



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

JUN 24 2011

David Valenstein  
Federal Railroad Administration  
1120 Vermont Avenue, NW, MS 20  
Washington, D.C. 20590

Dan Leavitt  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Subject: Response to Request for Agreement on Range of Alternatives for California High-Speed Rail Project Merced-to-Fresno and Fresno-to-Bakersfield Sections

Dear Messrs. Valenstein and Leavitt:

Thank you for the opportunity to provide comments and recommendations in advance of publication of the Draft Environmental Impact Statements (Draft EIS) for the Merced-to-Fresno and Fresno-to-Bakersfield sections of the California High Speed Rail (HSR). We hope that our early feedback and coordination will lead to early resolution of any potential environmental resource and permitting challenges. The Federal Railroad Administration (FRA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and other federal laws, and California High Speed Rail Authority (CHSRA) is serving as the joint-lead under NEPA and is the lead agency for compliance under the California Environmental Quality Act (CEQA).

EPA feedback is aimed at integrating the future requirements of the Clean Water Act (CWA) Section 404 permitting process with NEPA requirements. This integration process is further described in the *NEPA/ CWA Section 404/Rivers and Harbors Act Section 14 (33 U.S.C. 408) Integration Process for the California High-Speed Train Program Memorandum of Understanding* (MOU) dated December 2010. To facilitate effective integration of CWA Section 404 and NEPA for this project, EPA continues to coordinate closely with the Army Corps of Engineers (Corps) and we concur with the recommended range of alternatives provided by the Corps in the Merced-to-Fresno Checkpoint B agreement letter (June 14, 2011). We also commend CHSRA for working to reduce impacts to aquatic resources along the BNSF alignment of the Fresno-to-Bakersfield section.

Merced-to-Fresno Section

EPA agrees with CHSRA and FRA's decision to carry forward the following station, alignments, and heavy maintenance facilities (HMF) for analysis in the Merced-to-Fresno Draft EIS:

- Merced Transit Center Station Alternative
- UPRR/SR 99 Alignment Alternative with Design Options East and West of Chowchilla
- BNSF Alignment Alternative with Design Options Between Merced and Le Grand

- Hybrid Alignment Alternative
- Castle Commerce Center HMF Site Alternative
- Harris-DeJager HMF Site Alternative
- Fagundes HMF Site Alternative
- Gordon-Shaw HMF Site Alternative
- Kojima Development HMF Site Alternative

In addition, the Corps June 14, 2011 letter highlighted the following issues:

- 1) The BNSF alternative in this section would likely have CWA Section 404 permitting challenges due to aquatic resource impacts, and
- 2) The Western Madera alternative should not be eliminated from analysis in the Draft EIS.

We concur with these two points.

### Fresno-to-Bakersfield Section

EPA agrees with CHSRA and FRA's decision to carry forward the following stations, alignments, and heavy maintenance facilities (HMF) for analysis in the Fresno-to-Bakersfield Draft EIS:

- BNSF Alignment Alternative with Two Station Alternatives in Fresno (Mariposa and Kern), the Kings/Tulare Regional Station, and a Station in Bakersfield (Bakersfield North)
- Corcoran Elevated Alternative
- Corcoran Bypass Alignment Alternative
- Allensworth Bypass Alignment Alternative
- Wasco-Shafter Bypass Alignment Alternative
- Bakersfield South Alignment Alternative with a Bakersfield South Station Alternative
- Fresno Works – Fresno HMF Site Alternative
- Kings County – Hanford HMF Site Alternative
- Kern Council of Governments – Wasco HMF Site Alternative
- Kern Council of Governments – Shafter East HMF Site Alternative
- Kern Council of Governments – Shafter West HMF Site Alternative

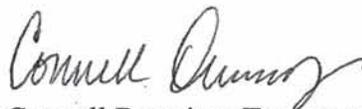
EPA also recommends that the West of Hanford Bypass Alternative be included in the reasonable range of alternatives and not be eliminated from further study at this time.

Finally, as discussed during last week's conference call between our agencies, we recommend that FRA and CHSRA defer a decision on the "wye" connection alignments between the Merced-to-Fresno Section and the San Jose-to-Merced Section at this time. The future San Jose-to-Merced EIS provides a forum for more detailed discussions about this important connection in the HSR system.

Thank you for requesting EPA's agreement on the range of alternatives. We look forward to further participation in the development of environmental documents for this project and the plan for overall environmental sustainability of the HSR system. EPA will ultimately review EISs for each section of the California HSR system pursuant to NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. EPA will also review CWA Section 404 permit applications for each HSR section for compliance with EPA's 404(b)(1) Guidelines (40 CFR 230.10). We appreciate this opportunity to address potential environmental issues as early as possible. If you have any questions or comments please contact the NEPA lead for this project, Jen Blonn, at (415)

972-3855 (blonn.jennifer@epa.gov) or the aquatic resources lead for this project, Sarvy Mahdavi, at (415) 972-3173 (mahdavi.sarvy@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Connell Dunning". The signature is fluid and cursive, with a prominent initial "C".

Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division

CC Via Email:

Melissa DuMond, Federal Railroad Administration  
Dan Leavitt, California High-Speed Rail Authority  
Lupe Jimenez, California High-Speed Rail Authority  
Bryan Porter, Parsons Brinckerhoff, HSR Project Management Team  
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Veronica Chan, U.S. Army Corps of Engineers  
Kellie Berry, U.S. Fish and Wildlife Service