



November 12, 2013

Mr. Michael Jewell  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814

Ms. Connell Dunning  
U.S. Environmental Protection Agency  
75 Hawthorne Street, CED-2  
San Francisco, CA 94105

**RE: Fresno to Bakersfield Section, Checkpoint C Package  
USACE File No: SPK-2009-01482**

Dear Mr. Jewell and Ms. Dunning:

The California High-Speed Rail Authority (Authority), Federal Railroad Administration (FRA), U.S. Army Corps of Engineers (USACE), and U.S. Environmental Protection Agency (EPA), and entered into a Memorandum of Understanding (MOU) on integration of the National Environmental Policy Act (NEPA), Clean Water Act Section 404, and Rivers and Harbors Act Section 14 processes for the California High-Speed Rail (HSR) Project in December 2010. The central feature of the MOU is the procedure for reaching specific points of agreement among the participants regarding the purpose and need for the project (Checkpoint A), the range of alternatives to be considered for the environmental review and the 404(b)(1) Alternatives Analysis (Checkpoint B), and the identification of the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA), Draft Compensatory Mitigation Plan, and Section 408 Draft Engineering Report (Checkpoint C).

Since 2010, the Authority, FRA, USACE, and EPA have been working collaboratively on the NEPA, Section 404, and Section 14 processes for the Fresno to Bakersfield Section of the HSR System. EPA provided its agreement with the statement of purpose and need for the Fresno to Bakersfield Section on January 20, 2011, and USACE provided its agreement with Checkpoint A on February 2, 2011. USACE and EPA provided agreement with the Checkpoint B, the list of alternatives that were carried through the environmental review process, on July 5, 2011, and June 24, 2011, respectively.

Over the past 16 months, representatives of the Authority, FRA, USACE, and EPA have held coordination meetings on the information that USACE will require to make a decision on the Preliminary LEDPA, the Draft Compensatory Mitigation Plan, and a Section 408 Draft Engineering Report (Checkpoint C). With consideration of the results of these meetings and the details of the MOU, the Authority and FRA prepared the enclosed Checkpoint C package.

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The Summary Report contains technical information supporting the selection of the Proposed Preliminary Alternative as the Preliminary LEDPA. The Summary Report was prepared in response to your comments on our April 2013 Checkpoint C documents. The document addresses other issues raised by USACE and EPA staffs during numerous ongoing technical work group sessions, site visits, and conference calls.

The Checkpoint C package contains the following information.

- Checkpoint C Summary Report. This report contains information on existing conditions for aquatic and non-aquatic resources, the impacts of the project alternatives on those resources, and the measures taken to avoid, minimize, and mitigate those impacts. The Summary Report provides a comparative analysis of the impacts of the project on aquatic and non-aquatic resources by alternative and a summary of the analysis of aquatic resources and environmental impacts and the practicability of the alternatives.

The Summary Report also addresses the entire Proposed Preferred Alternative from Fresno to Bakersfield. At this time, LEDPA concurrence is requested only as far south as Seventh Standard Road in Kern County, south of Shafter. In accordance with 40 C.F.R. 230.11, Subparts C, D, E, and F, the report provides factual determinations regarding the impacts of the proposed Preliminary LEDPA. Additional information presented in the report includes the Watershed Evaluation Report for the project alternatives and the evaluation of wetland conditions using the California Rapid Assessment Method.

- Draft Compensatory Mitigation Plan. This draft plan describes the overall mitigation strategy in terms of compensation ratios and acreages for jurisdictional waters and special-status species. Recommendations are provided for specific mitigation options by resource, including mitigation banks, conservation easements, and fee-title acquisition. These recommendations are followed by an outline of the Authority's approach to site-specific mitigation work plans, maintenance plans, performance standards/success criteria, contingency planning, performance monitoring requirements, long-term management plans, and financial assurances.
- Section 408 Draft Engineering Report. This report was transmitted under separate cover to Ryan Larson (USACE) on November 6, 2013. The report consists of engineering and hydrologic information for the alternatives that cross the Kings River complex, including the Kings River, Dutch John Cut, and Cole Slough. The information includes engineering drawings of river crossings; hydraulic analysis of the crossings, including HEC-RAS modeling; scour countermeasures; operation and maintenance considerations; and consultations with the local maintaining agency.
- Draft Section 404 Individual Permit Application. This draft individual permit application provides the information that USACE requires on ENG Form 4345 and associated supporting materials. The permit application describes the location, nature, purpose, and extent of fill-related impacts on aquatic resources associated with the Authority and FRA Proposed Preferred Alternative for the portion of the project for which funding is currently available.



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Copies furnished without enclosures

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