

17 STANDARD RESPONSES

Comment Summary	Response
GENERAL	BP-Response-GENERAL-01: Alternatives
<p>The Authority received comments questioning the alternative development process, including alternatives considered and reasons they were not carried forward.</p>	<p>Alternatives Analysis Process Requirements under CEQA and NEPA</p> <p>As described in Section 2.3.11, High-Speed Rail Project-Level Alternatives Development Process, of the Bakersfield to Palmdale Project Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), an EIR is required to analyze the potential impacts of a range of reasonable alternatives (California Code of Regulations [Cal. Code Regs.] Title 14, Section 15126.6; Code of Federal Regulations [C.F.R.] Title 40, Part 1502.14(a)). Under the California Environmental Quality Act (CEQA), an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly accomplish most of the project’s basic objectives, and avoid or substantially lessen any of the project’s significant adverse effects, and it must evaluate the comparative merits of the alternatives (14 Cal. Code Regs. 15126.6(a),(c)). The EIR must also evaluate a no project alternative (14 Cal. Code Regs. 15126.6(e)). In determining the range of reasonable alternatives to be examined in the EIR, the lead agency must document its reasons for excluding other potential alternatives. Under the “rule of reason,” an EIR is required to study a sufficient range of alternatives to permit a reasoned choice (14 Cal. Code Regs. 15126.6(f)). There is no requirement to study all possible alternatives. Further, an EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project; however, CEQA does not require alternatives to be evaluated at the same level of detail as the proposed project (14 Cal. Code Regs. 15126.6(d)).</p> <p>Under the National Environmental Policy Act (NEPA), the alternatives analysis “is the heart of the environmental impact statement” (40 C.F.R. 1502.14). Accordingly, an EIS examines the range of reasonable alternatives to the proposed action, including the alternative of taking no action. Pursuant to Section 14(l) of the Federal Railroad Administration’s (FRA) Procedures for Considering Environmental Impacts, these include “all reasonable alternative courses of action which could satisfy the [project’s] purpose and need” (64 Fed. Reg. 28546, May 26, 1999). An EIS prepared for NEPA must rigorously explore and objectively evaluate a reasonable range of alternatives along with the proposed action. Reasonable alternatives are those that may be feasibly carried out based on technical, economic, environmental, and other factors (40 C.F.R. 1502.14). The general rule under NEPA is that all alternatives carried forward in an EIS must be analyzed and discussed to the same level of detail. The B-P Project Section EIR/EIS analyzes the alternatives with the same level of detail, thereby satisfying both CEQA and NEPA.</p> <p>2005 Decisions as Foundation for Range of Alternatives in Project-Level EIR/EIS</p> <p>As discussed in Section 2.3.12.1 of this Final EIR/EIS, the Authority’s decision at the conclusion of the 2005 Final Program EIR/EIS for the Proposed California High-Speed Train System (Authority and FRA 2005) process provided the foundation for the project-level EIR/EIS that tiered from the Program EIR/EIS. As part of the evaluation, six general alignment corridors were considered for the Bakersfield to Sylmar section.¹ Only three of those six corridors connected Bakersfield with Palmdale. These generally followed the (1) State Route 58/Soledad Canyon, (2) State Route 138, and (3) California Aqueduct corridors. As such, both the State Route</p>

¹ The 2005 Final Program EIR/EIS for the Proposed California High-Speed Train System considered a Bakersfield to Los Angeles corridor consisting of two segments: Bakersfield to Sylmar and Sylmar to Los Angeles. In 2009, the Authority released the CEQA Notice of Preparation announcing the preparation of the EIR/EIS for the Bakersfield to Palmdale Project Section.

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	<p>138 and California Aqueduct corridors were eliminated due to constructability and seismic constraints. Both alignments would require long tunnels and sustained slopes much greater than current HSR rolling stock could achieve and would also cross multiple seismic faults below grade, which is prohibited by engineering design standards. In contrast, the State Route 58/Soledad Canyon alignment offers acceptable slopes and minimizes tunnel length while allowing the crossing of faults at grade. Of the remaining alignments, the State Route 58/Soledad Canyon Corridor (Antelope Valley) was identified as the Preferred Alignment by the Authority because it would have fewer potential environmental impacts, be less subject to seismic activity, and require considerably less tunneling (and thus fewer constructability issues and lower construction costs) than the alignment options along Interstate 5. The Bakersfield to Palmdale Project Section Final EIR/EIS incorporates the subsequent development of preliminary engineering designs and an assessment of potential environmental effects from the Bakersfield to Palmdale Project Section Draft EIR/EIS associated with HSR system construction, operation, and maintenance along the State Route 58/14 corridor from Bakersfield to Palmdale.</p> <p>Alternatives Development for Project-Level Draft EIR/EIS and Reasons for Eliminating Alternatives</p> <p>Refer to Section 2.3.12 of this Final EIR/EIS for a detailed discussion of the alternatives considered, the alternatives withdrawn from further consideration, the reasons for their withdrawal, and the alternatives ultimately carried forward in the EIR/EIS analysis. Table 2-4 of this Final EIR/EIS summarizes the previous and current alternatives and lists reasons for the withdrawal of alternatives. For example, alternatives that were eliminated from consideration generally had more tunnel miles, higher capital costs, more right-of-way impacts and displacements, and greater effects on cultural and Section 4(f) resources.</p>
<p>GENERAL</p> <p>A number of comments were concerned with the public noticing process for the Draft EIR/EIS. Some commenters expressed concern over the virtual nature of the public hearing.</p>	<p>BP-Response-GENERAL-02: Public Outreach on the Draft EIR/EIS</p> <p>Circulation and Notice of Availability of the Draft EIR/EIS</p> <p>The Authority is the CEQA and NEPA lead agency for the Bakersfield to Palmdale Project Section Draft EIR/EIS.² As such, public noticing of the availability of the Draft EIR/EIS for public review was conducted by the Authority.</p> <p>The notice advertising the Bakersfield to Palmdale Project Section Draft EIR/EIS' availability noted the document would be circulated for a minimum of 45 days as required by CEQA (CEQA Guidelines Sections 15080–15088). The CEQA Guidelines state:</p> <p><i>The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. (14 Cal. Code Regs. 15105)</i></p> <p>Likewise, the Authority, in its role as NEPA lead agency, considered Section 13(c)(9) of the FRA Procedures for Considering Environmental Impacts, which provides:</p>

² Pursuant to U.S. Code Title 23 Section 327, under the NEPA Assignment Memorandum of Understanding between FRA and the State of California, effective July 23, 2019, the Authority is the federal lead agency for environmental reviews and approvals for all Authority Phase 1 and Phase 2 California HSR System projects. In this role, the Authority is the project sponsor and the lead federal agency for compliance with NEPA and other federal laws for the California HSR System, including the Bakersfield to Palmdale Project Section.

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	<p><i>The draft EIS shall be made available for public and agency comment for at least 45 days from the Friday following the week the draft EIS was received by EPA. The time period for comments on the draft EIS shall be specified in a prominent place in the document, but comments received after the stated time period expires should be considered to the extent possible. (64 Fed. Reg. 101, page 28545, May 26, 1999)</i></p> <p>The Authority provided widespread notice of the availability of the Bakersfield to Palmdale Project Section Draft EIR/EIS to ensure that members of the public; local, state, and federal agencies; and Native American tribes had the opportunity to review and provide comments. The Authority provided notice of the availability of the Bakersfield to Palmdale Project Section Draft EIR/EIS in the following ways:</p> <ul style="list-style-type: none"> • Notices mailed to all individuals/organizations that requested notice in writing • Publication in newspaper(s) of general circulation • Direct mail to owners/occupants of property within 300 feet of the four B-P Build Alternatives' footprints and the footprint of the Fresno to Bakersfield Locally Generated Alternative (F-B LGA) between the intersection of 34th Street and L Street and Oswell Street in incorporated areas, within 1,000 feet of the four B-P Build Alternative footprints and the CCNM Design Option in unincorporated areas, and within 1,200 feet of the HSR station footprint • Direct mail to agencies, elected officials, tribes, and schools districts • Direct mail to those on the project mailing list • Posted notices at the Kern County and Los Angeles County Clerks' offices • Printed and electronic copies submitted to libraries along the alignment for public access • Copies submitted to the State Clearinghouse for state agency review • Publication in the Federal Register <p>Finally, the Notice of Availability (NOA) was published in five newspapers with circulation in the project vicinity. The NOA identified in-person community open houses in Lancaster and Bakersfield in early March, an in-person community event in Rosamond in late March, and an in-person public hearing in Lancaster scheduled for April 9. However, due to the uncertainty caused by the outbreak of COVID-19, the Authority extended the public review period 15 days to end on April 28, 2020. To comply with the Governor's Executive Order N-33-20 issued on March 19, 2020, the Authority shifted the public hearing to a virtual format and rescheduled it for April 23, 2020.³ This extension provided members of the public with additional time to review the Draft EIR/EIS and submit a comment. This is consistent with CEQA and NEPA requirements (CEQA Guidelines Sections 15080–15088, 40 C.F.R. 1506.6(c), and 40 C.F.R. 6.23 (c)(3)(vii)).</p>

³ Although originally advertised on the NOA on February 28, 2020, a Community Open House was scheduled in Rosamond on March 26, 2020. In responses to state and county directives related to COVID-19, the March 26, 2020, open house was cancelled. An open house is not a requirement for CEQA or NEPA. The Authority hosted the April 23, 2020, public hearing in accordance with CEQA Section 15202(a), which states, "CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication." Further, in accordance with 40 C.F.R. 1506.6(c), the Authority sponsored a public hearing because the project is subject to "substantial environmental controversy ... or [the public has] substantial interest in holding the hearing."

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	<p>Notices announcing the change from a formal to virtual public hearing scheduled for April 23, 2020, were sent on April 8, 2020. The updated NOA was sent to all recipients of the first NOA and was published on the Authority's website and in the same local newspapers as the original publications. The names of publications and the dates the NOA was published are as follows:</p> <ol style="list-style-type: none"> 1. <i>Antelope Valley Press</i> (initial NOA published 2/28/2020; revised NOA published 4/17/2020) 2. <i>Bakersfield.com</i> (initial NOA published 2/29/2020; revised NOA published 4/11/2020) 3. <i>The Bakersfield Californian</i> (initial NOA published 2/27/2020; revised NOA published 4/10/2020) 4. <i>El Popular</i> (Spanish) (initial NOA published 2/21/2020; revised NOA published 4/10/2020) 5. <i>Tehachapi News</i> (initial NOA published 3/4/2020; revised NOA published 4/22/2020) <p>In addition to publishing the notice in local publications, the Authority posted the NOA on the Bakersfield to Palmdale Project Section webpage with a link from the Authority's homepage. The Authority also issued a press release on February 25, 2020, with the specific hearing information to media outlets in the region and to a distribution list of 33,494 unique email addresses.</p> <p>Availability of Documents</p> <p>In accordance with Executive Order N-33-20, which resulted in statewide shelter-in-place orders, the repositories that were housing paper copies of the Draft EIR/EIS and electronic copies of the technical reports were closed to the public. Additionally, the Authority's Sacramento and Los Angeles offices were closed to the public, so paper copies of the Draft EIR/EIS were not available for public review from March 19 through the close of the comment period on April 28, 2020.</p> <p>While paper copies of the Draft EIR/EIS were not available for public review at repositories during the last half of the public review period, the Section 508/Assembly Bill 434-compliant Draft EIR/EIS, Volumes 1 through 3, was available on the Authority's website for the full 60-day public review period.</p> <p>Some commenters asked about the availability of technical reports prepared in support of the Draft EIR/EIS. Technical reports provide additional details on the Bakersfield to Palmdale Build Alternatives environmental setting, impact assessment methodology, and environmental impacts for the following environmental disciplines: transportation, air quality, noise and vibration, biological and aquatic resources, geology and soils, hazardous wastes, hydrology, community impacts, relocations, and cultural resources. The EIR/EIS draws from the technical data and analysis in the reports and studies and provides analysis in a full but more accessible form for the public. The NOA stated that electronic copies of technical reports were available from the Authority upon request. Copies of the technical reports were provided to the 8 individuals who requested them. Due to the extensive volume of material, the technical reports were made available in electronic rather than printed format to anyone who requested them.</p>

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<p>GENERAL</p>	<p>BP-Response-GENERAL-03: Applicability of F-B LGA IAMFs/MMs”stub” on the Bakersfield to Palmdale Project Section</p>
<p>Commenters expressed confusion about the inclusion of the LGA “stub” and its discussion in the EIR/EIS.</p>	<p>Selection and Approval of the F-B LGA</p> <p>The Authority Board certified the Fresno to Bakersfield Section Final EIR/EIS in May 2014. The following month, FRA issued a Record of Decision approving portions of the BNSF Alternative in combination with the Corcoran Bypass, Allensworth Bypass, and Bakersfield Hybrid Alternatives, including the Truxtun Avenue Station. On June 5, 2014, the City of Bakersfield filed a lawsuit challenging the Authority’s EIR and approvals under CEQA. The city noted that the Preferred Alternative alignment identified in the 2014 Fresno to Bakersfield Section Final EIR/EIS would severely affect the city’s facilities, freeway projects, and businesses, including its Municipal Services Corporation Yard and Rabobank Arena parking, in addition to private residences, businesses, schools, churches, and medical facilities. In a Settlement Agreement signed December 19, 2014, between the City of Bakersfield and the Authority, the two agencies agreed to work together to develop and study an alternative that would be more acceptable to the City of Bakersfield and meet the Authority’s design requirements. The F-B LGA evolved from this mutual cooperation, and this new alternative was evaluated in a Draft Supplemental EIR/EIS where it was determined to be the Preferred Alternative.</p> <p>As discussed in Chapter 8 of the Fresno to Bakersfield Section Draft Supplemental EIR/EIS, in selecting a Preferred Alternative, the Authority, with FRA’s involvement, balanced the adverse and beneficial human and natural environment impacts of the two alternative alignments considered: the F-B LGA (including the F Street Station) and the comparable portion of the May 2014 Project (including the Truxtun Avenue Station).</p> <p>On October 16, 2018, the Authority Board certified the Fresno to Bakersfield Section Final Supplemental EIR and approved the portion of the F-B LGA from just north of Poplar Avenue in Kern County up to and including the F Street Station (specifically, to the intersection of 34th Street and L Street in Bakersfield). As stated in Resolution #HSRA 18-17, the Authority Board reserved the decision on an alignment to the south and east of the F Street Station for the Bakersfield to Palmdale Project Section of the HSR project. In November 2019, the Authority published the combined Final Supplemental Record of Decision/Final Supplemental EIS. With issuance of the Supplemental Record of Decision, the Authority, as NEPA lead agency, approved the portion of the F-B LGA from just north of Poplar Avenue in Kern County up to and including the F Street Station.</p> <p>The Authority Board will consider CEQA and NEPA decisions on the portion of the F-B LGA from the intersection of 34th Street and L Street to Oswell Street at the time it takes action on the Bakersfield to Palmdale Project Section. This Bakersfield to Palmdale Project Section Final EIR/EIS summarizes the analysis for the portion of the F-B LGA from 34th Street and L Street to Oswell Street, as presented in the Fresno to Bakersfield Section Supplemental EIR/EIS and therefore includes the IAMMs and mitigation measures described in that document. Consideration of the F-B LGA analyses in conjunction with the analyses performed for the Bakersfield to Palmdale Build Alternatives will inform the Authority Board’s decision on the project.</p>

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GENERAL	BP-Response-GENERAL-04: General Information on the Right-of-Way and Relocation Processes for Residential and Business Displacements
<p>Commenters expressed concern about how the HSR project will affect their property value and the right-of-way acquisition and relocation process for residential and business displacements.</p>	<p>The Authority has worked closely with government agencies, businesses, and individuals to refine the B-P Build Alternatives to avoid or minimize impacts, including property acquisitions, to the maximum extent possible in light of the HSR performance criteria. This refinement process will continue throughout final design for the selected alternative.</p> <p>Right-of-Way Acquisition Process</p> <p>The Authority has prepared informational pamphlets describing the right-of-way acquisition process. Specifically, “Private Property and High-Speed Rail: Your Questions Answered” describes the process and general timeline by which an appraiser and right-of-way agent will coordinate with property owners of parcels affected by the HSR alignment (Authority 2019c). This pamphlet also offers guidance for property owners of parcels that will not require acquisition but for which the property owner believes their property value has been affected. In those cases, property owners who believe they have suffered a loss may file a claim with the State of California Government Claims Board.</p> <p>The Authority’s acquisition and relocation assistance and advisory services would include, but not be limited to, measures, facilities, or services that may be necessary or appropriate to determine the needs and preferences of each household, business, farm, and nonprofit organization to be displaced. The Authority would provide current information on the availability, purchase prices, and rental costs of comparable replacement dwellings. Other benefits and compensation may include payment of residential moving expenses and replacement housing payments, nonresidential moving expenses, and reestablishment expenses. The Authority’s acquisition and relocation assistance documents in Appendix 3.12-B of this Final EIR/EIS outline compensation and acquisition procedures in detail. For any properties acquired for the project, the Authority would comply with appropriate provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S. Code 4601 et seq.) (Uniform Act) and Implementing Regulations (49 C.F.R. Part 24). Property owners whose entire or partial property would be acquired by the Authority would receive just compensation for their land and improvements.</p> <p>Between the time the Authority Board approves a project alignment and the time the Authority initiates the right-of-way acquisition process and/or construction process, property owners (either affected by the HSR project or not) may wish to sell their parcel(s). Such transactions will likely be required to disclose local area information regarding infrastructure and transportation projects, such as the HSR project, that will directly or indirectly affect the property.</p> <p>The Authority will acquire the land of property owners whose land is directly affected by the project in accordance with the Uniform Act. The Uniform Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project.</p> <p>For all acquisition of real property, the Uniform Act requirements include the following:</p> <ul style="list-style-type: none"> • Appraisal of the property before negotiation begins • An invitation to the property owner to be present for the appraisal • A written offer of just compensation and a summary of what is being acquired • Payment for the property before taking possession of it

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	<ul style="list-style-type: none"> • An offer to acquire uneconomic remnants • Reimbursement for expenses resulting from the transfer of title <p>The Authority will negotiate on a case-by-case basis with property owners whose land would be acquired by the Authority for the California HSR System. The Authority will acquire land at fair market value, as determined by the process described above. The Authority also has the power of eminent domain, allowing it to condemn the property of unwilling sellers, with payment of just compensation (i.e., fair market value) to the property owner. Eminent domain would be viewed as a last resort used to acquire the land for the public purpose of developing the statewide HSR system. Information on the eminent domain process is available on the Authority's website (https://www.hsr.ca.gov/docs/programs/private_property/Your_Property_Your_HSR.pdf [Authority 2013]).</p> <p>Just compensation is an amount paid to a property owner for property acquired for public purposes that is not less than the fair market value of the property acquired, including damages or benefits to the remaining property. Compensation would include any measurable loss in value to the remaining property as a result of a partial acquisition.</p> <p>Relocation Process</p> <p>When displacement results from the acquisition of residential or nonresidential properties, such as businesses and farms, the Uniform Act's provisions for relocation assistance include:</p> <ul style="list-style-type: none"> • Relocation advisory services • A minimum 90-day written notice to vacate before taking possession • Reimbursement for moving and reestablishment expenses <p>The California Relocation Assistance Act essentially matches the Uniform Act and also ensures consistent and fair treatment of owners, expedited acquisition of property by agreement to avoid litigation, and promotion of confidence in the public land acquisitions process. However, if there is federal funding on the project, as there is for the HSR project, the Uniform Act takes precedence.</p> <p>A property owner may also claim a loss of business goodwill under California Code of Civil Procedure 1263.510 et seq. Goodwill is defined as the benefits that accrue to a business because of its location; reputation for dependability, skill, or quality; and any other circumstances resulting in probable retention of old or acquisition of new patronage. Loss of Goodwill is paid as an acquisition expense, but some of the items considered in calculating loss of goodwill may also be covered as a relocation expense.</p> <p>Consistent with the requirements of the Uniform Act and California Relocation Assistance Act, the Authority is committed to working closely and proactively with residents and businesses to help them plan ahead for relocation, find new homes or sites, and solve problems related to the acquisitions. While relocation assistance would mitigate the displacement, relocation could still represent an inconvenience or hardship to some property owners.</p> <p>Additional information about acquisition, compensation, and relocation assistance and the Uniform Act is also available in Appendix 3.12-B of this Bakersfield to Palmdale Project Section Final EIR/EIS, as well as on the Authority's website.</p>

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<p>BIOLOGICAL AND AQUATIC RESOURCES</p>	<p>BP-Response-Section 3.7 BIO-01: Mitigation Measures (Resources, Details and Phasing, Responsibilities and Future Planning)</p>
<p>Commenters expressed concern that the full complement of mitigation measures may be insufficient because limited permissions to enter resulted in areas that were not surveyed.</p>	<p>Survey Effort</p> <p>Neither NEPA nor CEQA require a lead agency to perform on-site surveys on every parcel to obtain information for the environmental baseline and effects analysis; instead, an EIR/EIS must disclose what it reasonably can (CEQA Guidelines Section 15144; NEPA Regulations, 40 C.F.R. 1502.15, and 40 C.F.R. 1502.22). Considerable, repeated efforts were made to obtain permission to access private property, and surveys were performed on all properties where permission for access was affirmatively granted. To address information needs for areas where access was not granted, the Authority utilized habitat suitability models based on several databases, including the California Wildlife Habitat Relationship System, which assists in mapping habitat and land uses that are crossed with the species’ known geographic range to determine suitable habitats for special-status wildlife species. This system is a widely used tool, and its approach assumes presence of special-status wildlife species in areas where suitable habitat occurs (as identified in the California Wildlife Habitat Relationship or other published agency literature). The California Wildlife Habitat Relationship approach is widely used in California on large infrastructure projects and other projects where permission to enter is limited, and provides a reasonable and consistent approach to the assessment of potential for wildlife presence. It provides a reasonable and conservative basis for estimating potential impacts. The net result is a conservative approach that overestimates impacts to suitable habitat.</p> <p>In areas where permission to enter was not granted, public rights-of-way were used to visually assess inaccessible areas wherever possible. In areas where no access was available, high-resolution aerial photograph interpretation and image processing techniques were used to map the extent of biological resources (e.g., wildlife habitats, jurisdictional waters). For areas that were not surveyed on-site, biological resources were mapped conservatively to include areas potentially containing biological resources. The collective body of baseline information developed for property where no permission for access was granted, including the results of the aerial photograph interpretation survey areas, provided an adequate baseline to inform the environmental analysis and mitigation strategy. Information regarding the condition of jurisdictional waters was obtained through application of the California Rapid Assessment Method at select sites where the Authority did obtain permission to enter the property.</p> <p>Mitigation Measures</p> <p>This Bakersfield to Palmdale Project Section Final EIR/EIS identifies impact avoidance and minimization features (IAMF) and mitigation measures the Authority has determined will avoid, minimize, reduce, and mitigate potential adverse impacts resulting from project construction and operation. These IAMFs and mitigation measures will be tracked and enforced through the Mitigation Monitoring and Enforcement Plan (MMEP) pursuant to NEPA. The MMEP is consistent with CEQA requirements for mitigation monitoring as set forth in Section 15097 of the CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3). The MMEP will identify responsible parties, timing of implementation, reporting criteria, and when the measure is complete. The MMEP will be considered for adoption at the time the Authority Board considers certification of the EIR and approval of the project. While the MMEP will be part of the Record of Decision issued pursuant to NEPA, all IAMFs and mitigation measures identified in this Final EIR/EIS will be included in the MMEP.</p>

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	<p>In addition, mitigation measures will be incorporated into the regulatory permits issued for the project and enforced by the agencies issuing these permits, including the State Water Resources Control Board, California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service. The permits will include mitigation measures as permit conditions, and the Authority will be responsible for documenting compliance with the permit conditions and submitting monitoring reports to the agencies. Furthermore, the Authority has prepared a Compensatory Mitigation Plan (CMP) for the Bakersfield to Palmdale Project Section (Authority 2017) that identifies potential properties that could be preserved, enhanced, or restored to offset impacts on biological and aquatic resources.</p> <p>MMEP</p> <p>The Authority Board of Directors will adopt an MMEP at the time it approves the project to ensure that the adopted IAMFs and mitigation measures are successfully implemented and tracked throughout project implementation. CEQA requires a lead or public agency that approves or carries out a project for which an EIR has been certified that identifies one or more significant adverse environmental effects, and where findings with respect to changes or alterations in the project have been made, to adopt a "... reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6). The MMEP will adhere to the Council on Environmental Quality's (CEQ) regulations (40 C.F.R. Section 1505) and FRA Procedures for Considering Environmental Impacts (64 Fed. Reg. 28545, May 26, 1999). On January 14, 2011, the CEQ finalized guidance entitled Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact (CEQ Guidance). The CEQ Guidance is intended to assist federal agencies in developing mitigation programs that provide effective documentation, implementation, and monitoring of mitigation commitments. The Authority will consider the CEQ Guidance in the preparation of the MMEP.</p> <p>The Authority will use the MMEP to track and enforce implementation of mitigation measures and IAMFs. The MMEP will be active through all phases of the HSR project, including design, construction, and operation. The project will be developed in phases and may include permits required for implementation of project components. There are mitigation measures that must be continuously implemented throughout the development and operation of the HSR project. The MMEP identify mitigation measures required by the Authority to mitigate or avoid significant adverse impacts associated with the implementation of the proposed project, the entity responsible for monitoring, timing of implementation, the phase the measure would apply to, timing of implementation, and completion verification. The MMEP will help ensure the measures are implemented, their effectiveness monitored, and documentation provided. As individual mitigation measures are completed, the compliance monitor will sign and date the MMEP, indicating that the required mitigation measure has been completed for the subject period. The compliance monitor will also note the title of the monitoring report that was submitted for each mitigation measure. The monitoring effort may be expanded to include the permit conditions associated with the Porter Cologne Act, State Fish and Game Code, federal and state Endangered Species Acts, Section 4(f), and any requirements necessary to comply with Section 106 of the Historic Preservation Act. These regulatory requirements will result in obtaining various permits that will often include more specific terms and conditions that may also be treated as mitigation measures and tracked through similar procedures as the MMEP. In many instances regulatory permit conditions, avoidance measures, and mitigation measures are all combined into one tracking program.</p> <p>The mitigation measures mitigate impacts on biological resources and rely, in some instances, on the preparation and execution of mitigation and monitoring plans after certification of the MMEP. The mitigation measures that contain these plans also identify the</p>

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	<p>specific content and performance to be included in the plans. As an example, BIO-MM#2 includes the types of activities that need to be addressed (e.g., monitoring, salvage, relocation, propagation), how the plan would be approved and who would approve the movement of species (e.g., Project Biologist, appropriate regulatory agencies), and the provisions to be provided in the monitoring plan for the establishment of plant population(s) and performance (success) criteria. The mitigation measures would require the Project Biologists to map and identify sensitive biological resources, create buffers around these resources, allow for passive and active species relocation (or avoidance when relocation is not allowed), restore temporarily disturbed areas (where possible), compensate for unavoidable impacts, and monitor construction. Other measures are general in nature and were designed specifically to reduce the level of anticipated direct or indirect impacts on resources. The Authority will use the MMEP to track and enforce implementation of mitigation measures and IAMFs.</p> <p>CMP</p> <p>The CMP has a more focused and specific role than the MMEP and is the beginning of the mitigation to be provided after construction is complete. The CMP identifies the mitigation to offset impacts on sensitive habitats, plants, and wildlife resulting from construction of the Preferred Alternative. The CMP will detail the locations where mitigation is proposed to occur and the strategy proposed to implement mitigation to meet the requirements and standards of the various environmental regulatory agencies with jurisdiction over the project. The CMP also identifies mitigation to address temporary and permanent loss, including functions and values, of aquatic resources, defined as waters of the U.S. under the federal Clean Water Act and/or waters of the State under the Porter-Cologne Water Quality Control Act. The CMP will provide the methods and a foundation for the mitigation options that are available to offset the loss of sensitive natural resources within the Preferred Alternative project footprint. Compensatory mitigation includes purchase of mitigation bank credits; fee-title acquisition; conservation easements; in-lieu fee payments; and conservation projects to create, restore, or enhance habitats. These compensatory mitigation programs address resources, including special-status species, plants and wildlife, streambed/riparian communities, and wildlife movement corridors. Water rights must be acquired, secured, and documented, where needed, in the permit conditions.</p> <p>The CMP will discuss methods for reducing, avoiding, or compensating for potential aquatic resource impacts and will include a watershed-based approach, site selection criteria, use of the California Rapid Assessment Method to document wetlands, mitigation by resource, long-term management, financing, and monitoring. In addition, the CMP provides an inventory of banks and projects in the area that may provide compensatory mitigation for offsetting effects. The CMP was not part of the Bakersfield to Palmdale Project Section Draft EIR/EIS, but it will incorporate and/or complement many of the mitigation measures identified in Section 3.7.7. The CMP, along with a Watershed Evaluation Report, will also use land acquisition strategies that consider watershed-level impacts when proposing mitigation, giving priority to areas that provide habitat connectivity and those areas with upland and wetland restoration and creation potential. The CMP will specify the quantity of acres/credits used to offset project effects, by resource, as specified by the mitigation ratios described in the CMP.</p>

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CULTURAL RESOURCES	BP-Response-Section 3.17 CUL-01: Cesar Chavez National Monument
<p>Comments raised concerns about the environmental analysis and conclusions in the Draft EIR/EIS pertaining to the Cesar Chavez National Monument.</p>	<p>In 2018, the Authority explored additional alignments in response to comments from consulting parties that could avoid or minimize harm to Nuestra Señora Reina de La Paz National Historic Landmark/César E. Chávez National Monument (La Paz), ultimately developing the CCNM Design Option, which would further minimize visual effects and effects on the setting by shifting the proposed alignment north to approximately 830 feet from La Paz and by lowering the viaduct height by approximately 15 feet. At that time, the Authority also committed to including a sound barrier in the design of the project on the HSR alignment that would reduce the FRA-defined noise impacts from “severe” to “no impact,” thereby avoiding noise-related effects on La Paz. Additional measures proposed included a commitment to tint the HSR viaduct and to develop and implement landscape treatments to help visually screen the distant views of the HSR trains and viaduct in order to lessen the visual effects of the undertaking.</p> <p>In 2019, in response to concerns expressed by consulting parties between June 2017 and February 2019, the Authority undertook additional efforts to minimize harm to La Paz. The Authority developed new design options and reconsidered previously developed design options that had potential to avoid or further minimize effects on La Paz. In addition to the B-P Build Alternatives (2017 alignment) and the CCNM Design Option, the Authority analyzed eight design options, descriptions and comparative analyses of which are presented in attached documentation (Authority and FRA 2019; Authority 2019a, 2019b). In July 2019, the Authority analyzed Design Options A through G, as well as the B-P Build Alternatives and CCNM Design Option, and determined to carry forward for more in-depth consideration the B-P Build Alternatives, the CCNM Design Option, and Design Options B, D, and E (Authority and FRA 2019).</p> <p>The following design options were not carried forward:</p> <ul style="list-style-type: none"> • Design Option A was not carried forward because it would have greater visual impacts on La Paz than Design Option D. • Design Option C was screened out because it would not reduce visual effects any more than Design Option B, which would add fewer additional costs to the project. • Design Option F, which would be entirely underground at La Paz and would avoid all noise and visual effects, was not carried forward because it could not be constructed without exceeding the maximum grade allowed by the HSR program. • Design Option G was screened out because it would result in more severe noise and visual effects than the CCNM Design Option and would add additional cost to the project. <p>In July and August 2019, the Authority continued its efforts to refine the undertaking with the goal of making the project not visible from La Paz.</p> <ul style="list-style-type: none"> • Design Option E was revisited in an attempt to lower the profile and shift it south into the hills so that it would be underground and not visible. However, the potential profile lowering was limited to only a few feet by the need to pass over State Route 58 and the Union Pacific Railroad. Additionally, it would not be possible to shift the alignment to the south, into the hills, and still adhere to the Authority’s horizontal radius criteria or standard requiring the alignment to not be in a tunnel at the White Wolf Fault. Authority criteria require the project to be constructed at grade (i.e., aboveground and not in a tunnel) where the alignment intersects hazardous faults, such as the White Wolf Fault. • Additionally, two new design options were developed at that time:

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	<ul style="list-style-type: none"> – Design Option J was developed along the same horizontal alignment as Design Option D. While it was not possible to design the profile low enough that the project would be in a tunnel at La Paz without exceeding the Authority’s maximum vertical grade restriction, the profile could be engineered to be near ground level with a bridge that would be shorter than Design Option D, thereby minimizing visual effects compared to Design Option D. – The Authority also developed Design Option H by lowering the profile of Design Option B and shifting the horizontal alignment away from La Paz to where the terrain is higher so that the project would be in a tunnel and not visible. However, engineering analysis determined that the Authority’s horizontal curve criteria could not be met without forcing the alignment into a tunnel at the White Wolf Fault. As such, Design Option H was screened out from further consideration. <p>In September and October 2019, the Authority revisited Design Option D in an effort to further minimize its potential effects on La Paz. The profile of “Refined Option D” was redesigned to be approximately 50 feet lower than Design Option D. A proposed earthen berm was designed to extend above the railroad along the south side of the alignment in order to completely mask the HSR alignment from view of La Paz. The berm would be contoured and vegetated with native plants in order to appear like a natural landform and to blend into the surrounding landscape. Further refinements included the reconfiguration of drainage structures so they would not be on any south-facing slopes in the vicinity and would therefore not be visible from La Paz.</p> <p>In October 2019, the Authority determined it would incorporate Refined Option D into the undertaking as “Refined CCNM Design Option.” The Authority determined Refined Option D to be the best option to incorporate into the undertaking. Visual simulations prepared and 3-D visual modeling indicate that Refined Option DR would be less visually perceptible than the other options north of Three Peaks because of the proposed vegetative berm shielding the HSR line. See Figure 3.16-56 of this Final EIR/EIS for the existing and simulated views of the Refined Option D (Refined CCNM Design Option) from La Paz. For these reasons, the Authority decided to incorporate Refined Option D (Refined CCNM Design Option) into the undertaking and analyze it as part of the Preferred Alternative in this Final EIR/EIS.</p>