



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

REPLY TO
ATTENTION OF

December 19, 2013

Regulatory Division (SPK-2009-01482)

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

Dear Mr. McLoughlin:

I am writing in response to your November 12, 2013, Checkpoint C Package and the November 27, 2013, request for concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) determination for the proposed Fresno to Bakersfield segment of the California High-Speed Train (CHST) Project. In accordance with our *National Environmental Policy Act/Clean Water Act Section 404/Rivers and Harbors Act Section 14 Integration Process for the California High-Speed Train Program Memorandum of Understanding* dated November 2010 (NEPA/404/408 MOU). This letter is our formal response.

As a cooperating agency for preparation of the Fresno to Bakersfield Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and in fulfillment of our responsibilities under the NEPA/404/408 MOU, we offered feedback to the Federal Railroad Administration as well as the California High-Speed Rail Authority (Authority) on the Preliminary LEDPA determination and draft Compensatory Mitigation Plan. We provided comments on May 2, 2013, regarding the draft Checkpoint C Summary Report and Information Packet submitted on April 18, 2013. We have also discussed these comments and the proposed alternatives in multiple meetings with your staff and consultants.

After reviewing the data provided, we concur that the Preferred Alternative from the proposed Fresno Station to Seventh Standard Road is the Preliminary LEDPA. The Preliminary LEDPA consists of the BNSF Alternative with the following area alternatives, BNSF-Hanford East, Kings/Tulare Regional Station-East, Corcoran Bypass, Allensworth Bypass, and BNSF-Through Wasco-Shafter. We understand that the alignment from Seventh Standard Road to the terminus in Bakersfield, including the proposed Bakersfield Station, will be evaluated at a later time.

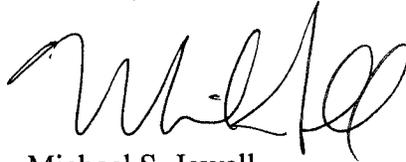
In addition, we concur that the draft Compensatory Mitigation Plan may provide sufficient mitigation to meet the needs of the project under Section 404 of the Clean Water Act. However, we will continue to work with the Authority as further refinements of this plan are necessary. The plan must include adequate restoration or establishment in combination with the proposed preservation. We encourage you to continue to seek aquatic restoration/establishment

opportunities near existing preserved lands in the Allensworth area. This may include the Smith Offering or other appropriate sites.

The Corps cannot make a permit decision until we receive a final mitigation plan in accordance with 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources. The plan needs to follow a watershed approach and offset all functions and services impacted.

We appreciate your willingness to work with this office to reach this concurrence. If you have any questions, please contact Zachary Simmons at our California South Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, email Zachary.M.Simmons@usace.army.mil, or telephone 916-557-6746. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,



Michael S. Jewell
Chief, Regulatory Division

Copy furnished

Mr. David Valenstein, Federal Railroad Administration, 1200 New Jersey Avenue SE- Mail Stop 20, Washington, D.C. 20590-0001

Ms. Connell Dunning, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105

Mr. Jason Brush, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105

Mr. Bryan Porter, Parsons Brinckerhoff, 925 L Street, Suite 1425, Sacramento, California 95814-3704