and adequately identified the potential for residential and business displacements in the Draft Supplemental EIR/EIS and described appropriate measures to assist individuals and businesses, including those in the community of Fairmead, with relocation needs.

As described in Impact SO#3, Displacements and Relocations of Residences, on pages 3.12-45 through 3.12-48 of the Draft Supplemental EIR/EIS, displaced residents would be relocated to replacement housing, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (SO-IAMF#2). The Uniform Relocation Assistance and Real Property Acquisition Policies Act provides benefits to displaced individuals, assisting them financially and providing advisory services related to relocation of their residences or businesses. Benefits are available to both owner occupants and tenants of either residential or business properties. Prior to any acquisition, the Authority would develop a relocation mitigation plan (SO-IAMF#3), in consultation with affected cities and counties, that would be tailored to the specific needs of the affected communities.

Submission 246 (Breanne Ramos, Merced County Farm Bureau, June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #246 DETAIL

Status : Unread
 Record Date : 6/21/2019
 Submission Date : 6/21/2019
 Interest As : Business and/or Organization
 First Name : Breanne
 Last Name : Ramos
 Submission Content :

Good Afternoon,

On behalf of the Merced County Farm Bureau, I've attached our comments for the California High-Speed Rail Authority's Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS. We appreciate the opportunity to comment and look forward to hearing a response back. Should you have any questions on the attached, please reach out at your convenience.

Thanks in advance,

Breanne Ramos
 Executive Director
 Merced County Farm Bureau
 (209)723-3001

Attachments : Merced CFB - WYE EIR EIS Comment Letter.pdf (131 kb)

246-168

246-169

246-170

June 20, 2019

Merced to Fresno Section:
 Central Valley WYE Draft Supplemental EIR/EIS
 California High Speed Rail Authority
 770 L Street
 Suite 620 MS-1
 Sacramento, CA 95814

Dear California High Speed Rail Authority,

Merced County Farm Bureau (MCFB) would like to submit formal comments for the record on the circulated California High Speed Rail – Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement (Supplemental EIR). As an organization we have been consistently watchful of the California High Speed Rail Authority (Authority) since it's early beginnings with the voting public. MCFB is a non-profit, grassroots, non-governmental organization that advocates for farmers, ranchers and dairy families who live and/or work in Merced County.

To being, we have strong issues with the Supplemental EIR as you are moving forward with a document that does not have approved designation under both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Approximately two years ago, the Authority stated they would have both designations approved before moving forward. Should NEPA be approved later, the Authority would be required to recirculate the Supplemental EIR. We do not feel any of this is productive in nature as you are making full term plans without having all approvals. We also have concerns that the Supplemental EIR does not comply with what Governor Newsom has committed to in scaling back the operation focusing on Merced to Bakersfield due to issues such as funding constraints and engineering difficulties.

We question why the Authority is using the 2016 Business Plan numbers for ridership forecasts and not the 2018 Business Plan. Was it not considered to reevaluate the ridership numbers in the 2018 Business Plan? In addition, the Supplemental EIR states on page S-8 "...population is expected to increase by 51 percent between 2010 and 2040 in the San Joaquin Valley and by 52 percent and 58 percent in Merced and Madera Counties..." We are left to wonder how the figures were derived as no explanation is provided to the reader.

As it relates to the Supplemental EIR at hand, we have concerns on the continued extension to Carlucci Road which sits within Dos Palos located in Merced County. As this time, the train will extend from Merced to Bakersfield with funding for future development undetermined. As you move forward with this plan, unaware of what the Authority will be able to accomplish in later years, you continue to leave landowners from Carlucci Road to the WYE junction in complete limbo. When does the Authority plan to approach these landowners regarding acquisition of their properties? Should the Authority not complete the project in its original entirety, will landowners have the first right to purchase back their property? It seems more taxing, frustrating and confusing on all parties when it is unknown how the

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 E-mail: info@mercedfarmbureau.org



Submission 246 (Breanne Ramos, Merced County Farm Bureau, June 21, 2019) - Continued

246-170 | project will continue given various constraints the Authority has faced. Ultimately you are leaving landowners to negotiate on a project that may never meet its proposed goal, one that has been changed dramatically since first approved by votes in 2008.

246-171 | We appreciate the effort that the Authority has made in writing various policies to offset the impacts to agriculture; however, we have witnessed these policies fail time and time again. Policy outlined on page 3.14-19 would allow for use of agriculture ground to be used for temporary construction. The document further states that the ground is rented from the landowner, but we ask who determines the value of the rent? Is it negotiated by the grower and the Authority, determined by a third party or another method? We want to ensure that those impacted are given a fair value as they will not know the length that the Authority will lease their property. Concerns can also be raised on what the ground looks like when it is returned to the grower. The Authority should ensure that there are no impacts to routine agriculture production once returned.

246-172 | As it relates to agricultural irrigation, other utilities and land purchases, we want to ensure our community members are left whole once the agreement has been made. There have been plenty of reports in recent news that growers have been left to pay the cost for items such as new wells with no immediate payment from the Authority. This is unacceptable and simply stating that "government moves slow" is not an excuse. When considering remnant parcels of 20 acres or less, the Authority expects that some of these properties will still be farmed by either the original landowner or by a neighboring farmer. Who determines that the remnants are sufficient to be farmed? We would also like to understand the breakdown of remnant parcels the Authority expects to have within each county as it is only broken down by the various alternatives.

246-173 | We, along with a number of other plaintiffs, brought forward a lawsuit against the Authority that was ultimately settled. We would like the terms from the Settlement Agreement dated April 17, 2013 by and among Madera County Farm Bureau, Merced County Farm Bureau, Preserve Our Heritage, Chowchilla Water District, and Fagundes Parties (Petitioners and Plaintiffs) and California High-Speed Rail Authority (Respondent and Defendant) to be carried forward. We also request that they present information to our organization as it develops to better inform impacted growers.

We appreciate the opportunity to comment on the Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement as the continued buildout of this project will greatly impact Merced County farmers and ranchers. We will also remain watchful of all actions taken by the Authority. Again, thank you for the opportunity and please contact our organization at your convenience should you have any questions on the above.

Sincerely,



Breanne Ramos
Executive Director

Response to Submission 246 (Breanne Ramos, Merced County Farm Bureau, June 21, 2019)

246-168

The Notice of Availability for the Draft Supplemental EIR/EIS explained the process the Authority used to circulate the Supplemental EIR/EIS pursuant to CEQA but containing all content required by both CEQA and NEPA while it was awaiting FRA's response to an application for NEPA assignment. The Notice of Availability stated that the Draft Supplemental EIR/EIS would circulate for a second public comment period pursuant to NEPA at some point in the future.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by the State of California pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated July 23, 2019 and executed by the Federal Railroad Administration and the State of California.

Accordingly, the Authority circulated the Draft Supplemental EIR/EIS for NEPA purposes effective September 13, 2019, through October 28, 2019. This followed the Authority's earlier circulation of the document for CEQA review from May 3, 2019, through June 20, 2019.

Although the Authority is focusing on the currently under way construction in the Central Valley, the Authority is continuing environmental evaluation pursuant to CEQA and NEPA for all Phase 1 project sections and continuing to pursue funding to complete the Phase 1 HSR system between San Francisco and Los Angeles/Anaheim. Please also refer to Standard Response CVY-Response-GENERAL-5: Phased Implementation, Interim Operating Plans and Draft 2020 Business Plan.

246-169

The Draft Supplemental EIR/EIS utilized ridership forecasts from the 2016 Business Plan because the document was under development well before the 2018 Business Plan was issued. As explained in Section 2.3 of the Draft Supplemental EIR/EIS, the 2016 Business Plan ridership forecasts ranged from a medium forecast of 42.8 million riders on a Phase 1 HSR system in 2040 to a high forecast of 56.8 million in 2040. The forecasts were used principally in the topic areas regarding operations-period air quality and energy effects.

The Authority subsequently published a 2018 Business Plan, as noted by the commenter. The 2018 Business Plan utilized the same travel demand model that generated the 2016 ridership forecasts, but because of changes in the model's inputs, the ridership forecasts were slightly lower than those in the 2016 Business Plan. The medium ridership forecast for 2040 decreased by 6.5 percent, from 42.8 to 40 million, and the high ridership forecast decreased by 10.1 percent, from 56.8 to 51.6 million.

The Authority has also released a Draft 2020 Business Plan, which reflects a Phase 1 medium ridership forecast of 38.6 million in 2040 and a high of 50.0 million in 2040. The forecasts were generated with the same model used for the 2016 and 2018 forecasts, but, again, the inputs differed.

These incremental differences regarding the HSR system's ridership forecasts in the 2018 and Draft 2020 Business Plans do not undermine the analysis presented in the Draft Supplemental EIR/EIS. To the extent that lower ridership compared with that described in the Draft Supplemental EIR/EIS would result in fewer trains operating in 2040, the adverse impacts associated with train operations would be less than those presented in the Draft Supplemental EIR/EIS (e.g., reduced noise from train passbys). Project benefits would also be lower (e.g., benefits that would have been realized from fewer vehicle miles traveled, reduced greenhouse gas emissions, less energy consumed for transportation).

The comment questions the source of population data for Merced and Madera Counties in the Executive Summary of the Draft Supplemental EIR/EIS. The data are from the U.S. Census Bureau and the California Department of Finance, as further noted in Section 1.2.4.1 and Table 1-1.

Response to Submission 246 (Breanne Ramos, Merced County Farm Bureau, June 21, 2019) - Continued

246-170

The comment does not relate to any specific environmental concern. The Authority's ability to acquire property for the Central Valley Wye will follow completion of this Supplemental EIR/EIS under CEQA and NEPA, the Authority making a decision on the Central Valley Wye, and the availability of adequate funding. Please also refer to Standard Response CVY-Response-GENERAL-1: Oppose HSR Project.

246-171

As disclosed in Section 3.14 of the Supplemental EIR/EIS, all of the Central Valley Wye alternatives would be constructed in an area with abundant Important Farmland. Construction of any of the Central Valley Wye alternatives will therefore inevitably entail both permanent acquisition of Important Farmland for HSR rights-of-way and ancillary facilities and temporary use of Important Farmland in the vicinity of the alignments in order to stage and construct the project. As the comment notes, Impact AG#1 on page 3.14-19 of the Draft Supplemental EIR/EIS states that construction would require temporary use of Important Farmland. AG-IAMF#1 commits the Authority to restoring any temporarily leased Important Farmland back to a condition as close to the pre-construction condition as possible, with the goal of having the parcels remain available for long-term agricultural use. The text of AG-IAMF#1 is provided in full in Appendix 2-B. It explains the requirements the Authority would impose on its contractor(s).

Temporary uses, such as construction staging areas, are identified in the design plans and included in the analysis for this Final Supplemental EIR/EIS.

The comment questions how a rental cost for temporarily used lands would be determined. The Authority will determine appropriate rental costs for temporary use of agricultural lands through the established right-of-way appraisal process.

246-172

As to the comment regarding agricultural irrigation, utilities, and land purchases, the commenter is describing a scenario in which the Authority is acquiring agricultural property without paying the landowner. The Authority respectfully disagrees with this assessment. The Authority is following, and will continue to follow, the right-of-way acquisition process prescribed in state law to acquire property for the HSR system. The Authority is committed to continuing to work constructively with property owners regarding any needed parcel acquisitions.

As to the comment about remnant parcels, Section 3.14.4.3 describes the criteria the Authority used to determine which of the Central Valley Wye alternatives would create remnant parcels that would not be economically viable for farming. As noted in the discussion of Impact AG#3, for purposes of this analysis, "remnant parcels" were considered to be those totaling 20 acres or less following severance as a result of HSR construction. This is not to say that all such remnant parcels would no longer be economically viable for farming. Instead, the intent is to provide a screening mechanism by which the Authority can work with individual landowners to determine whether an original owner or an adjacent landowner may be interested in continuing agricultural uses on the remnant parcel. These determinations would be made on a case-by-case basis because certain crops could be more or less viable on smaller parcels.

Appendix 3.14C provides more detail about the analysis of remnant parcels, including identification of remnant parcels by county for each alternative.

246-173

The Authority acknowledges the settlement agreement referenced in the comment. The Authority has continued to engage with the commenter as well as other agricultural stakeholders in the study area for this document and anticipates continued engagement in the future as the project design advances.

Submission 249 (Norman Allinder (for Lloyd Fagundes), Fagundes Dairies and Farms., June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #249 DETAIL

Status : Unread
Record Date : 6/21/2019
Submission Date : 6/21/2019
Interest As : Business and/or Organization
First Name : Norman
Last Name : Allinder (for Lloyd Fagundes)
Submission Content :

Good Afternoon,

Please find the attached .pdf with the signed comment letter submitted on behalf of Fagundes Dairies and Farms.

A hardcopy with signature is being sent to:

Attn: Draft Supplemental EIR/EIS for the Merced to Fresno Project Section

California High Speed Rail Authority

770 L Street, Suite 620 MS-1

Sacramento, CA 95814

Please feel free to contact us if you have any difficulties.

Thanks,

Norman L. Allinder, AICP

209-534-6252

Attachments : SDEIR comment fagundes signed.pdf (10 mb)

Fagundes Dairies and Farms

P.O. Box 2717 • Merced, CA 95344

Phone: (209) 383-6046 • Fax: (209) 383-6042

June 20, 2019

Attn: Draft Supplemental EIR/EIS for the Merced to Fresno Project Section
California High Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

Via Email to: CentralValley.Wye@hsr.ca.gov

Subject: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS Comment

249-298

Fagundes Dairies and Farms submits the following comments for the Draft Supplemental EIR/EIS for the Merced to Fresno Project Section. Fagundes Dairies and Farms owns and operates multiple properties that are affected by the WYE in both Madera and Merced Counties (see attached map with Fagundes Dairies and Farms properties outlined in red). The selection of SR 152 (North) to Road 11 Wye Alternative will impact multiple properties and will interfere with some operations to a degree that the property cannot continue as a viable operation.

Dairies and Agricultural operations require significant investment in infrastructure relating to irrigation, drainage, grading and access prior to planting or beginning raising of livestock. Our experience and evidence in the record demonstrates that CHRSA has not been thorough in ensuring that remaining operations that are affected by the construction of HSR are made whole and left in a condition that operations are not impaired. Because of these facts we request the following mitigations be added;

- Develop a mechanism to ensure dairy and agriculture infrastructure is left in a condition that satisfies on going demands, to include reconstruction if necessary.
- Provide financial assurances sufficient to fund completion and/or replacement of dairy agriculture infrastructure being affected but not left operational by CHSRA.

249-299

Fagundes Dairies and Farms operates an established organic dairy on multiple properties comprised of 1,200 +/- acres and is being impacted by the SR 152 (North) to Road 11 Wye Alternative that bisects the operation. The 2012 EIR/EIS for the Merced-Fresno Segment contemplated many alternatives for the WYE none of which utilized SR 152 (North) to Road 11 Wye Alternative. In the meantime, physical improvements to the organic dairy have been made near Road 11 relying upon the alternatives in the 2012 EIR/EIS for the Merced-Fresno Segment. Additionally, a cell phone tower on the organic dairy property is being impacted by the preferred alignment. The selection of SR 152 (North) to Road 11 Wye Alternative will displace newly installed infrastructure and bisect the organic dairy operation in such a manner that the long-term viability of the dairy has been compromised. Because of this dismantling of the properties that comprise the organic dairy the following mitigations must be added;

- Cure the damage caused by securing similar land that abuts the existing organic dairy at a ratio of two acres for every acre that is no longer viable or;
- Remedy this damage by purchasing the entire organic dairy operation.

Submission 249 (Norman Allinder (for Lloyd Fagundes), Fagundes Dairies and Farms., June 21, 2019) - Continued

249-300 | The SR 152 (North) to Road 11 Wye Alternative will displace a planned travel center at Robertson and SR 152 that is zoned for commercial development and is being farmed in the interim. The 2012 EIR/EIS contemplated many alternatives for the WYE none of which utilized SR 152 (North) or Road 11. Significant resources have been expended to a prepare a site plan and secure appropriate zoning for a travel center at the northeast intersection of SR 152 and Robertson Boulevard. Because of these facts we request the following mitigation be added;

- Secure zoning approval for commercial properties displaced by High Speed Rail, on land owned by the Fagundes Dairies and Farms, at a ratio of two acres for every one acre displaced.

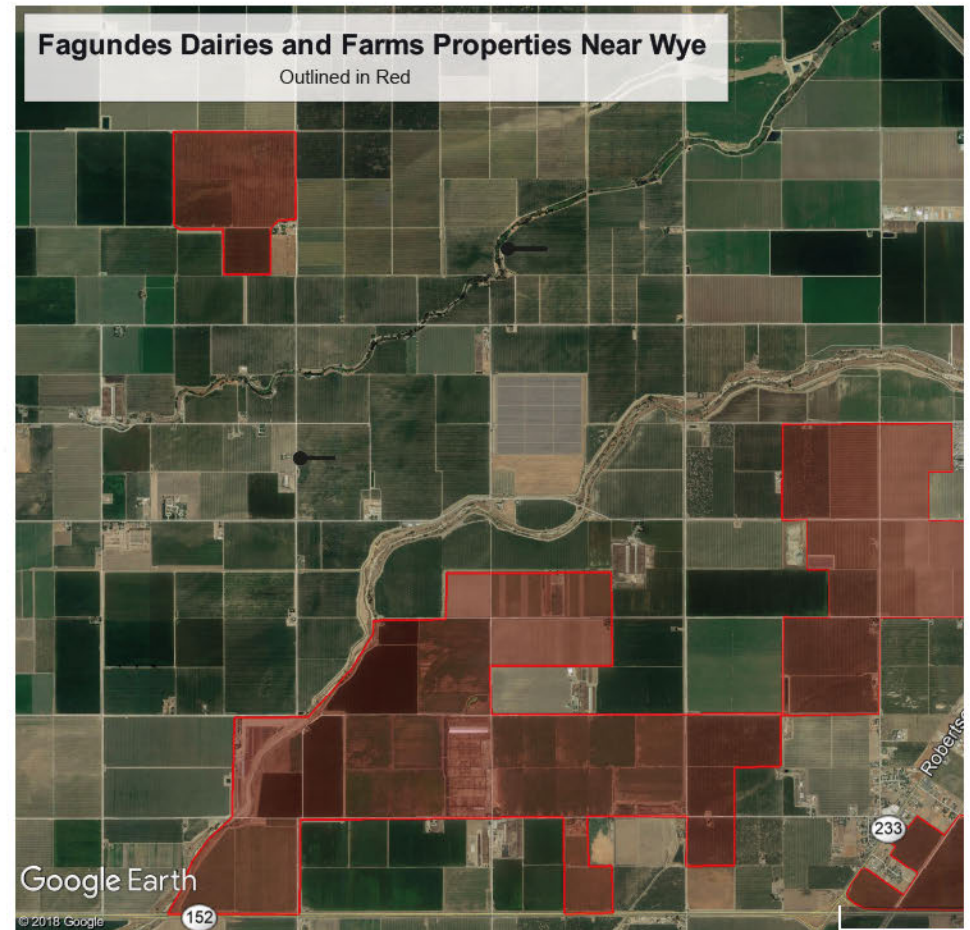
249-301 | CHSRA has demonstrated an inability to follow construction schedules or make progress on segments that have begun construction, clearly pre-maturely. The construction of the Road 27 grade separation in Madera County is illustrative of the issue. Fagundes Dairies and Farms owns the almond orchard that is adjacent to the construction site and the operation has been impaired due to the protracted construction schedule. The grade separation project that began in 2016 is still not complete as of June 2019, and the partially built grade separation presents an on-going impediment to the agricultural operation. The ability to endure a delay of livestock, goods and equipment movement within the Wye is limited and can result in catastrophic outcomes. Because of these facts we request the following mitigations be added;

- Develop construction specifications and performance measures that will reduce construction related affects with provisions to alter or adjust the construction process/schedule to accommodate agricultural operations and on farm needs.
- Provide all construction plans and specifications for review and approval by affected property owners, meet as necessary with affected property owners to discuss and clarify construction process and adjust construction plans and specifications to address needs of dairy and agricultural operations.
- Establish a monitoring program that provides a procedure to address and cure issues that arise during construction that were not contemplated or are being caused by non-compliance on the part of the contractor or CHSRA.

249-302 | Many of the conclusions in the DSEIR are based on outdated data and the assumption that the HSR system will be fully developed. These are no longer valid since the DSEIR relies on the 2016 Business Plan, which has been replaced by the 2018 Business Plan. CEQA Guidelines 15163(e) requires that, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. The DSEIR does not identify the changes to impacts identified in the 2012 Merced-Fresno EIR/EIS that would result from the proposed Wye component. The document masquerades as a supplement to the 2012 EIR/EIS, while actually evaluating the Central Valley Wye as a stand-alone project component of the HSR. CEQA requires that the lead agency disclose and evaluate the potential for new significant effects and the potential for increases in the severity of impacts identified in the previous EIR for which the supplement is prepared. Additionally, the DSEIR is unclear regarding how the mitigation measures being proposed for the Wye will alleviate the impacts of the WYE or how they relate to the 2012 Merced-Fresno EIR/EIS. The proposed mitigation measures in the DSEIR are lacking in specificity, performance standards, implementing responsibility and timing of implementation therefore requiring augmentation as suggested above.

Sincerely,

Lloyd Fagundes
Lloyd Fagundes



Response to Submission 249 (Norman Allinder (for Lloyd Fagundes), Fagundes Dairies and Farms., June 21, 2019)

249-298

The Authority acknowledges that agricultural operations, particularly dairies, often require significant investments in infrastructure. Chapter 3.12 and Appendix 3.12E describe the production and revenue impacts on agricultural operations from land acquisitions for HSR, including consideration of permitting needs for new wastewater treatment lands. The analysis specifically considered the Fagundes dairy as well as other dairies in the study area (please refer to Appendix 3.12E). Please refer to Impact SO#5, which acknowledges that, for certain agricultural facilities, particularly confined animal operations, HSR land acquisition may effectively destroy capital improvements and/or require modifications to waste management and nutrient plans. Appendix 3.12E evaluates impacts by dairy and by alternative.

The Authority developed AG-IAMF#2 specifically to address partial or complete relocation of a confined animal facility. A representative would be assigned as a single point of contact to assist with any landowners or operators whose operations would be out of compliance with permits because of HSR. This permit point of contact would focus on helping the permit holders modify or obtain any new permits that are required because of the HSR impacts.

Please also refer to Standard Response CVY-Response-GENERAL-6: Small Business Employment Benefits for a discussion of effects on dairies and Authority commitments to maintaining a permit bureau that will help businesses, including confined animal operations, overcome regulatory disruptions caused by the project.

249-299

The Draft Supplemental EIR/EIS evaluates the impacts of the wye alternatives on confined agricultural operations. Appendix 3.12 E, Attachment 1, depicts the alternatives relative to Fagundes dairy as well as other dairies in the study area. The comment indicates that the 2012 EIR/EIS did not include an evaluation of an alignment that used SR 152 or Road 11 and that the commenter made physical improvements near Road 11, relying on the prior alternatives. The Authority's plan to consider an alternative east-west alignment along SR 152 was identified in the Merced to Fresno Draft EIR/EIS in 2011 and the Final EIR/EIS in 2012. As described in Chapter 2 of the Draft Supplemental EIR/EIS, following publication of the Merced to Fresno Final EIR/EIS in 2012, the Authority conducted extensive additional outreach and planning on wye alternatives. As shown in Figure 2-3, the Authority's consideration of alternatives along SR 152 and Road 11 was widely known.

The type of compensation that is appropriate for any displacement of agricultural operations will be addressed during the right-of-way acquisition process on a case-by-case basis in accordance with state law. The suggested mitigations are appropriately addressed in the right-of-way acquisition process.

Response to Submission 249 (Norman Allinder (for Lloyd Fagundes), Fagundes Dairies and Farms., June 21, 2019) - Continued

249-300

Full and partial takes of property north of SR 152 and east of Robertson Blvd would be necessary to construct the SR 152 (North) to Road 11 Wye Alternative. Based on known Fagundes properties in the area (according to Appendix E, Attachment 1, page E1-5, dated October 2016), Parcel 026-272-011 appears to be the Fagundes property for the planned travel center development identified in the comment. The southern area of this large agricultural parcel is identified as a partial take for the HSR right-of-way, permanent access easement, and temporary construction easement. Refer to Appendix E, Attachment 1 for detailed drawings of HSR right-of-way and easements with parcel boundaries. The development would be precluded from development under the SR 152 (North) to Road 11 Wye Alternative.

On January 8, 2019, the Fagundes parcels were presented to the Madera County Community and Economic Development, as part of the Planning Division, and approved for General Plan amendment (GP #2018-005) and rezoning (CZ #2018-004). A Mitigated Negative Declaration (MND #2018-27) and traffic study were provided in the application. This application identified two parcels, APN number 026-272-011 and 026-272-036. The first parcel totals approximately 74 acres and the second parcel totals approximately 31 acres. Both parcels were previously zoned for primarily agricultural use and are situated adjacent and north of SR 152 on either side of Road 14 ½. The proposed changes convert the agricultural use on the southern portions of each parcel at a depth of 522' from SR 152 (totaling 38.19 acres) to a community commercial designation. For this land use application, the Madera County Planning Division added several conditions of approval. One of those conditions (Public Works Item #7) states "The California High-Speed Rail Authority (CHSRA) has several track alignment alternatives proposed along the north and south sides of SR 152 for the Central Valley Wye development package. The applicant is encouraged to contact the Authority for the latest updates on the alignment alternative because they might be affect the way how the subdivision get access to the nearest public roads." To the Authority's knowledge, the property owner has not contacted the Authority to determine any access changes to these parcels. In addition, as a property owner along one of the Central Valley Wye alternatives, the applicant would have received information notifying the release of the Draft Supplemental EIR/EIS in May 2019.

The type of compensation that is appropriate for displacements of agricultural

249-300

operations, or displacement of entitled but not-yet constructed development, will be addressed during the right-of-way acquisition process on a case-by-case basis in accordance with state law. The suggested mitigations are appropriately addressed in the right-of-way acquisition process.

249-301

Please refer to the response to submission MF2-243, comment 90. In addition, the comment addresses economic consequences, which are not considered a significant environmental impact under CEQA. The comment proposes specific mitigations. The suggestions in the comment are addressed on a case-by-case basis within the right-of-way acquisition process.

249-302

The Authority respectfully disagrees that the assumptions about the HSR system are outdated or no longer valid. Please refer to the response to submission MF2-243, comment 83, which describes why the Authority's adoption of the 2018 Business Plan, and, more recently, the Draft 2020 Business Plan, does not render the analysis in the Draft Supplemental EIR/EIS inaccurate or outdated.

The relationship between this Supplemental EIR/EIS and the Merced to Fresno Project Final EIR/EIS is explained in Section 1.1 and in CVY-Response-GENERAL-7: Relationship Between the Merced to Fresno Final EIR/EIS and Central Valley Wye Final Supplemental EIR/EIS Documents. Figure 1-1 shows the geographic relationship between the approved north-south alignment of the HSR for the Merced to Fresno Project Section and the wye area that was deferred for further analysis in 2012. Figure 1-2 shows the wye alternatives and the area of analysis for the Supplemental EIR/EIS. Section 3.1 describes how the Supplemental EIR/EIS differs in certain areas from the Merced to Fresno Final EIR-EIS. Please refer to CVY-Response-GENERAL-7, as described above, which provides further information to clarify the relationship of the impact conclusions and mitigation measures between the two documents.

Response to Submission 249 (Norman Allinder (for Lloyd Fagundes), Fagundes Dairies and Farms., June 21, 2019) - Continued

249-304

The information requested by the commenter about specifics regarding timing and responsibility for implementing and overseeing mitigation measures is normally included in an MMRP. Draft CEQA documents are not required to include MMRPs, nor is such inclusion typical. However, the Authority has included an MMRP as part of the Final Supplemental EIR/EIS. The Draft Supplemental EIR/EIS provided adequate detail regarding the nature of the mitigation measures and allowed consideration of how such measures avoid, minimize, or compensate for identified environmental effects.

Please also refer to other responses to comments in submission MF2-249 regarding suggested additional mitigation measures.

Submission 254 (Cathy (& Wendell) Haworth (H & H Farming, Inc.), H & H Farming, Inc., June 21, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #254 DETAIL	
Status :	Unread
Record Date :	6/21/2019
Submission Date :	6/21/2019
Interest As :	Business and/or Organization
First Name :	Cathy (& Wendell)
Last Name :	Haworth (H & H Farming, Inc.)
Submission Content :	

- 254-328 | To the High Speed Rail Authority: I have learned from the representatives in a public comment meeting held in Chowchilla, that the building design on the maps and design construction plans are only at a 15-20% level of the building project. This is taking into consideration that the representatives at the meeting know what they are giving the public is truthful and correct information.

- 254-329 | With the low percentage of building design on the rail project completed at this time, there is 80-85% of the building design critical to safeguarding infrastructure, that needs to be thought out and engineered, as the project develops or as funds become available. The first problem I see on the road construction on my property is that the land used in the Road 11 reconnection to Avenue 25 uses 1/4 of the length of the field, and cuts through all of the irrigation main lines and surface lines. Because this is an almond orchard (a permanent crop) that needs irrigation 12 months out of the year, this system has to be a high priority to get replaced.

- 254-330 | Then there is the undercrossing on Road 11 and the undercrossing on Avenue 25: This creates a traffic hazard, with large farm equipment (tractors, disks, landmovers, harrows, scrapers, landplanes, etc.). When a large tractor is in the undercrossing, it cannot move to the side of the road to let a semi or other vehicles pass with ease.

- 254-331 | Another potential problem is rain and the proper drained of water. I have been informed by representatives of the High Speed Rail Authority at public meetings that pumps will be installed to pump out the water. The big problem is that there is no place to pump the water to. The High Speed Rail Authority representatives say that the water will be pumped to a drain or to a river. The first thing is you should know is that it is illegal to pump road water and its contaminates into a river basin, due to it contaminating the aquifers. The second issue is where is the drain they are talking about? It doesn't exist, and no infrastructure planning for it exists in the building plan design.

- 254-332 | Putting a high speed rail system in the Central Valley, in the heart of the agricultural landscape is not without many other problems like this one. Also, going through the agricultura fields and road systems, there will be

- 254-332 | hundreds of these undercrossings to build that creates the same concern.

- 254-333 | I would like also to address the Ag water wells that will be adjacent to the rail tracks. The wells will have to be replaced/moved, due to the fact that when running and pumping water, the seismic jiggle of the train going past at 200 plus mph every 15 to 20 minutes, will cause the bearings in these well pumps to prematurely wear out from the constant seismic shaking of the impeller shaft to the bearings. This is a critical problem, because these will have to be replaced/moved before the trains start to run. Also, there is the issue of the aquifers: The aquifers that the existing wells are on may be better than the ones drilled by the High Speed Rail Authority that will replace the existing wells on many farmers' properties. What happens when the replaced wells do not produce sufficient water for irrigation?

- 254-334 | I would like also to address Avenue 23 1/2 and Road 10 Road Reconnection: This will affect an overuse of land for a road reconnection on Avenue 23 1/2 - connecting it back to Road 10. This is a bigger waste of prime agricultural land that will take half of this 40 acre field for a road reconnection to Road 10, that in a half mile, dead ends into Highway 152 road closure. Why has no engineer figured out that the best way to reconnect Avenue 23 1/2 to Road 10 would be to go to the bridge on Avenue 23 1/2 and build a road along the westside of the Ash Slough to Highway 152, and then build a new frontage road along side Highway 152, where there is already a drive way to the top of that property leading to the Ash Slough. This would reconnect Avenue 23 1/2 to Road 10, with minimal prime agricultural land lose. Most of the land adjacent to the Ash Slough is unused at this time, and would make and support a great road reconnection.

- 254-335 | The question is at this time, with the waste of land use, why weren't the farmers and landowners of the proposed rail alignment, contacted to see how best to work out a better realignment and road reconnection, that would better work for years to come, than accepted proposals by engineers to the High Speed Rail Authority, who only see it on a map, but don't understand how it disrupts farm operations? Farmers/landowners could actually help the High Speed Rail Authority cut unnecessary costs in building road reconections and alignments, because they KNOW THE LAND!

- My name is Wendell Haworth, owner of H & H Farming, Inc. My cell # is (209) 631-1730. I would be willing to show you first hand, how we could make road reconections and alignments more effective on my properties and also on neighboring properties. Thank you for your consideration, Wendell Haworth

Response to Submission 254 (Cathy (& Wendell) Haworth (H & H Farming, Inc.), H & H Farming, Inc., June 21, 2019)

254-328

The commenter expresses concern that the environmental review is being conducted on 15 to 20 percent design plans. "Level of design" is an engineering term that should not be confused with percentage of completeness.

Final or even advanced engineering is not necessary to identify potential environmental impacts. The engineering and planning work done was adequate for identifying and describing all project components and disclosing environmental impacts, consistent with CEQA and NEPA requirements. Neither CEQA nor NEPA requires a final design or even near-final design as a predicate to environmental analysis. In addition, the use of a preliminary level of engineering design is common in large transportation infrastructure projects, particularly design-build projects where the environmental analysis process occurs before completion of the final engineering design.

For a linear project crossing more than 50 miles of track with ancillary facilities spreading to four counties, it is not possible to include descriptive parcel-by-parcel impact discussions in the main text of the EIR/EIS. To do so would result in an environmental document that would be so large and unwieldy that it would not serve its information value. For this reason, consistent with the focus of both CEQA and NEPA (i.e., that an EIR/EIS serve as an informational tool for the public and decision makers), the impacts analysis in Volume 1 of the EIR/EIS includes summarized technical information that is adequate for a full assessment of the significant environmental impacts of the project. Additional details are provided in the appendices in Volume 2 as well as the detailed technical reports that were identified within the text of EIR/EIS Volume 1. This material has been available on the Authority's website or made available upon request.

254-329

Please refer to Standard Response CVY-Response-AGRICULTURE-1: Severance of Agricultural Infrastructure Serving Important Farmland.

254-330

Please refer to the response to submission MF2-243, comment 86. Please also refer to Final Supplemental EIR/EIS, Section 3.2, Transportation, where the discussion of Impact TR#9 has been revised to add clarifying language about the anticipated use of local roads by farm equipment.

254-331

As noted in Section 3.8, Hydrology and Water Resources, as part of the project design standards set forth in HYD-IAMF#1, stormwater would be collected at the toe of embankments and directed to detention basins. The integrated stormwater management design standards would prevent runoff from tracks or track rights-of-way from discharging directly into any surface waterbodies, irrigation canals, private property, or country roads.

The design of the Central Valley Wye alternatives would also include drainage systems to collect and treat stormwater in accordance with the requirements of the Clean Water Act Section 401 permit. Road underpasses would require pump stations that would pump runoff from the low point of the road to either a municipal drainage system or a treatment system that would treat runoff. This approach would meet or exceed the treatment and postconstruction stormwater requirements of Section XIII of the Construction General Permit. It would also meet or exceed the treatment and postconstruction and hydromodification control requirements for compliance with any active Phase 1 or Phase 2 permit applicable in those areas of the Central Valley Wye alternatives with active municipal separate storm sewer system permits (Authority and FRA 2016a).

254-332

Please refer to the response to submission MF2-254, comment 328.

Response to Submission 254 (Cathy (& Wendell) Haworth (H & H Farming, Inc.), H & H Farming, Inc., June 21, 2019) - Continued

254-333

Section 3.4 of the Draft Supplemental EIR/EIS explains, with reference to Section 3.4 of the Merced to Fresno Final EIR/EIS, that there would be no operational vibration impacts because of the limited propagation of vibration through soils in the project corridor, the low vehicle input force, and the use of elevated structures. As explained in Section 7.2 of the noise and vibration technical report that was prepared in 2012, there would be no vibration impacts for most locations along the Merced to Fresno Project Section under any of the alternatives because of the inefficient propagation of vibration through the soils in the project vicinity, low vehicle input force, and the presence of elevated structures, which would provide significant attenuation for vibration in heavily populated areas where vibration-sensitive receivers are located. Because vibration from trains can travel efficiently only along the ground surface, trains are typically not capable of generating enough vibration to dislocate a well pipe. This assessment would also be the same for impeller bearings.

Regarding aquifers, please refer to the discussions in Section 3.8 of the Draft Supplemental EIR/EIS regarding construction-period and permanent impacts on groundwater (Impacts HYD#5 and HYD#6). These discussions note that the constructed features proposed for the Central Valley Wye alternatives are very small relative to the size of the underlying groundwater basins. The total area of permanent disturbance for any of the four Central Valley Wye alternatives (ranging from 2,414 to 2,804 acres) would constitute less than one tenth of one percent of the total 3.5 million acres of groundwater basin area. Accordingly, the Draft Supplemental EIR/EIS concluded that the project would not have any significant effects on groundwater recharge.

254-334

The comment regarding the land acquisition requirements of the Preferred Alternative is noted. In subsequent phases of the project, more advanced levels of design will occur, with opportunities to reduce the amount of land that will need to be acquired. Impact TR#3: Permanent Impacts on Major Roadways from Permanent Road Closures and Relocations in Chapter 3.2 of the Final Supplemental EIR/EIS evaluates permanent project-related roadway closures and their associated impacts. While construction of any of the Central Valley Wye alternatives would result in permanent road closures and grade separations, which would result in permanent changes to vehicle movements, these changes in vehicle movements, would not substantially increase hazards or incompatible uses. The new grade-separated interchanges, which would be included as part of project design, would reduce traffic delay and improve the safety of the intersections for motorists, bicyclists, and pedestrians.

In addition, please note that it is the Authority's policy to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HSR tracks. However, in rural areas, the distance between overcrossings or undercrossings would vary from fewer than 2 miles to approximately 5 miles where other roads are perpendicular to the proposed HSR alignment.

These conclusions are based on the project design features and roadway alignment plans indicated in Technical Memorandum 2.1.2: Alignment Design Standards for High-Speed Train Operation (2009), available at the following link and upon request on the California High Speed Rail Authority's website:

https://www.hsr.ca.gov/docs/programs/eir_memos/Proj_Guidelines_TM2_1_2R00.pdf

Please also refer to Standard Response CVY-Response-AGRICULTURE-1: Severance of Agricultural Infrastructure Serving Important Farmland for a discussion of how roadway impacts related to parcel severance are addressed. Also, please refer to Standard Response CVY-Response-AGRICULTURE-2: Farmland Impacts - Remnant Parcels for a discussion of how unusable parcel remainders are addressed.

Response to Submission 254 (Cathy (& Wendell) Haworth (H & H Farming, Inc.), H & H Farming, Inc., June 21, 2019) - Continued

254-335

As documented in Chapter 9, Public and Agency Involvement, the Authority conducted extensive engagement activities during development and analysis of the wye alternatives. The key stakeholder groups involved in these meetings included county farm bureaus and other groups that represent agricultural interests. In addition, the Authority distributed mailings regarding project milestones and meetings to all property owners and invited participation and comment.

Submission 258 (Barbara Nelson, Fairmead Community & Friends, June 5, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #258 DETAIL	
Status :	Unread
Record Date :	6/26/2019
Submission Date :	6/5/2019
Interest As :	Public Hearing Participant
First Name :	Barbara
Last Name :	Nelson
Submission Content :	
Attachments :	CVY_PublicHearingComment_Nelson_060519.pdf (129 kb)

CALIFORNIA High-Speed Rail Authority		Central Valley Wye Comment Card	
NAME: BARBARA NELSON		DATE: 6-5-19	
MEETING LOCATION: Chowchilla		AFFILIATION: F.C.F	
ADDRESS: 23760 El Camino		PHONE: 559-665-0848	
CITY: Chowchilla		STATE: CA	
ZIP: 93610			
WOULD YOU LIKE TO BE ADDED TO OUR MAILING LIST?*(Check all that apply) <small>*NOTE: This does not substitute for formal request to receive legal notices.</small>		<input type="radio"/> STATEWIDE <input checked="" type="radio"/> CENTRAL VALLEY WYE	
PLEASE SPECIFY WHICH CORRIDOR(S) YOUR COMMENT COVERS?*(Check all that apply)		<input type="radio"/> SR 152 (NORTH) TO ROAD 11 WYE <input type="radio"/> SR 152 (NORTH) TO ROAD 13 WYE <input type="radio"/> SR 152 (NORTH) TO ROAD 19 WYE <input type="radio"/> AVENUE 21 TO ROAD 13 WYE	
PREFER AVE 21-13 I PREFER AVE 21 BUT IF YOU COME TO FAIRMEAD, WHICH IT INVOLVES MY MOM'S PROPERTY, PLEASE HELP US BY LEAVING OUR COMMUNITY IN A BETTER WAY CONDITION IT IS IN. ^{Now, gives us the} things that we have ask you to improve, the lifestyle of the people in Fairmead Thank you			
<small>PLEASE SUBMIT THIS COMMENT CARD IN THE COMMENT BOX AT THE REGISTRATION TABLE. YOU MAY ALSO MAIL YOUR COMMENTS TO: CALIFORNIA HIGH-SPEED RAIL AUTHORITY, C/O CIRCLEPOINT, 200 WEBSTER STREET, SUITE 200, OAKLAND CA 94607 OR SUBMIT YOUR COMMENTS AT WWW.HSR.CA.GOV OR VIA EMAIL TO CENTRALVALLEY.WYE@HSR.CA.GOV</small>			
<small>THE COMMENT PERIOD FOR THE DRAFT SUPPLEMENTAL EIR/EIS IS FROM FRIDAY, MAY 3, 2019 TO THURSDAY, JUNE 20, 2019. COMMENTS MUST BE RECEIVED ELECTRONICALLY, OR POSTMARKED ON OR BEFORE THURSDAY, JUNE 20, 2019.</small>			

258-343

Response to Submission 258 (Barbara Nelson, Fairmead Community & Friends, June 5, 2019)

258-343

The preference for the Avenue 21 to Road 13 Wye Alternative is noted. Please also refer to the response to submission MF2-270, comment 388.

Please also refer to Mitigation Measure SO-MM#1, which requires the Authority to conduct outreach to affected residents within Fairmead to determine their specific relocation needs and assist displaced residents with finding new suitable housing within the communities in which they currently reside, and SO-MM#2, which requires extensive coordination with the Fairmead Community and Friends stakeholder group, the Chowchilla School District, and the County of Madera to identify specific features that would be incorporated into the final design of the Preferred Alternative to maintain a robust sense of community cohesion in Fairmead.

Additionally, in accordance with the project design strategies incorporated as AVR-IAMF#2, the Authority would follow design guidelines that would apply context-sensitive solutions within the communities in which HSR facilities would be located. Furthermore, in accordance with AVR-IAMF#3, the Authority would involve local jurisdictions in developing contextually appropriate aesthetic solutions for the area, which would minimize impacts on aesthetic and visual resources and would integrate the Community of Fairmead into the design process.

Submission 260 (Elaine Moore, June 26, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #260 DETAIL	
Status :	Action Pending
Record Date :	6/26/2019
Submission Date :	6/26/2019
Interest As :	Public Hearing Participant
First Name :	Elaine
Last Name :	Moore
Submission Content :	
Attachments :	CVY_PublicHearingComment_Moore_060519.pdf (141 kb)

CALIFORNIA High-Speed Rail Authority		Central Valley Wye Comment Card	
NAME: Elaine Moore		DATE:	
MEETING LOCATION: Chowchilla Fair Grounds		AFFILIATION: Fairmead Community Friends	
ADDRESS: 22179 Rd 18 1/2		EMAIL: [redacted]	PHONE: 209 600-1320
CITY:		STATE:	ZIP: 93610
WOULD YOU LIKE TO BE ADDED TO OUR MAILING LIST?*(Check all that apply) *NOTE: This does not substitute for formal request to receive legal notices.		<input type="radio"/> STATEWIDE <input checked="" type="radio"/> CENTRAL VALLEY WYE	
PLEASE SPECIFY WHICH CORRIDOR(S) YOUR COMMENT COVERS?*(Check all that apply)		<input type="radio"/> SR 152 (NORTH) TO ROAD 11 WYE <input type="radio"/> SR 152 (NORTH) TO ROAD 13 WYE <input type="radio"/> SR 152 (NORTH) TO ROAD 19 WYE <input type="radio"/> AVENUE 21 TO ROAD 13 WYE	
<p>260-345</p> <p>With all the meetings I've attended I feel like those who are the powers that be will do the right thing by all those it concerns. Just do your best!! and we will be supportive. Thank you for your time in our behalf -</p>			
<p>PLEASE SUBMIT THIS COMMENT CARD IN THE COMMENT BOX AT THE REGISTRATION TABLE. YOU MAY ALSO MAIL YOUR COMMENTS TO: CALIFORNIA HIGH-SPEED RAIL AUTHORITY, C/O CIRCLEPOINT, 200 WEBSTER STREET, SUITE 200, OAKLAND CA 94607 OR SUBMIT YOUR COMMENTS AT WWW.HSR.CA.GOV OR VIA EMAIL TO CENTRALVALLEY.WYE@HSR.CA.GOV</p> <p>THE COMMENT PERIOD FOR THE DRAFT SUPPLEMENTAL EIR/EIS IS FROM FRIDAY, MAY 3, 2019 TO THURSDAY, JUNE 20, 2019. COMMENTS MUST BE RECEIVED ELECTRONICALLY, OR POSTMARKED ON OR BEFORE THURSDAY, JUNE 20, 2019.</p>			

Response to Submission 260 (Elaine Moore, June 26, 2019)

260-345

The comment of support for the project is noted. No further response is needed.

Submission 269 (Elaine Moore, Fairmead Community & Friends, June 5, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #269 DETAIL


Status : Action Pending
Record Date : 6/26/2019
Submission Date : 6/5/2019
Interest As : Public Hearing Participant
First Name : Elaine
Last Name : Moore
Submission Content :
Attachments : CVY_PublicHearing_Speaker_Moore_060519.pdf (42 kb)
CVY_PublicHearing_SpeakerCard_Moore_060519.pdf (73 kb)

269-387

ELAINE MOORE: Where is everybody? My name is Elaine Moore, and I actually live in what they call the Fairmead Colony, and I'm representing Fairmead Community and Friends. Do I need something else? That's it? Okay. My comments today is it seems like every other day on the television, we hear something else about High-Speed Rail and going, oh, God, what now?

Our area is so dependent and so excited about the things that have been talked about, promised to, or whatever for Fairmead. In 1912, it was a very well organized community, had hotels, gas stations, little Grocery Outlet. There were several different kinds of businesses there. We would like to be the Phoenix for Fairmead with your help. We need to get things going so that we can start building Fairmead. So we're really looking towards things getting done. Thank you.

Submission 269 (Elaine Moore, Fairmead Community & Friends, June 5, 2019) - Continued

 CALIFORNIA High-Speed Rail Authority		SPEAKER CARD PLEASE PRINT LEGIBLY	
NAME:	<i>Elaine Moore</i>	DATE:	<i>6-5-19</i>
REPRESENTING:	<i>Fairmead Community Friends</i>	EMAIL:	
ADDRESS:	<i>22179 Rd 18 1/2</i>	PHONE:	<i>209 685-1320</i>
CITY:	<i>Fairmead Cal</i>	STATE:	<i>Calif</i>
ZIP:	<i>93610</i>	DO YOU HAVE A PREPARED STATEMENT THAT YOU ARE PROVIDING?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COMMENTS:			
IDENTIFY YOURSELF CLEARLY WHEN MAKING YOUR COMMENT. ANY INFORMATION YOU PROVIDE IS VOLUNTARY. THIS FORM, INCLUDING THE INFORMATION YOU PROVIDE, MAY BE POSTED ON THE AUTHORITY'S WEBSITE AND/OR MAY BE SUBJECT TO DISCLOSURE PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT.			

Response to Submission 269 (Elaine Moore, Fairmead Community & Friends, June 5, 2019)

269-387

The comment, which was drawn from oral testimony at the June 2019 public hearing, reflects the concerns of a representative of Fairmead Community and Friends, a stakeholder group the Authority frequently consults in the development and refinement of alternatives.

Although the comment does not identify any specific issue or deficiency regarding the adequacy of the environmental document, the Authority recognizes the commenter's concern about the health and viability of the Fairmead community.

Please refer to the response to submission MF2-270, comment 388, for additional detail on the measures intended to address community impacts and community character concerns in Fairmead.

Submission 270 (Norma Bustillos, Fairmead Community & Friends, June 5, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #270 DETAIL



Status : Action Pending
Record Date : 6/26/2019
Submission Date : 6/5/2019
Interest As : Public Hearing Participant
First Name : Norma
Last Name : Bustillos
Submission Content :
Attachments : CVY_PublicHearing_Speaker_Bustillos_060519.pdf (47 kb)
 CVY_PublicHearing_SpeakerCard_Bustillos_060519.pdf (64 kb)

270-388

NORMA BUSTILLOS: Good afternoon. My name is Norma Bustillos, and I have been in Fairmead since 1984 since we build that house over there. So I'm here on behalf of the Hispanic community. I have been part of this community of Fairmead for the last 12 years, since it was founded. And what we're asking is that for you guys to be fair with us because we all generally were poor people, we are farmworkers, and we need a lot of help. A lot, a lot of help, especially because we don't have houses, housing for rent, apartments for poor people.

The last time that Fairmead built houses was in 1984. My house was part of those buildings. We did it with a program, self-help, and ever since, we have noticed that nobody has done anything to help who has the right -- who have the right to live well, just like the rest of us. Because if we pay attention, there are people who pay 500, \$600 for just one trailer house, just to have a roof over their heads and to sleep in, with no luxuries, nothing. That's what we want if possible. We need help. We need more housing in Fairmead. We have the necessary -- we have water, but we lack of a lot, especially a store, plumbing, and it's going to be approved pretty soon, but we need housing. We need housing, and I think that all of us have the right to live well. Thank God, God blessed me with that house from self-help, but many people don't have that, they don't have that roof, that place to lay their head after a long day of work because people who -- people who work at the fields are the ones who provide the food that we all eat. They are the ones who put all their efforts to do that job. So that's it, and thank you.

Submission 270 (Norma Bustillos, Fairmead Community & Friends, June 5, 2019) - Continued

 CALIFORNIA High-Speed Rail Authority		SPEAKER CARD PLEASE PRINT LEGIBLY	
NAME: Norma Bustillos	REPRESENTING: Fairmead Friends	EMAIL: 	DATE: 6-5-2019
ADDRESS: 19398 Holt Ave	CITY: Chowchilla	STATE: CA	PHONE: (559) 424-0530
		ZIP: 93610	
DO YOU HAVE A PREPARED STATEMENT THAT YOU ARE PROVIDING? <input type="radio"/> YES <input type="radio"/> NO			
COMMENTS:			
<small>IDENTIFY YOURSELF CLEARLY WHEN MAKING YOUR COMMENT. ANY INFORMATION YOU PROVIDE IS VOLUNTARY. THIS FORM, INCLUDING THE INFORMATION YOU PROVIDE, MAY BE POSTED ON THE AUTHORITY'S WEBSITE AND/OR MAY BE SUBJECT TO DISCLOSURE PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT.</small>			

Response to Submission 270 (Norma Bustillos, Fairmead Community & Friends, June 5, 2019)

270-388

As described on page 5-54 of the Draft Supplemental EIR/EIS, the Authority has conducted extensive outreach meetings in the community of Fairmead to identify and evaluate measures for mitigating impacts, beyond the resource-specific measures to reduce noise, visual, and community-division impacts stemming from construction and operation of the Central Valley Wye alternatives. This includes Mitigation Measure EJ-MM#2, which would address issues related to the community's lack of sewer and water service. The funding that would be provided through this measure would reduce the negative effect of existing stressors in the community and remove a constraint to development in Fairmead. In particular, removal of the constraint could facilitate construction of new housing, thereby partially offsetting the loss of residential housing from construction of the Central Valley Wye alternatives. Furthermore, as described in the response to submission MF2-242, comment 66, the IAMFs incorporated into the project, as well as mitigation to address issues related to displacements (SO-IAMF#2, SO-IAMF#3, and Mitigation Measure SO-MM#1), involve community consultation (through the relocation mitigation plan described in SO-IAMF#3), which could include coordination with organizations such as Self Help Enterprises, Inc., or other developers, to engage in affordable housing projects in the community of Fairmead or elsewhere in the region, as warranted by local demand. Finally, the Authority would implement revised Mitigation Measure EJ-MM#1, through which the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events. Through Mitigation Measure EJ-MM#2, the Authority would address the community's lack of sewer and water service, which constrains future development, by providing funding to connect Fairmead to the Chowchilla Wastewater Treatment Plant and water system.

Submission 273 (Madeline Harris, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #273 DETAIL

Status : Action Pending
 Record Date : 6/26/2019
 Submission Date : 6/5/2019
 Interest As : Public Hearing Participant
 First Name : Madeline
 Last Name : Harris
 Submission Content :
 Attachments : CVY_PublicHearing_Speaker_Harris_060519.pdf (47 kb)
 CVY_PublicHearing_SpeakerCard_Harris_060519.pdf (65 kb)

273-393

MADELEINE HARRIS: Good evening, my name is Madeleine Harris for Leadership Counsel for Justice and Accountability. Thank you for the opportunity to provide public comment on the Central Valley Wye Draft Environmental Impact Report.

I have a few concerns and mitigation requests that I would like to highlight on behalf of Fairmead residences with whom our organization works. First, regarding Community's mitigation request for the creation of a community center in Fairmead as means of preserving community cohesion. We ask that High-Speed Rail Authority work closely with Madera County in order to secure a commitment from the county to maintain and operate the community center once it is created. Furthermore, Fairmead residents request that a community center be created for their community regardless of whether Fairmead Elementary School closes and moves to Chowchilla.

273-394

Second, Fairmead residents request that High-Speed Rail Authority facilitate development of affordable housing in the community as means of mitigating for the displacement of members of the community from their homes along the route. This measure would also help mitigate the impacts related to community cohesion that the preferred alternative would have on the community.

273-395


Thirdly, residents request more robust measures towards ensuring that local workers have access to High-Speed Rail jobs. We believe that High-Speed Rail's proposed efforts towards allowing local workers to gain access to necessary certifications is helpful, but at the same time, workers may still encounter barriers to these jobs since High-Speed Rail Authority plans to outsource the labor to construction firms. So as a result, by the time the local worker has gained the needed certifications for this work, our concern is the third-party construction firms will refuse to hire them anyway; therefore, local workers? Communities like Fairmead request authority and access to High-Speed Rail Authority jobs and assurance they will not be denied these jobs by third-party labor contractors and construction firms when they are qualified for them.

273-396

Fourth, High-Speed Rail Authority must incorporate noise and vibration impact avoidance and mitigation measures into the EIR as it relates to the community of Fairmead in order to mitigate for the operational impacts of the train. This is something that's important to residents, and I also wanted to say that we will provide written comments that will expound on these points and add others.

Thank you again for the opportunity to provide this initial comment, and don't hesitate to let me know if you have any questions. Thank you.

Submission 273 (Madeline Harris, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019) - Continued

 CALIFORNIA High-Speed Rail Authority		SPEAKER CARD PLEASE PRINT LEGIBLY	
NAME: <i>Madeline Harris</i>		DATE: <i>6/5/19</i>	
REPRESENTING: <i>Leadership Counsel for Justice & Accountability</i>		EMAIL: <i>mharris@leadershipcounsel.org</i>	
ADDRESS:	PHONE: <i>206-853-9575</i>	CITY:	ZIP:
STATE:	DO YOU HAVE A PREPARED STATEMENT THAT YOU ARE PROVIDING?		
	<input checked="" type="radio"/> YES <input type="radio"/> NO		
COMMENTS:			
(Empty space for comments)			
IDENTIFY YOURSELF CLEARLY WHEN MAKING YOUR COMMENT. ANY INFORMATION YOU PROVIDE IS VOLUNTARY. THIS FORM, INCLUDING THE INFORMATION YOU PROVIDE, MAY BE POSTED ON THE AUTHORITY'S WEBSITE AND/OR MAY BE SUBJECT TO DISCLOSURE PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT.			

August 2020

Response to Submission 273 (Madeline Harris, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019)

273-393

As described on page 5-41 of the Draft Supplemental EIR/EIS, the Authority would implement Mitigation Measure EJ-MM#1, Provide a Community Center for the Community of Fairmead, as part of the Preferred Alternative. This mitigation measure was revised between the Draft and Final Supplemental EIR/EIS documents.

As part of revised Mitigation Measure EJ-MM#1, the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events. As part of this mitigation measure, the Authority would help community leaders and Madera County identify funding mechanisms for operation, maintenance, and insurance of the community center. The Authority has proposed this specific measure to help maintain a sense of community in Fairmead.

273-394

Please refer to the response to submission MF2-270, comment 388.

273-395

As described on page 3.18-21 of the Draft Supplemental EIR/EIS, the Authority is committed to helping lower-income persons, persons receiving public assistance, single parents, persons with no high school or a General Education Development diploma, and/or those who suffer from chronic unemployment compete for available jobs. In addition, through the Community Benefits Agreement, the Authority requires each prime contractor of an awarded construction package to commit 30 percent of all construction dollars to small businesses, with separate goals for disadvantaged and disabled-veteran businesses.

273-396

As noted on page 3.4-26, Mitigation Measure NV-MM#1 would reduce construction-related noise impacts to a less-than-significant level. This measure requires temporary construction site sound barriers near noise sources as potential noise mitigation. Concerning operational noise, as noted on page 3.4-32, sound barriers are not proposed for any of the Central Valley Wye alternatives because they are not required under the Authority's Noise and Vibration Mitigation Guidelines, as shown in Appendix 3.4-A. The Authority's criteria are not met because of the low density of receptors in the noise resource study area. Although sound barriers are not presently proposed, Mitigation Measure NV-MM#3 provides other measures to reduce sound levels, including the installation of sound insulation to provide outdoor-to-indoor noise reduction. This measure may provide some level of noise attenuation, but even with implementation of this measure, the impact would remain significant.

Submission 274 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #274 DETAIL

Status : Action Pending
 Record Date : 6/26/2019
 Submission Date : 6/5/2019
 Interest As : Public Hearing Participant
 First Name : Michael
 Last Name : Claiborne
 Submission Content :
 Attachments : CVY_PublicHearing_Speaker_Claiborne_060519.pdf (39 kb)
 CVY_PublicHearing_SpeakerCard_Claiborne_060519.pdf (53 kb)

MICHAEL CLAIBORNE: Good evening. Mike Claiborne, I'm an attorney with Leadership Counsel for Justice and Accountability, following my colleague Madeleine. I'm here representing Fairmead Community and Friends. Fairmead residents have been working with High-Speed Rail as many in this room now for nearly ten years. Throughout that process, we have had a lot of, I think, positive and productive conversations. I think that draft EIR does reflect the fact that we have had a fairly productive relationship and some of the mitigation measures that were identified by community residents in Fairmead are within the draft EIR, which we are very happy to see.


274-397 | I think a couple of things that I want to point out in addition to what Madeleine already said. The first is that Fairmead Community and Friends has remained consistent throughout the process of really two things. The first is that they prefer a route that doesn't pass through and divide the community of Fairmead.

274-398 | The second is that if the High-Speed Rail does in fact choose a route that passes through the community of Fairmead, effective mitigation measures need to be implemented. A lot of those measures, like I already said, are in the draft EIR as Madeleine already stated. A couple of those mitigation measures either aren't fully flushed out or aren't included in the EIR. One is the community center, which the draft EIR does reference, and there's a commitment in there to build a community center; however, there's still not a commitment secured regarding how to operate and maintain that community center for the community of Fairmead. We have been working with High-Speed Rail staff on that issue and expect to continue working on that issue, but it needs to be worked out.

274-399 | The second issue is affordable housing. That's a proposal that came directly from Fairmead community residents. It's really intended to address both displacement of existing residents, but also the community cohesion within Fairmead. This is a community with a long history, and residents of Fairmead really want that history to continue. And for their community to be improved regardless of whether a route passes through Fairmead.

Lastly, I would just like to thank you, staff of High-Speed Rail, for working with us and meeting with us. The meetings have been really productive. We expect that relationship to continue, and then we reserve all legal rights both to submit comments for CEQA and all legal rights under CEQA and all legal rights under NEPA, once that process starts.

Submission 274 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019) - Continued

 CALIFORNIA High-Speed Rail Authority		SPEAKER CARD PLEASE PRINT LEGIBLY	
NAME: <i>Michael Claiborne</i>		DATE: <i>6/5/19</i>	
REPRESENTING: <i>Fairmead Community & Friends</i>		EMAIL: <i>Mclaiborne@leadershipcounsel.org</i>	
ADDRESS: <i>764 P Street, Suite 011</i>		PHONE: <i>597-753-4353</i>	
CITY: <i>Fresno</i>	STATE: <i>CA</i>	ZIP: <i>93721</i>	
DO YOU HAVE A PREPARED STATEMENT THAT YOU ARE PROVIDING? <input type="radio"/> YES <input checked="" type="radio"/> NO			
COMMENTS:			
<small>IDENTIFY YOURSELF CLEARLY WHEN MAKING YOUR COMMENT. ANY INFORMATION YOU PROVIDE IS VOLUNTARY. THIS FORM, INCLUDING THE INFORMATION YOU PROVIDE, MAY BE POSTED ON THE AUTHORITY'S WEBSITE AND/OR MAY BE SUBJECT TO DISCLOSURE PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT.</small>			

Response to Submission 274 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), June 5, 2019)

274-397

Previous analyses took into consideration potential effects on Fairmead as one of many important considerations. The Central Valley Wye alternatives carried forward to the Draft Supplemental EIR/EIS included one that would avoid Fairmead (the Avenue 21 to Road 13 Wye Alternative).

The Draft Supplemental EIR/EIS states that this alternative would affect Fairmead and Chowchilla differently compared with the three alternatives with east–west alignments adjacent to SR 152 by virtue of being farther south of both communities (please refer to Figure 2-5 in the Draft Supplemental EIR/EIS). The comparative differences among the four alternatives for community division and displacement of residences and business are described in Section 3.12. The potential effect of the Central Valley Wye on Fairmead has been one of many important considerations in the development of the alternatives for study. As the commenter notes, the Avenue 21 to Road 13 Wye Alternative would avoid Fairmead. However, as discussed in Chapter 8, Preferred Alternative, the Authority identified the SR 152 (North) to Road 11 Wye Alternative as the Preferred Alternative after balancing the multiple factors described in Sections 8.4 and 8.5. These factors include the regional transportation and transportation safety benefits derived from aligning the east–west HSR alignment with SR 152 and impacts across the alternatives related to biological resources and wetlands, noise, displacements, the conversion of land uses in Fairmead, the conversion of Important Farmland, aesthetic and visual resources in Fairmead, the Robertson Boulevard Tree Row, and community cohesion in Fairmead. The Authority determined that the SR 152 (North) to Road 11 Wye Alternative represents the best balance of adverse and beneficial impacts on the natural environment and community resources, maximizing the transportation and safety benefits of the HSR system.

274-398

As described on page 5-54 of the Draft Supplemental EIR/EIS, the Authority has conducted extensive outreach meetings with the community of Fairmead to identify and evaluate measures that could mitigate impacts, beyond the resource-specific measures to reduce noise, visual, and community-division impacts stemming from construction and operation of the Central Valley Wye alternatives. This includes Mitigation Measure EJ-MM#1, Provide a Community Center for the Community of Fairmead, as referenced by the commenter, on page 5-41 of the Draft Supplemental EIR/EIS. However, this mitigation measure has been revised. As part of revised Mitigation Measure EJ-MM#1, the Authority would provide funding to Madera County to construct a new community center in Fairmead, which could serve as a permanent meeting place for community gatherings and events. As part of this mitigation measure, the Authority would help community leaders and Madera County identify funding mechanisms for operation, maintenance, and insurance of the community center. In addition, the Authority has proposed other measures, which are anticipated to be effective in reducing the negative effect of existing stressors in the community. This includes Mitigation Measure EJ-MM#2, which would provide funding for water and sewer service to the community of Fairmead, as well as other measures to address displacement (SO-IAMF#2, SO-IAMF#3, and Mitigation Measure SO-MM#1).

274-399

Please refer to the response to submission MF2-270, comment 388.

Submission 278 (Robert Stanley, Stanley Green Energy, September 13, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #278 DETAIL

Status : Action Pending
Record Date : 9/13/2019
Submission Date : 9/13/2019
Interest As : Business and/or Organization
First Name : Robert
Last Name : Stanley
Submission Content :

278-408

I wrote before on my Solar Train Invention that is the best way to eliminate pollution. I don't think a hybrid is the best way to go since diesel is very polluting. My Solar Train produces most of the power needed propel it down the tracks and maybe all the power it needs. But if not I recommend buying about 40 acres of farm land every 20 to 50 miles or so along the tracks to supplement the power that the trains produce with a solar covering on the trains. One huge benefit with my design is each train car has a 400hp electric engine in each car so that the HSR can run 10 train cars or 40 train cars or 120 train cars at a time. This flexibility can help during peak times. Go 100% green with my design because that is what Californians want. Robert Stanley Stanley Green Energy 530-717-8908 co2free@att.net

Sent from Mail for Windows 10

Response to Submission 278 (Robert Stanley, Stanley Green Energy, September 13, 2019)

278-408

The comment is noted. Please refer to Standard Response CVY-Response-GENERAL-2: Alternatives Analysis and Selection for CVY.

Submission 288 (Lloyd Fagundes, Fagundes Dairy, October 28, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #288 DETAIL

Status : Action Pending
Record Date : 10/28/2019
Submission Date : 10/28/2019
Interest As : Business and/or Organization
First Name : Lloyd
Last Name : Fagundes
Submission Content :

Please find the attached .pdf with the signed comment letter for the Draft Supplemental EIR/EIS for the Merced to Fresno Project Section, submitted on behalf of Fagundes Dairies and Farms.

Attachments : SDEIRandEISCommentLetterFagundesDairySigned.pdf (2 mb)

Fagundes Dairies and Farms

P.O. Box 2717 • Merced, CA 95344

Phone: (209) 383-6046 • Fax: (209) 383-6042

October 27, 2019

Attn: Draft Supplemental EIR/EIS for the Merced to Fresno Project Section
 California High Speed Rail Authority
 770 L Street, Suite 620 MS-1
 Sacramento, CA 95814

Via Email to: CentralValley.Wye@hsr.ca.gov

Subject: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS Comment

Fagundes Dairies and Farms submits the following comments for the Draft Supplemental EIR/EIS for the Merced to Fresno Project Section. Fagundes Dairies and Farms owns and operates multiple properties that are affected by the WYE in both Madera and Merced Counties (see attached map with Fagundes Dairies and Farms properties outlined in red). The selection of SR 152 (North) to Road 11 Wye Alternative will impact multiple properties and will interfere with some operations to a degree that the property cannot continue as a viable operation.

288-409

Dairies and Agricultural operations require significant investment in infrastructure relating to irrigation, drainage, grading and access prior to planting or beginning raising of livestock. Our experience and evidence in the record demonstrates that CHRSA has not been thorough in ensuring that remaining operations that are affected by the construction of HSR are made whole and left in a condition that operations are not impaired. Because of these facts we request the following mitigations be added;

- Develop a mechanism to ensure dairy and agriculture infrastructure is left in a condition that satisfies on going demands, to include reconstruction if necessary.
- Provide financial assurances sufficient to fund completion and/or replacement of dairy agriculture infrastructure being affected but not left operational by CHSRA.

288-410

Fagundes Dairies and Farms operates an established organic dairy on multiple properties comprised of 1,200 +/- acres and is being impacted by the SR 152 (North) to Road 11 Wye Alternative that bisects the operation. The 2012 EIR/EIS for the Merced-Fresno Segment contemplated many alternatives for the WYE, none of which utilized SR 152 (North) to Road 11 Wye Alternative. In the meantime, physical improvements to the organic dairy have been made near Road 11 relying upon the alternatives in the 2012 EIR/EIS for the Merced-Fresno Segment. Additionally, a cell phone tower on the organic dairy property is being impacted by the preferred alignment. The selection of SR 152 (North) to Road 11 Wye Alternative will displace newly installed infrastructure and bisect the organic dairy operation in such a manner that the long-term viability of the dairy has been compromised. Because of this dismantling of the properties that comprise the organic dairy the following mitigations must be added;

- Cure the damage caused by securing similar land that abuts the existing organic dairy at a ratio of two acres for every acre that is no longer viable or;
- Remedy this damage by purchasing the entire organic dairy operation.

Submission 288 (Lloyd Fagundes, Fagundes Dairy, October 28, 2019) - Continued

288-411

The SR 152 (North) to Road 11 Wye Alternative will displace a planned travel center at Robertson and SR 152 that is zoned for commercial development and is being farmed in the interim. The 2012 EIR/EIS contemplated many alternatives for the WYE none of which utilized SR 152 (North) or Road 11. Significant resources have been expended to a prepare a site plan and secure appropriate zoning for a travel center at the northeast intersection of SR 152 and Robertson Boulevard. Because of these facts we request the following mitigation be added;

- Secure zoning approval for commercial properties displaced by High Speed Rail, on land owned by the Fagundes Dairies and Farms, at a ratio of two acres for every one acre displaced.

288-412

CHSRA has demonstrated an inability to follow construction schedules or make progress on segments that have begun construction, clearly pre-maturely. The construction of the Road 27 grade separation in Madera County is illustrative of the issue. Fagundes Dairies and Farms owns the almond orchard that is adjacent to the construction site and the operation has been impaired due to the protracted construction schedule. The grade separation project that began in 2016 is still not complete as of October 2019, and the partially built grade separation presents an on-going impediment to the agricultural operation. The ability to endure a delay of livestock, goods and equipment movement within the Wye is limited and can result in catastrophic outcomes. Because of these facts we request the following mitigations be added;

- Develop construction specifications and performance measures that will reduce construction related effects with provisions to alter or adjust the construction process/schedule to accommodate agricultural operations and on farm needs.
- Provide all construction plans and specifications for review and approval by affected property owners, meet as necessary with affected property owners to discuss and clarify construction process and adjust construction plans and specifications to address needs of dairy and agricultural operations.
- Establish a monitoring program that provides a procedure to address and cure issues that arise during construction that were not contemplated or are being caused by non-compliance on the part of the contractor or CHSRA.

288-413

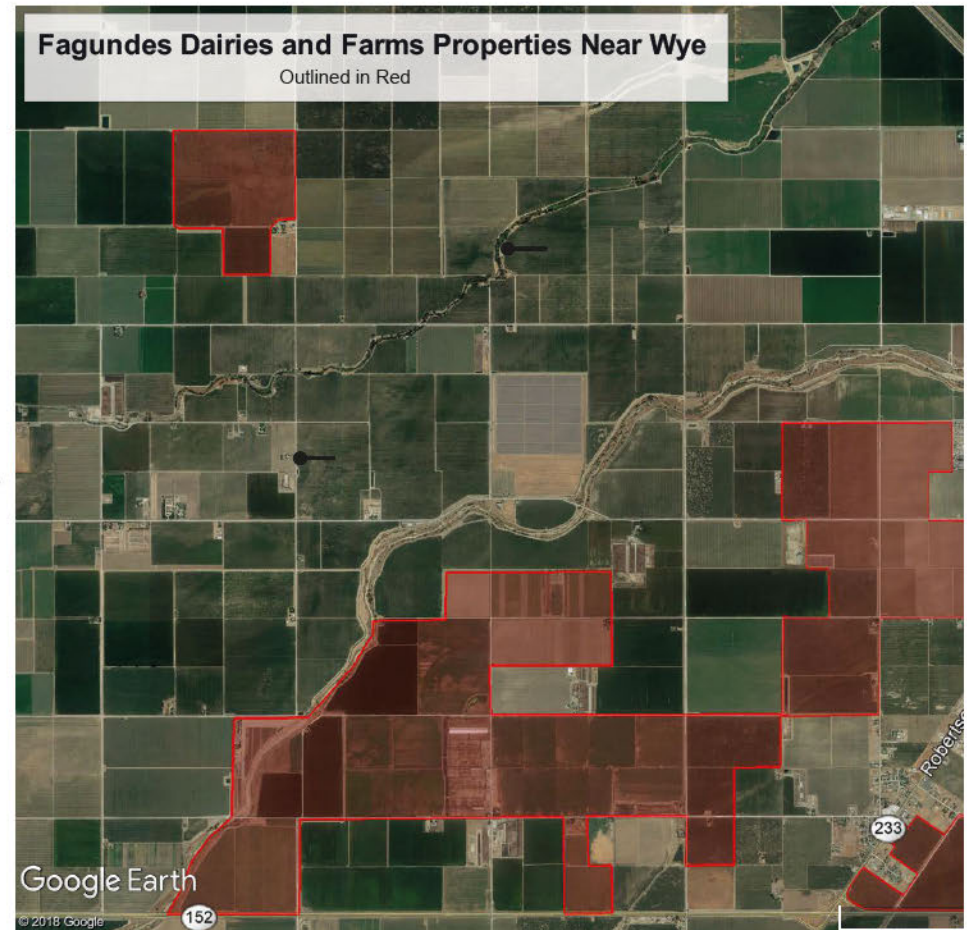
Many of the conclusions in the DSEIR/EIS are based on outdated data and the assumption that the HSR system will be fully developed. These are no longer valid since the DSEIR/EIS relies on the 2016 Business Plan, which has been replaced by the 2018 Business Plan and augmented by the May 29, 2019 Project Update Report submitted to the Legislature. Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns necessitate preparation of a supplemental EIS following either the draft or final EIS or the Record of Decision. The DSEIR/EIS does not identify the changes to impacts identified in the 2012 Merced-Fresno EIR/EIS that would result from the proposed Wye component. The DSEIR/EIS masquerades as a supplement to the 2012 EIR/EIS, while actually evaluating the Central Valley Wye as a stand-alone project component of the HSR. NEPA requires that the lead agency disclose and evaluate the potential for new significant effects and the potential for increases in the severity of impacts identified in the previous EIR/EIS for which the supplement is prepared. Additionally, the DSEIR/EIS is unclear regarding how the mitigation measures being proposed for the Wye will alleviate the impacts of the WYE or how they relate to the 2012 Merced-Fresno EIR/EIS. The proposed mitigation measures in the DSEIR/EIS are lacking in specificity, performance standards, implementing responsibility and timing of implementation, therefore requiring augmentation as suggested above.

288-414

288-415

Sincerely,

Lloyd Fagundes
Lloyd Fagundes



Response to Submission 288 (Lloyd Fagundes, Fagundes Dairy, October 28, 2019)

288-409

Please refer to the response to submission MF2-249, comment 298.

288-410

Please refer to the response to submission MF2-249, comment 299.

288-411

Please refer to the response to submission MF2-249, comment 300.

288-412

Please refer to the response to submission MF2-249, comment 301.

288-413

Please refer to the response to submission MF2-249, comment 302.

288-414

Please refer to the response to submission MF2-249, comment 302.

288-415

Please refer to the response to submission MF2-249, comment 304.

Submission 291 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), October 29, 2019)



October 28, 2019

Sent Via Email [CentralValley.Wye@hsr.ca.gov]

Attn: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

Re: Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS Comments Pursuant To National Environmental Policy Act ("NEPA")

Dear Sir or Madam:

On behalf of Fairmead Community & Friends ("FCF"), please accept these written comments on the Draft Supplemental Environmental Impact Statement for the Central Valley Wye section of the Merced to Fresno Section (the "DEIS") released for review under NEPA. This letter follows, and incorporates by reference, FCF's June 20, 2019 letter, which responded to the Draft Environmental Impact Report released for review under the California Environmental Quality Act ("CEQA").

As an initial matter, we restate each of the arguments raised in the June 20, 2019 letter under the equivalent and/or comparable provisions of NEPA (42 U.S.C. 4321 et seq.), as well as related regulation and policy.

291-545

Additionally, we reemphasize several points raised in our prior letter.¹ First, with respect to mitigation measure EJ-MM#1 ("Provide a Community Center for the Community of Fairmead"), the DEIS presently discusses conversion of Fairmead Elementary School into a community center, but does not provide alternative measures in the event the School does not relocate. Should Chowchilla Elementary School District either not relocate Fairmead Elementary as planned, or otherwise fail to cooperate, the DEIS must include a commitment to provide a community center at another location in Fairmead. Further, if Madera County ultimately does

¹ Failure to restate any argument herein is not intended as a waiver, and should not be taken to mean that any of the issues raised in the prior FCF letter are of diminished priority.

764 P Street, Suite 012
Fresno, California 93721
(559) 369-2790

291-545

not agree to maintain and operate a community center in Fairmead, other alternatives for operations and maintenance must be included. As acknowledged by the DEIS, providing a community center in Fairmead is necessary to "reduce the adverse impacts on community cohesion from construction of any of the three SR 152 alternatives." (DEIS, p. 5-41.)

291-546

Second, as mitigation for community cohesion, division of an existing community and dislocation of residents, the DEIS must include financing for new affordable housing development within Fairmead. Affordable housing development in Fairmead is critical to mitigating significant impacts. FCF has proposed a partnership between HSRA and Self Help Enterprises, Inc., or another affordable housing developer, to implement this measure. This mitigation measure was identified by residents of Fairmead as a measure to ensure that the HSRA project does not result in a less cohesive community, and to provide replacement housing within the community to dislocated residents who wish to remain. It must be included in the final EIS.

291-547

Third, with respect to measure EJ-MM#2 ("Provide Water and Sewer Service for the Community of Fairmead"), alternative measures should be included in the event that Chowchilla does not ultimately agree to extend service. While FCF is presently negotiating with Chowchilla for a septic-to-sewer project, an agreement has not yet been reached. Should those negotiations be unsuccessful, the DEIS must contain mitigation measures related to sewer and water service improvements in Fairmead that do not require such cooperation. Those measures could include construction of new groundwater wells, improvements to the water distribution system, extension of public water service to households served by domestic wells, and alternatives to septic-to-sewer conversion project such as construction of a separate wastewater treatment plant and sewer system.

291-548

Fourth HSRA's existing commitments in the DEIS are not sufficient to address the economic impacts that Fairmead residents expect to face as a direct result of the project. In addition to the programs referenced in the DEIS aimed at increasing local workers' access to jobs, HSRA should develop and implement a mitigation measure aimed at prioritizing Fairmead residents for construction, operations and maintenance work. Such a mitigation measure should: (a) ensure (through effective and direct community outreach) that local workers in Fairmead are provided with access to any necessary certification and/or training programs; (b) present such certification opportunities on a timeline that will allow local workers the chance to become eligible for the work in time to be hired; and (c) commit to hiring Fairmead residents for HSRA positions.

In closing, FCF would like to again thank HSRA staff for engaging with residents of the community of Fairmead throughout this environmental review process. We look forward to

Submission 291 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), October 29, 2019) - Continued

continuing to work with the High Speed Rail Authority, and hope to reach an amicable resolution to these issues.

Best Regards,



Michael K. Claiborne
Leadership Counsel For Justice & Accountability
Attorneys for Fairmead Community & Friends

Response to Submission 291 (Michael Claiborne, Leadership Counsel for Justice and Accountability (Fairmead Community & Friends), October 29, 2019)

291-545

Please refer to the response to submission MF2-242, comment 74, and submission MF2-273, comment 393.

291-546

Please refer to the response to submission MF2-242, comment 66; submission MF2-242, comment 67; and submission MF2-270, comment 388.

291-547

Section 3.6 of the Draft Supplemental EIR/EIS discusses major public utilities. However, the individual septic systems in Fairmead are discussed in the Draft Supplemental EIR/EIS in Chapter 5, Environmental Justice. In Section 5.6.3.1, Construction Impacts and Mitigation, the Authority has committed to providing funding and technical assistance in Mitigation Measure EJ-MM#2 to connect Fairmead to the nearest municipal water system, as well as the Chowchilla Wastewater Treatment Plant, and developing a sewer distribution and collection system in collaboration with Fairmead and Madera County community leaders.

291-548

Please refer to the response to submission MF2-273, comment 395, and submission MF2-242, comment #79.

Submission 297 (Breanne Ramos, Merced County Farm Bureau, October 28, 2019)



Merced - Fresno 2014+; Central Valley Wye - RECORD #297 DETAIL

Status : Action Pending
 Record Date : 10/29/2019
 Submission Date : 10/28/2019
 Interest As : Business and/or Organization
 First Name : Breanne
 Last Name : Ramos
 Submission Content :

Good Afternoon,

On behalf of the Merced County Farm Bureau, please accept our comments for the record for the Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement with National Environmental Policy Act designation. Please let us know if you have any questions regarding the attached.

Thanks in advance,

Breanne Ramos

Executive Director

Merced County Farm Bureau

(209)723-3001

Attachments : Merced CFB - WYE EIR EIS Comment Letter with NEPA.pdf (915 kb)

October 28, 2019

Merced to Fresno Section:
 Central Valley WYE Draft Supplemental EIR/EIS
 California High Speed Rail Authority
 770 L Street
 Suite 620 MS-1
 Sacramento, CA 95814

Dear California High Speed Rail Authority,

Merced County Farm Bureau (MCFB) would like to submit formal comments for the record on the circulated California High Speed Rail – Merced to Fresno Section: Central Valley WYE Draft Supplemental Environmental Impact Report/Environmental Impact Statement (Supplemental EIR) with the now established National Environmental Policy Act (NEPA) designation. As an organization we have been consistently watchful of the California High Speed Rail Authority (Authority) since it's early beginnings with the voting public. MCFB is a non-profit, grassroots, non-governmental organization that advocates for farmers, ranchers and dairy families who live and/or work in Merced County.

297-610 We raised many of the same issues below in our June 20, 2019 comments to the Authority as that was circulated with California Environmental Quality Act (CEQA) designation. We question why the Authority is using the 2016 Business Plan numbers for ridership forecasts and not the 2018 Business Plan. Was it not considered to reevaluate the ridership numbers in the 2018 Business Plan? In addition, the Supplemental EIR states that the "...population is expected to increase by 51 percent between 2010 and 2040 in the San Joaquin Valley and by 52 percent and 58 percent in Merced and Madera Counties..." We are left to wonder how the figures were derived as no explanation is provided to the reader.

297-611 As it relates to the Supplemental EIR at hand, we have concerns on the continued extension to Carlucci Road which sits within Dos Palos located in Merced County. As this time, the train will extend from Merced to Bakersfield with funding for future development undetermined. As you move forward with this plan, unaware of what the Authority will be able to accomplish in later years, you continue to leave landowners from Carlucci Road to the WYE junction in complete limbo. When does the Authority plan to approach these landowners regarding acquisition of their properties? Should the Authority not complete the project in its original entirety, will landowners have the first right to purchase back their property? It seems more taxing, frustrating and confusing on all parties when it is unknown how the project will continue given various constraints the Authority has faced. Ultimately you are leaving landowners to negotiate on a project that may never meet its proposed goal, one that has been changed dramatically since first approved by votes in 2008.

297-612 We appreciate the effort that the Authority has made in writing various policies to offset the impacts to agriculture; however, we have witnessed these policies fail time and time again. Your procedure during construction has been to use agricultural ground for temporary construction. The document further states that the ground is rented from the landowner, but we ask who determines the value of the rent?

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Submission 297 (Breanne Ramos, Merced County Farm Bureau, October 28, 2019) - Continued

297-612 | Is it negotiated by the grower and the Authority, determined by a third party or another method? We
297-613 | want to ensure that those impacted are given a fair value as they will not know the length that the
Authority will lease their property. Concerns can also be raised on what the ground looks like when it is
returned to the grower. The Authority should ensure that there are no impacts to routine agriculture
production once returned.

297-614 | As it relates to agricultural irrigation, other utilities and land purchases, we want to ensure our
community members are left whole once the agreement has been made. There have been plenty of
reports in recent news that growers have been left to pay the cost for items such as new wells with no
immediate payment from the Authority. This is unacceptable and simply stating that "government
moves slow" is not an excuse. When considering remnant parcels of 20 acres or less, the Authority
expects that some of these properties will still be farmed by either the original landowner or by a
neighboring farmer. Who determines that the remnants are sufficient to be farmed? We would also like
to understand the breakdown of remnant parcels the Authority expects to have within each county as it
is only broken down by the various alternatives.

297-615 | We, along with a number of other plaintiffs, brought forward a lawsuit against the Authority that was
ultimately settled. We would like the terms from the Settlement Agreement dated April 17, 2013 by and
among Madera County Farm Bureau, Merced County Farm Bureau, Preserve Our Heritage, Chowchilla
Water District, and Fagundes Parties (Petitioners and Plaintiffs) and California High-Speed Rail Authority
(Respondent and Defendant) to be carried forward. We also request that they present information to
our organization as it develops to better inform impacted growers.

We appreciate the opportunity to comment on the Merced to Fresno Section: Central Valley WYE Draft
Supplemental Environmental Impact Report/Environmental Impact Statement with NEPA designation as
the continued buildout of this project will greatly impact Merced County farmers and ranchers. We will
also remain watchful of all actions taken by the Authority. Again, thank you for the opportunity and
please contact our organization at your convenience should you have any questions on the above.

Sincerely,



Breanne Ramos
Executive Director

Response to Submission 297 (Breanne Ramos, Merced County Farm Bureau, October 28, 2019)

297-610

The Authority acknowledges that the commenter submitted an essentially identical letter dated June 20, 2019, during the CEQA-only comment period. Please refer to the responses to submission MF2-246.

297-611

Please refer to the response to submission MF2-246, comment 170.

297-612

Please refer to the response to submission MF2-246, comment 171.

297-613

Please refer to the response to submission MF2-246, comment 171.

297-614

Please refer to the response to submission MF2-246, comment 172.

297-615

Mitigation calculations for direct and indirect impacts on Important Farmland provided in Section 3.14.7, Mitigation Measures, Table 3.14-13, are consistent with the stipulations of the settlement agreement dated April 17, 2013.

The Authority is committed to engaging stakeholders at all steps of the implementation process, as outlined by legal requirements.

Submission 306 (Denise Stone, White Mammoth Ranch, March 15, 2020)

Merced - Fresno 2014+; Central Valley Wye - RECORD #306 DETAIL

Status : Action Pending
Record Date : 3/15/2020
Submission Date : 3/15/2020
Interest As : Business and/or Organization
First Name : Denise
Last Name : Stone
Submission Content :

306-849 | I am strongly against any WYE route that would come down Road 20 in Fairmead, CA as it would negatively impact our residence and our business.

I do not support the HSR at all, but if it continues to go forward (wasting our tax dollars and whatnot, can you please pick the Avenue 21 / Road 13 route?

Thank you.

Response to Submission 306 (Denise Stone, White Mammoth Ranch, March 15, 2020)

306-849

The comment is noted. The Preferred Alternative is the SR 152 (North) to Road 11 Wye. As shown in Figure 2-14, the Preferred Alternative would cross Road 20 immediately north of its intersection with Avenue 23 in Fairmead.

Please refer to Chapter 8, which explains the Authority's reasoning in selecting the Preferred Alternative, including why the Avenue 21 to Road 13 Wye was not selected.

Please also refer to Standard Response CVY-Response-GENERAL-1: Oppose HSR Project.