Submission 785 (Dean L. Borg, California Department of Corrections & Rehabilitation, August 3, 2020)

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION
GAVIN NEWSOM, GOVERNOR

FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT
P.O. Box 942883
Sacramento, CA 94283-0001

July 31, 2020

Burbank to Los Angeles Project Section
Draft EIR/EIS Comment
355 S. Grand Avenue, Suite 2050
Los Angeles, CA 90071

To Whom It May Concern:

The California High-Speed Rail Authority, as Lead Agency, has published the Burbank to Los Angeles Project Section Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the California High-Speed Rail Project (HSR Project), under the California Environmental Quality Act and the National Environmental Policy Act.

785-1402 As a participating agency of the HSR Project, the California Department of Corrections and Rehabilitation (CDCR) appreciates the opportunity to review and provide comments to the HSR Project DEIR/EIS. As presented, CDCR has no comments regarding the HSR Project DEIR/EIS at this time.

Please contact Peter Connelly, Senior Environmental Planner, at (916) 255-3010, or via email at Peter.Connelly@cdcr.ca.gov, with any questions.

Sincerely,

Dean Lee Borg

DEAN L. BORG
Director
Facility Planning, Construction and Management

cc: Peter Connelly

Response to Submission 785 (Dean L. Borg, California Department of Corrections & Rehabilitation, August 3, 2020)

785-1402

The commenter states that the California Department of Corrections has no comments on the Draft EIR/EIS. It is acknowledged that the commenter has no comments.

Submission 702 (Erinn Wilson, California Department of Fish & Wildlife, July 23, 2020)

State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 23, 2020

Mr. Mark McLoughlin
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814
Info@hsr.ca.gov

Subject: Draft Environmental Impact Report/Environmental Impact Statement for California High-Speed Rail, Burbank to Los Angeles Segment Project, Los Angeles County (SCH# 2014071073)

Dear Mr. McLoughlin:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Burbank to Los Angeles Segment of California High-Speed Rail (Project) prepared by the California High-Speed Rail Authority (CHSRA) as lead agency pursuant to the California Environmental Quality Act (CEQA; Public Resources Code 21000 § et seq.). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. We also appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW is mandated to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is directed to provide biological expertise to lead agencies as part of environmental review, focusing on project activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration (LSA) regulatory authority (Fish & Game Code, § 1600 *et seq.*) and the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*). To the extent implementation of the Project as proposed may result in "take", as defined by State law, or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

702-804

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Project Description and Summary

Objective: CHSRA proposes to construct and operate the Burbank to Los Angeles Segment of the California High-Speed Rail (HSR) system. The proposed Project is approximately 14 miles long, crossing the cities of Burbank, Glendale, and Los Angeles in a fully urbanized area within existing railroad corridor that crosses major streets and highways and, in some portions, is adjacent to the Los Angeles River. The Project includes a combination of at-grade, below-grade, and retained-fill tracks with the majority consisting of new tracks that would be placed along the existing railroad right-of-way (ROW) and be useable for HSR and other passenger rail operators. The alignment would cross one major stream, Verdugo Wash, where an existing clear-span railroad bridge would be rebuilt to accommodate an additional set of electrified tracks for HSR.

Location: The Project would begin underground at the Burbank Airport Station and consist of two new electrified tracks. The alignment would travel southeast through Burbank and Glendale, where it would cross the Verdugo Wash just east of the confluence with the Los Angeles River. Upon crossing the Verdugo Wash, the Project continues southeast along the east side of Los Angeles River through the Glendale Metrolink Station and Metrolink Central Maintenance Facility. After passing the Metrolink Central Maintenance Facility, the alignment turns south and crosses the Arroyo Seco on an existing railroad bridge. South of Arroyo Seco, the alignment would cross the Los Angeles River on the existing Mission Tower bridge just north of Figueroa Street. The alignment then proceeds south along the west side of the Los Angeles River until it reaches its terminus at Los Angeles Union Station.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist CHSRA in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. For any impacts that have been adequately demonstrated to be unavoidable in the EIR/EIS, CDFW believes that CHSRA should require a scientifically rigorous monitoring and management program as part of the Project's CEQA Mitigation, Monitoring and Reporting Program (MMRP) that would include adaptive management strategies (Public Resources Code 21081.6 and CEQA Guidelines Section 15097).

702-805

Project Description and Related Impact Shortcomings

Comment #1: Impacts to Streams

Issue: The proposed Project has the potential to impact multiple streams that are subject to notification under Fish and Game code section 1600 *et seq.* Page 3.7-51 states "[c]onstruction of the project would result in direct and indirect effects on aquatic resources, including aquatic resources under the jurisdiction of CDFW, USACE, and SWRCB. The HSR build Alternative would require crossings, realignments, and modifications to likely jurisdictional watercourses or waterbodies. The HSR Build Alternatives includes project components that would cross or alter the Burbank Western Channel, Lockheed Channel, Verdugo Wash, and Los Angeles River."

Specific impacts to Lockheed Channel: According to page 3.7-53 of the DEIR/EIS, "[c]ollectively, 2.05 acres of temporary effects on aquatic resources associated with modifying and realigning the Lockheed Channel would occur under the HSR Build Alternative." The Lockheed channel would see impacts in two locations as a result of realignment activities. Page

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3.8-51 of the DEIR/EIS states that "[t]he upstream realignment would be between Avon Street and Lima Street. At this location, the HSR tracks would be constructed through the use of cut-and-cover. The alignment of the Lockheed Channel would be in approximately the same location as existing conditions; however, construction of a new box culvert would be required where the HSR tracks cross Lockheed Channel."

702-806

Project activities for this component of the HSR alignment will involve dewatering, use of heavy equipment directly in Lockheed Channel, the placement of fill, and the installation of a concrete box culvert. All these Project activities may result in the loss of streams associated watershed function and biological diversity through diminished on-site and downstream water quality.

Specific impacts to Lockheed Channel and Burbank Western Channel Confluence: As indicated on page 3.8-51 of the DEIR/EIS, "[t]he downstream realignment would take place between Lincoln Street and the channel's confluence with the Burbank Western Channel…. Therefore, the Lockheed Channel crossing would be relocated to the east, where the proposed

702-807

HSR tracks would be built above ground level." Project activities for this component of the HSR alignment will involve dewatering, use of heavy equipment directly in Lockheed Channel and Burbank Western Channel, placement of fill materials, and creation of a new stretch of stream resulting in the complete realignment of flows in the Burbank Western Channel.

Specific Impacts to Verdugo Wash: The HSR Build Alternative includes the replacement of a clear-span bridge with a wider clear-span bridge over Verdugo Wash, just east of the confluence with the Los Angeles River. While the intended design of the bridge is to span the entirety of Verdugo Wash, there is still potential for impacts to the river and habitat located below. Page 3.7-52 indicates that during the demolition and removal of the currently existing bridge over Verdugo Wash and subsequent construction of the new Verdugo Wash Span, "[d]irect temporary effects on aquatic resources would result from the temporary placement of fill during construction in and over aquatic resources or falling debris from bridge and channel modifications (e.g., relocating culverts) and construction… The temporary fill and fallen debris would result in a temporary reduction of channel capacity; potential effects on the physical, chemical, and biological characteristics of aquatic substrates and food webs; and, a potential increase in erosion and sediment transport into adjacent aquatic areas. Chemical spills or leaks of fuel, transmission fluid, lubricating oil, or motor oil from construction equipment could also contaminate waters and degrade their quality." CDFW concurs that all these Project activities may result in the loss of streams associated watershed function and biological diversity through loss of habitat or diminished on-site and downstream water quality.

Specific impacts to Los Angeles River: The HSR Build Alternative is expected to have significant direct and indirect impacts to the Los Angeles River. As stated on page 3.7-54, the Project "is expected to result in the discharge of less than 0.5 acre of permanent fill into waters of the U.S." at the proposed Main Street roadway bridge. Because the Main Street roadway bridge is considered historic, project construction will not remove the bridge, but upgrade existing conditions. The proposed upgrade will result in direct permanent impacts to the Los Angeles River. The proposed Main Street Bridge would have one row of three 8-foot-diameter columns (with 10-foot-diameter bases) with a pier wall within the Los Angeles River and another row of three 8-foot-diameter columns on the west side of the concrete channel. This project component would result in 0.028 acre of new permanent fill (i.e., concrete columns with a pier wall) within a fully concrete-lined portion of the Los Angeles River. CDFW concurs that these

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Project activities may result in the loss of streams associated watershed function and biological diversity through loss of habitat or diminished on-site and downstream water quality.

Why Impacts Would Occur: Ground disturbing activities from water diversions and dewatering, structure demolition, fill placement, construction, and channel realignment would physically

702-808

remove or otherwise alter existing streams or their function and associated riparian habitat on or near the Project site. Streams and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of materials, sediment, chemicals, pathogens, and altered watershed effects resulting from Project activities.

Evidence Impacts Would Be Significant: CDFW concurs with the analysis in the DEIR/EIS in Sections 3.7 and 3.8 that the Project may substantially adversely affect the existing stream hydrology through the alteration or diversion of the stream. Absent specific mitigation, these proposed activities could result in substantial erosion or siltation on- or off-site of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

702-809

Mitigation Measure #1: CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to Section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSA agreement with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency (CHSRA) for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, Section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

702-810

Mitigation Measure #2: Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

Comment #2: Impacts to Nesting Birds

Issue: Figure 3.7-2 (eBird Occurrence Records of Special-Status Bird Species) of the DEIR/EIS highlights the presence of numerous nesting bird species along the Project alignment. The greatest concentration of sensitive bird species is documented along the Los Angeles River, where stretches of habitat can be found along its soft-bottom portions. Figure 3.7-2 shows occurrences of loggerhead shrike (*Lanius ludovicianus*) and yellow warbler (*Setophaga petechial*), both CDFW Species of Special Concern (SSC), less than a mile from the Verdugo Wash Span and the Main Street Bridge.

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702-811

Specific Impacts: Construction during the breeding season for nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Why Impact Would Occur: Impacts to nesting birds could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season for nesting birds could result in the incidental loss of reproductive success or otherwise lead to nest abandonment.

Direct impacts via habitat removal, noise, percussive vibration, human disturbance, channel diversion, sedimentation in the channel affecting food supply, increased exposure to predation, and direct take would reasonably occur during the Project. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cures (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). The DEIR/EIS analyzed noise and vibration affects only to human-based sensitive receptors and without analyzing these impacts to sensitive wildlife species or providing any minimization or mitigation measures for impacts to sensitive species. Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004, 2016).

702-812

702-813

Evidence Impact Would Be Significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5. Section 15380 of the CEQA Guidelines indicates that Species of Special Concern (SSC) should be included in an analysis of project impacts. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Take of SSC could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

702-814

Recommended Potentially Feasible Mitigation Measure(s):
Mitigation Measure #1: To protect nesting birds that may occur on site, no construction shall occur from February 15 through August 31, and as early as January 1 for raptors.

702-815

Mitigation Measure #2: If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer. Surveys shall include vegetation in Caltrans Right of Way. Surveys will begin no more than 14 days prior to the start of Project activities and will be repeated for the duration of Project activities that occur during the bird nesting season. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

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702-816

Mitigation Measure #3: If an active nest is found within 500 feet of Project activities and in areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment, a qualified biologist shall determine the nesting status and set up a species-appropriate no-work buffer that should be no less than 300 feet initially. Buffers shall be marked around the active nest site as directed by the qualified biologist.

No Project activities shall be allowed inside these buffers until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds.

702-817

Mitigation Measure #4: Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist and shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e. outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities.

Comment #3: Impacts to Bats

702-818

Issue: CDFW has concerns that suggested bat mitigation measures related to pre-construction surveys may not be adequate to identify the presence or absence of bats along the Project alignment. BIO-MM#25 states that preconstruction surveys for bat species will be conducted "[n]o earlier than 30 days prior to the start of ground-disturbing activities in a work area" over the course of one (1) day and one (1) evening at a minimum.

Specific Impact: By potentially conducting only one (1) day and one (1) evening survey in the month prior to construction activities, the surveys may inaccurately reflect a lack of presence of multiple bat species that are known to be in the Project area. The proposed Project presents a variety of potential effects to species such as bats including (but not limited to) direct and indirect effects from loss of foraging habitat, loss of breeding habitat, direct mortality, increased anthropogenic pressures, and navigational disruptions during migration.

Why Impact Would Occur: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). Adverse impacts to bats may occur because the measures in the DEIR/EIS provided do not condition the Project to implement take avoidance surveys prior to operations, including (but not limited to) ground and vegetation disturbing activities.

Evidence Impacts Would Be Significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment, (Fish and Game Code, § 4150, California Code of Regulations, § 251.1). Several bat species are also considered SSC and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, §15065). Take of SSC could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Submission 702 (Erinn Wilson, California Department of Fish & Wildlife, July 23, 2020) - Continued

702-819

Mitigation Measure #1: The EIR/EIS should provide a thorough discussion of potential impacts to birds and bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The EIR/EIS should describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).

702-820

Mitigation Measure #2: Measures to mitigate for impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of Project activities. CDFW recommends conducting pre-construction bat surveys for at least 3 or 4 months prior to ground disturbing activities to best capture an accurate representation of the on-site presence of bat species.

702-821

Mitigation Measure #3: For any Project activities that will result in the removal of trees, buildings or other occupied habitat for any species of bat, CDFW recommends avoidance of these areas. As previously described, take of special status bat species could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines § 15065) and they are afforded protection by State law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1).

CDFW recommends that if bats cannot be avoided by Project activities and a bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling the tree with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly. The bat specialist should determine the optimal time to disturb occupied bat habitat to maximize bats escaping during low light levels. Downed trees should remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn-up or mulched immediately. A period of at least 24 hours (preferably 48 hours) should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. In addition, CDFW recommends that the Project include measures to ensure that bat habitat remains available for evicted bats or loss of bat habitat resulting from the Project, including information on the availability of other potential roosts that could be used by bats within protected open space on or near the Project site.

Comment #4: Impacts to Least Bell's Vireo

Issue: According to the DEIR/EIS (page 47 of Section 3.7), "[c]onstruction activities may directly and indirectly affect special status bird species and migratory birds through the disturbance of potential nesting habitat. Habitat along the Los Angeles River is of greatest concern, where the occurrence of the listed least Bell's vireo has been documented." A review of California Natural Diversity Database (CNDDB) indicates that there are recorded observations of least Bell's vireo (*Vireo bellii pusillus,* "vireo"), a CESA-listed species, within one (1) mile west and south of the new Verdugo Wash Bridge in the Los Angeles River. Least Bell's vireo is federally-listed pursuant to the Endangered Species Act (ESA)(16 U.S.C. § 1531 *et seq.*).

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Specific Impacts: Impacts to vireo could result from the loss of habitat as a result of diminished water levels or water quality. Riparian vegetation, such as willow riparian scrub, are reliant upon nearby water levels. If water levels are affected by the Project and/or is allowed to flow downstream, sensitive species such as vireo may experience a loss or degradation of habitat.

Why Impact Would Occur: Project activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Noise from road use, generators, and other equipment may disrupt vireo mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009), and Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018).

Artificial light may attract or disorient migrating vireo by disrupting navigation (Ogden 1996, Longcore and Rich 2004, 2016) and may also suppress their immune system (Moore and Siopes 2000). In addition, songbirds that live in areas with artificial light often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007), which may disrupt typical breeding behaviors.

Evidence Impact Would Be Significant: Consistent with the State CEQA Guidelines (Section 15380), the status of the Least Bell's vireo as a CESA- and ESA-listed endangered species qualifies it as an endangered, rare, or threatened species under CEQA.

Least Bell's vireo were abundant and widespread in the U.S. until the 1950s (Grinnell and Miller 1944). By the 1960s, they were considered scarce (Monson 1960), and by 1980, there were fewer than 50 pairs remaining (Edwards 1980), although this number had increased to 2,500 by 2004 (Kus and Whitfield 2005). The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006).

Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to vireo may occur without implementing take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities.

Recommended Potentially Feasible Mitigation Measure(s):

702-823

Mitigation Measure #1: CDFW recommends conducting protocol surveys for least Bell's vireo and incorporating the results into the EIR. Prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing vireo should conduct pre-construction surveys in accordance with established protocols to establish use of nesting habitat. Surveys should be conducted within and adjacent to suitable habitat (where access allows) during the nesting season (generally March 15 to July 31). If a nesting vireo is found, no activity should occur within a 500-foot buffer of it until a qualified biologist determines, and CDFW confirms, that all chicks have fledged and are no longer reliant on the nest site.

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702-824

Mitigation Measure #2: If take of vireo would occur from Project construction or operation, CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code [e.g., Incidental Take Permit (ITP) or consistency determination]. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to State-listed species. Additional documentation may be required as part of an ITP application for the Project for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Filing Fees

702-825

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by CHSRA and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

702-826

We appreciate the opportunity to comment on the Project to assist CHSRA in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the CHSRA has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at Andrew.Valand@wildlife.ca.gov or (562) 292-6821.

Sincerely,

DocuSigned by:
Erinn Wilson
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7/23/2020

Erinn Wilson
Environmental Program Manager I
South Coast Region

ec: CDFW
Erinn Wilson – Los Alamitos
Randy Rodriguez – Los Alamitos
Karen Drewe – Los Alamitos
Andrew Valand – Los Alamitos
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David Lin – Los Alamitos
Malinda Santonil – Los Alamitos
Susan Howell – San Diego
CEQA HQ - Sacramento

State Clearinghouse

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702-827

CDFW recommends the following language to be incorporated into the final environmental document for the Project:

Table 1. Mitigation Monitoring and Report Program (Public Resources Code 21081.6 and CEQA Guidelines Section 15097)

Biological Resources			
	Mitigation Measure	**Timing**	**Responsible Party**
MM-BIO-1: Notification for a Lake & Streambed Alteration Agreement	For activities resulting in the alteration of streams, the Project proponent shall provide written notification to CDFW pursuant to Section 1600 *et seq.* of the Fish and Game Code. To minimize additional requirements by CDFW pursuant to Fish and Game Code, Section 1600 *et seq.* and/or under CEQA, the CEQA document shall fully identify the potential impacts to the stream or riparian resources and shall provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.	Prior to construction	CHSRA
MM-BIO-2: Additional Measures in Lake & Streambed Alteration Agreements	To compensate for any on-site and off-site impacts to riparian resources, the Project proponent shall provide measures of avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.	Prior to construction	CHSRA
MM-BIO-3: Nesting Bird Season	To protect nesting birds that may occur on site, no construction shall occur from February 15 through August 31, and as early as January 1 for raptors.	Prior to construction	CHSRA
MM-BIO-4: Nesting Bird Surveys	If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer. Surveys shall include vegetation in Caltrans Right of Way. Surveys will begin no more than 14 days prior to the start of Project activities and will be repeated for the duration of Project activities that occur during the bird nesting	Prior to construction	CHSRA

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	season. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.		
MM-BIO-5: Nesting Bird Buffers	If an active nest is found within 500 feet of Project activities and in areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment, a qualified biologist shall determine the nesting status and set up a species-appropriate no-work buffer that should be no less than 300 feet initially. Buffers shall be marked around the active nest site as directed by the qualified biologist. No Project activities shall be allowed inside these buffers until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds.	Prior to construction	CHSRA
MM-BIO-6: Nesting Bird Season	Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist and shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e. outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities.	Prior to construction	CHSRA
MM-BIO-7: Bat Discussion	The final environmental document shall provide a thorough discussion of potential impacts to birds and bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The EIR/EIS shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).	Prior to construction	CHSRA

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MM-BIO-8: Bat Pre-Construction Surveys	Measures to mitigate for impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of Project activities. CDFW recommends conducting pre-construction bat surveys for at least 3 or 4 months prior to ground disturbing activities to best capture an accurate representation of the onsite presence of bat species.	Prior to construction	CHSRA
MM-BIO-9: Bat Avoidance	For any Project activities that will result in the removal of trees, buildings or other occupied habitat for any species of bat, CDFW recommends avoidance of these areas. If bats cannot be avoided by Project activities and a bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling the tree with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly. The bat specialist should determine the optimal time to disturb occupied bat habitat to maximize bats escaping during low light levels. Downed trees should remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn-up or mulched immediately. A period of at least 24 hours (preferably 48 hours) should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. In addition, CDFW recommends that the Project include measures to ensure that bat habitat remains available for evicted bats or loss of bat habitat resulting from the Project, including information on the availability of other potential roosts that could be used by bats within protected open space on or near the Project site.	Prior to construction	CHSRA

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MM-BIO-10: Least Bell's Vireo Surveys	Prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing vireo shall conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys shall be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting vireo is found, no activity shall occur within a 500-foot buffer of the vireo until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site.	Prior to construction	CHSRA
MM-BIO-11: Take of Least Bell's Vireo	If take of vireo would occur from Project construction or operation, CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code [e.g., Incidental Take Permit (ITP) or consistency determination]. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to State-listed species. Additional documentation may be required as part of an ITP application for the Project for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of State-listed species.	Prior to construction	CHSRA

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702-804

The commenter recommends that if "take" of a species covered under the California Endangered Species Act (as defined under state law) will occur, then the Authority should obtain appropriate authorization under the California Fish and Game Code. As discussed in Section 3.7.6.3 of this Final EIR/EIS, the HSR project would not directly affect any potentially suitable habitat for special-status plant or wildlife species other than suitable habitat for the nonlisted southern tarplant and roosting bat species that are not listed under the California Endangered Species Act. Therefore, the HSR project is not expected to result in "take" of any species covered under the California Endangered Species Act. Appropriate consultations with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service have taken place for the HSR project and applicable permits will be obtained, as discussed in Sections 3.7.6.3 and 9 of this Final EIR/EIS.

702-805

The commenter states that for any impacts demonstrated to be unavoidable in the Final EIR/EIS, the CDFW believes that the Authority should adopt a rigorous monitoring and management program as part of the required California Environmental Quality Act (CEQA) mitigation monitoring and reporting program. The Authority has incorporated appropriate mitigation measures for all significant impacts on biological resources associated with the HSR project. These measures would be included in the Mitigation Monitoring and Reporting Program for the project.

702-806

The commenter summarizes impacts on jurisdictional aquatic resources associated with the proposed Lockheed Channel modifications. The Authority acknowledges the description of potential impacts and refers the commenter to Sections 3.7.6.3 and 3.8.6.3 of this Final EIR/EIS for specific analyses related to direct and indirect impacts on aquatic resources and water quality, respectively, along with measures included to avoid, reduce, minimize, and compensate for such impacts. No revisions to this Final EIR/EIS have been made in response to this comment.

702-807

This comment states that the realignment of Lockheed Channel would result in the complete realignment of flows in Burbank Western Channel. As discussed in Section 3.8.6.3 in Section 3.8, Hydrology and Water Resources of this Final EIR/EIS, under Impacts HWR #1 and HWR #2, the HSR Build Alternative would realign the Lockheed Channel and extend the Burbank Western Channel. This would require fill to be placed within or adjacent to the Lockheed Channel and the Burbank Western Channel in the city of Burbank. These channels would be designed to accommodate flows within the channels to minimize hydrologic effects. As discussed under Impact HWR #8, the realignments of the Lockheed Channel would be required to comply with the requirements of the Los Angeles County Flood Control District Hydraulic Design Manual, which mandates the design of the drainage facilities to maintain the existing hydraulic grade when joining a new or realigned facility to an existing facility. For the upstream realignment of the Lockheed Channel, the capacity of the new portion of the channel would be increased to maintain/improve the hydraulic grade within the existing Lockheed Channel. Therefore, the proposed Lockheed Channel realignments would either maintain or slightly lower the hydraulic grade line (water surface of open flow) of all inlets to the Lockheed Channel. The channel would be designed to accommodate flows within the channel, and the realignments would not affect the 100-year floodplain elevations, as the hydraulic grade line of all inlets to the Lockheed Channel would be the same as or lower than the existing water surface for the Lockheed Channel. Therefore, the hydraulics of the adjoining storm drain system would be improved over the existing condition. Although flooding currently occurs in this location due to the overtopping of the Lockheed Channel and would continue to occur under the proposed condition, this flooding would be reduced due to the lower hydraulic grade line of the inlets to the Lockheed Channel.

The HSR Build Alternative would cross the Burbank Western Channel just south of Burbank Boulevard, near Interstate 5, at the Burbank Western Channel and Lockheed Channel confluence. At the proposed water crossing of the Burbank Western Channel, the channel is capped and changes from a 30-foot-wide reinforced concrete box culvert to a 50-foot-wide, open, concrete-lined channel. The Burbank Western Channel was designed to convey a 13,200-cubic-feet-per-second flow upstream of the channel transition and a 15,000-cubic-feet-per-second flow downstream of the channel transition. In the existing condition, the 100-year flood is contained within the Burbank Western Channel downstream of Magnolia Boulevard, south of the proposed HSR crossing. However, during the 100-year storm, the Burbank Western Channel overflows upstream of Magnolia Boulevard and existing storm drains may cause localized flooding. The

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702-807

proposed channel crossing would include extending the existing capped channel by a short additional length. In addition, the Lockheed Channel would be realigned to join with the Burbank Western Channel approximately 80 feet downstream of the existing confluence using the same training wall-type transition structure as under the existing condition. The extension of the capped channel would place structures within the 100-year floodplain; however, because the realigned Lockheed Channel would join the Burbank Western Channel at the same angle, the watercourse's ability to convey peak flows would not be reduced. The water surface elevation at the existing Burbank Western Channel and Lockheed Channel confluence location would decrease by approximately 3 feet due to moving the new confluence of the Lockheed Channel downstream. This realignment that would geometrically move the Lockheed Channel and Burbank Western Channel confluence downstream would also move the hydraulic losses downstream and would result in a decrease in the water surface elevation at the original location. The changes in the alignment of the Lockheed Channel would not impact the overall hydraulics of the Burbank Western Channel. This realignment would change the hydraulics within that 85-foot segment of the Burbank Western Channel to accommodate the new geometry without any adverse effects on the upstream or downstream segments of the Burbank Western Channel.

702-808

The commenter states that indirect impacts on streams, associated biological resources, and water quality may extend beyond the project development footprint, and concurs with the analyses provided in Sections 3.7 and 3.8 of the Draft EIR/EIS. The Authority acknowledges the description of potential impacts and refers the commenter to Sections 3.7.6.3 and 3.8.6.3 of this Final EIR/EIS for specific analyses related to direct and indirect impacts on aquatic resources and water quality, respectively, along with measures included to avoid, reduce, minimize, and compensate for such impacts. No revisions to this Final EIR/EIS have been made in response to this comment.

702-809

The commenter recommends that a mitigation measure be added that includes providing written notification to the California Department of Fish and Wildlife (CDFW), pursuant to Section 1600 et seq. of the Fish and Game Code, for potential impacts on jurisdictional aquatic resources. The comment does not dispute the effectiveness of mitigation measures included in the Draft EIR/EIS for impacts on jurisdictional aquatic resources. The Authority acknowledges that the HSR project is subject to California Fish and Game Code Section 1602 notification requirements and directs the commenter to the specific analysis and measures discussed in Section 3.7.6.3 of this Final EIR/EIS as well as Table 2-21 (Anticipated Environmental Reviews, Permits, and Approvals) which notes the requirement for a Section 1602 Streambed Alteration Agreement from CDFW. The requirement to notify CDFW pursuant to Section 1600 et seq. of the Fish and Game Code is a statutory requirement that will be complied with by the Authority. The recommended measure would not increase or replace the effectiveness of mitigation already included. No revisions to this Final EIR/EIS have been made in response to this comment.

702-810

The commenter recommends that a mitigation measure be added which states that additional measures may be included in a California Fish and Game Code lake and streambed alteration agreement issued for the HSR project. The comment does not dispute the effectiveness of mitigation measures included in the Draft EIR/EIS for impacts on jurisdictional aquatic resources. Section 3.7.6.3 of this Final EIR/EIS acknowledges that measures included as part of resource agency permitting requirements will be implemented. Because the recommended measure would not increase or replace the effectiveness of mitigation already included, no revisions to this Final EIR/EIS have been made in response to this comment.

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702-811

The commenter summarizes impacts on nesting birds that could result from the HSR project as a result of construction activities during the avian breeding season, and states that the project could lead to the loss of foraging habitat for sensitive bird species. The comment does not raise concerns with any impact conclusions made in the Draft EIR/EIS. The Authority acknowledges the description of potential impacts and refers the commenter to Section 3.7.6.3 of this Final EIR/EIS for specific impact analyses related to direct and indirect impacts on nesting birds and habitat suitable for sensitive bird species, along with measures included to avoid, reduce, and minimize such impacts. No revisions to this Final EIR/EIS have been made in response to this comment.

702-812

The commenter states that the Draft EIR/EIS analyzed noise and vibration affects only to human-based sensitive receptors and discusses potential effects on sensitive wildlife from increased ambient lighting levels. The Authority refers the commenter to Section 3.7.6.3 of this Final EIR/EIS for specific impact analyses related to direct and indirect impacts on sensitive wildlife species. Both the Draft EIR/EIS and this Final EIR/EIS discuss potential indirect construction and operations impacts on sensitive wildlife species and habitats, including over 20 specific mentions of impacts such as noise, vibration, and lighting, and how such impacts that substantially adversely affect sensitive species (e.g., through the disruption of avian nesting activities) would be a significant impact under CEQA, even with incorporation of standardized impact avoidance and minimization features into the project. Multiple mitigation measures address both direct and indirect impacts associated with the HSR project's significant biological resources impacts. A discussion of specific noise impacts on sensitive species and habitats has been added to Section 3.7.6.3 of this Final EIR/EIS.

702-813

The commenter summarizes impacts that would be considered significant under CEQA and provides related considerations by CDFW with respect to provisions of the California Fish and Game Code. The Authority acknowledges the description and classification of potential impacts and refers the commenter to Section 3.7.6.3 of this Final EIR/EIS for specific impact analyses related to direct and indirect impacts on nesting birds and other sensitive wildlife species, along with measures included to avoid, reduce, and minimize such impacts. As summarized in Section 3.7.9 of this Final EIR/EIS, all impacts to biological resources including Species of Special Concern were determined be less than significant under CEQA when the mitigation measures described in Section 3.7.7 are applied. Therefore, Mandatory Findings of Significance for impacts to biological resources are not required. No revisions to this Final EIR/EIS have been made in response to this comment.

702-814

The commenter recommends that a mitigation measure be added that prohibits all construction for 8 months during the calendar year to protect nesting birds that may occur on-site. The comment does not dispute the effectiveness of avoidance and mitigation measures included in the Draft EIR/EIS for impacts on nesting birds. The Authority finds the recommended measure to be both infeasible and not proportional to the potential impact because (1) it would prohibit construction when and where no direct or indirect impacts on nesting birds would occur, and (2) it would not be possible to construct the HSR project within a 4-month period (during the typical rainy season) due to other required work windows (that prohibit certain construction activities during wet weather conditions) and costs associated with extending the overall construction schedule by over 60 percent (and related prolonged construction-related environmental impacts). Because the recommended measure is not feasible and would not increase or replace the effectiveness of measures already included in the Draft EIR/EIS (which require pre-construction surveys for nesting birds during the avian nesting season and the avoidance of direct and indirect impacts to actual nesting birds), no revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 702 (Erinn Wilson, California Department of Fish & Wildlife, July 23, 2020) - Continued

702-815

The commenter recommends an alternative mitigation measure covering pre-construction nesting bird surveys during the avian nesting season that is very similar to what is proposed. The comment does not dispute the effectiveness of mitigation measures included in the Draft EIR/EIS that coverfor pre-construction surveys for nesting birds and raptors (refer to Measures BIO-MM#14 and BIO-MM#15 defined in Section 3.7.7 of this Final EIR/EIS). Because the recommended measure would not replace the effectiveness of mitigation already included, no revisions to this Final EIR/EIS have been made in response to this comment.

702-816

The commenter recommends an alternative mitigation measure covering the delineation and avoidance of active avian nest buffersthat is similar to the mitigation measure being proposed. The Authority has determined that comment does not dispute the effectiveness ofthe mitigation measures included in the Draft EIR/EIS that cover the avoidance of impacts to nesting birds and raptors would be effective at reducing impacts (refer to Measures BIO-MM#14 and BIO-MM#15 defined in Section 3.7.7 of this Final EIR/EIS). Because the recommended measure would not replace the effectiveness of mitigation already included, no revisions to this Final EIR/EIS have been made in response to this comment.

702-817

The commenter recommends an alternative mitigation measure covering monitoring by a qualified biologist during vegetation clearing and grubbing activities when birds are likely to be nesting. The Autority has determined that comment does not dispute the effectiveness of mitigation measures included in the Draft EIR/EIS that cover nesting birds, biological resources monitoring, and compliance reporting during construction activities would effectively reduce potential impacts (refer to Measures BIO-MM#14, BIO-MM#15, BIO-MM#34, BIO-MM#56, BIO-MM#61, and BIO-MM#63 defined in Section 3.7.7 of this Final EIR/EIS). Because the recommended measure would not replace the effectiveness of mitigation already included, no revisions to this Final EIR/EIS have been made in response to this comment.

702-818

The commenter states that bat mitigation measures included in the Draft EIR/EIS may not be adequate to identify the presence of bats along the HSR project alignment, and summarizes potential impacts on bats and why they may be considered significant impacts under CEQA. The Authority acknowledges the descriptions of potential impacts on roosting bats and the applicable provisions of the California Fish and Game Code, which are consistent with what is stated in Section 3.7.6.3 of this Final EIR/EIS. However, the comment does not provide any evidence as to why the Draft EIR/EIS mitigation measures (which require a minimum of two appropriately timed visual and acoustic pre-construction surveys within or near all suitable roosting habitats) may inaccurately reflect a lack of presence of multiple bat species that are known to be in the HSR Project area. Transportation projects of similar scales typically only require one visual survey to identify the presence of roosting bats in the project site vicinity.

Measure BIO-MM#25 further specifies that the surveys will extend 500 feet from the boundary of the work area where structures or foliage are present within 0.5 mile. Further, the comment does not explain what would constitute a take avoidance survey. Highly experienced and qualified bat experts conducted focused surveys throughout the HSR project study areas and identified suitable bat roosting habitats (refer to Section 3.7.6.3 of this Final EIR/EIS and Appendix H of the Burbank to Los Angeles Project Section: Biological and Aquatic Resources Technical Report, available upon request). Measure BIO-MM#26, included in the Draft EIR/EIS, requires the development of a relocation plan in consultation with CDFW if avoidance of active hibernacula or maternity roosts is not feasible (based on the required pre-construction surveys). Alternative roosting structures would be required to be constructed in accordance with CDFW guidance, and the agency-approved relocation plan would be implemented prior to any HSR project impacts to such roosting habitat. Therefore, the measures included in the Draft EIR/EIS do provide for reasonable detection of roosting bat species, avoidance of take, and any unavoidable impacts to be compensated for in accordance with CDFW guidance. No revisions have been made to Measure BIO-MM#26 in this Final EIR/EIS in response to this comment.

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702-819

The commenter recommends a mitigation measure that states the EIR/EIS should provide a thorough discussion of potential impacts to birds and bats, and that the EIR/EIS should describe feasible measures that could minimize significant adverse impacts. The comment does not conflict with or dispute any impact conclusions made in the Draft EIR/EIS or dispute the effectiveness of mitigation measures included in the Draft EIR/EIS that cover impacts on sensitive bird and bat species. The recommended measure would not result in any actual impact avoidance, minimization, or compensation. No revisions to this Final EIR/EIS have been made in response to this comment.

702-820

The commenter recommends a mitigation measure that states that measures for impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of HSR project activities. The comment also recommends that pre-construction bat surveys should take place for at least 3 or 4 months prior to ground-disturbing activities. The measures recommended by the comment are very similar to the existing mitigation measures, the does not dispute the effectiveness of which has not been questioned and mitigation measures included in the Draft EIR/EIS for impacts on bats, which that include each of the suggested measure components based on actual survey findings and the status of roosting bats within the HSR project vicinity at the time of construction activities. Therefore, the survey timing set forth in the existing mitigation measures are considered sufficient and the required pre-construction timing included in Measure BIO-MM#25 has not been altered. Because the Authority has determined that recommended measure would not replace the mitigation measures for bats areeffectiveness of mitigation already included at reducing impacts to less-than-significant,, no revisions to this Final EIR/EIS have been made in response to this comment.

702-821

The commenter recommends a mitigation measure that states that the HSR project should avoid any tree or structure occupied by any species of bat. The recommended measure also provides specifications for necessary tree removal activities when a bat specialist determines that roosting bats may be present at any time of year, and provides recommendations for the demolition of buildings and ensuring that bat roosting habitat remains available for evicted bats or loss of bat habitat resulting from the HSR project. The comment does not dispute the effectiveness of mitigation measures included in the Draft EIR/EIS for impacts on bats, which include provisions for the development of a bat relocation plan (and construction of alternate roosting habitat of comparable in size and quality to the impacted habitat) as applicable and in accordance with CDFW guidance. It should also be noted that avoidance of any area that may be suitable for bat roosting is not feasible for any project involving tree removal or bridge/culvert structural work in the HSR Project vicinity. The HSR project has adopted industry-standard best practices and practicable measures related to the avoidance and minimization of impacts on suitable bat habitat and compensation where necessary. Because the recommended measure would not demonstrably increase or replace the effectiveness of mitigation and avoidance measures already included, no revisions to this Final EIR/EIS have been made in response to this comment.

702-822

The commenter summarizes impacts on least Bell's vireo (Vireo bellii pusillus) that could result from the HSR project and describes why such impacts would be considered significant under CEQA. The Authority concurs with the description of potential impacts and rationale for determining the significance of impacts to this species but would like to note that water levels and water quality supporting suitable least Bell's vireo habitat within the HSR project vicinity would not be substantially adversely affected or impacted to the degree necessary to cause a loss or degradation of habitat (refer to Sections 3.7.6.3 and 3.8.6.3 of this Final EIR/EIS). The comment does not conflict with any impact conclusions made in the Draft EIR/EIS or dispute the effectiveness of mitigation measures included in the Draft EIR/EIS with regard to sensitive bird species. Section 3.7.6.3 has been updated to include new information regarding the status of least Bell's vireo in the HSR project vicinity and corresponding measures have been added based on consultation with the U.S. Fish and Wildlife Service (as part of the project's Endangered Species Act Section 7 consultation).

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702-823

The commenter recommends a mitigation measure that includes conducting protocol-level surveys for least Bell's vireo and further pre-construction focused vireo surveys and avoidance of any active vireo nest within a 500-foot buffer of the nest location. The comment does not conflict with or dispute any impact conclusions made in the Draft EIR/EIS or dispute the effectiveness of mitigation measures included in the Draft EIR/EIS that cover impacts on sensitive species and nesting birds. Section 3.7.6.3 has been updated to include new information regarding the status of the Least Bell's vireo in the HSR project vicinity and two new mitigation measures have been added based on consultation with the U.S. Fish and Wildlife Service (as part of the project's Endangered Species Act Section 7 consultation). The commenter's recommended mitigation measures would not increase or replace the effectiveness of measures included in Section 3.7.6.3 of this Final EIR/EIS.

702-824

The commenter recommends a mitigation measure that states that if take of Least Bell's vireo would occur as a result of the HSR project, then the project would require an incidental take permit or consistency determination in accordance with the California Fish and Game Code. The comment does not conflict with or dispute any impact conclusions made in the Draft EIR/EIS or dispute the effectiveness of mitigation measures included in the Draft EIR/EIS. The Authority acknowledges the applicable provisions of the California Fish and Game Code and refers the commenter to Section 3.7.6.3 of this Final EIR/EIS for specific impact analyses related to direct and indirect impacts on least Bell's vireo, along with measures included to avoid, reduce, and minimize such impacts. The recommended measure would not result in any actual impact avoidance, minimization, or compensation, and would not increase or replace the effectiveness of measures included in Section 3.7.6.3 of this Final EIR/EIS. No revisions to this Final EIR/EIS have been made in response to this comment.

702-825

The commenter specifies that a filing fee is due upon the filing of the Notice of Determination following approval of the Final EIR/EIS and the project. The Authority acknowledges that the filing fee is a required component of the CEQA process and will comply with the cited regulations and fee schedule in effect at the time that the Notice of Determination is submitted to the State Clearinghouse.

702-826

The commenter requests an opportunity for CDFW to review and comment on the responses contained in this Final EIR/EIS, and to receive notification of any forthcoming hearing date(s) for the HSR project. The Authority, as required by CEQA, will provide written responses to CDFW 10 days prior to certification of the EIR. The Authority will make the responses to comments available by publishing the Final EIR/EIS on its website at least 30 days prior to Authority Board considering an action to certify the Final EIR and approve the project. The Authority will publish and mail out a Notice of Availability of the Final EIR/EIS.

702-827

The comment contains a table of recommended measures covered under comments 702-809, 702-810, 702-814 through 702-817, 702-819 through 702-821, 702-823, and 702-824. The Authority refers the commenter to responses to those individual comments and recommendations. No revisions to this Final EIR/EIS have been made in response to this comment.

Submission 851 (Joseph Saunders, California Highway Patrol, August 25, 2020)

Burbank - Los Angeles - RECORD #851 DETAIL

Status :	Action Pending
Record Date :	8/25/2020
Submission Date :	8/25/2020
Interest As :	State Agency
First Name :	Joseph
Last Name :	Saunders
Attachments :	SCH# 2014071073.pdf (1 mb) SCH_2014071073.pdf (610 kb)

Stakeholder Comments/Issues :

Good Morning,

I apologize if you are receiving this email again. It had been returned to me from Microsoft Outlook advising I had input one of the recipients email address' wrong.

851-1554

No impact to Southern Division Area's local operations and/or public safety by SCH#2014071073 was identified.

Thank you,

Joseph Saunders, Sergeant
[cid:image001.png@01D1DCDE.AA7B1AE0]
Southern Division
Staff Services
411 N. Central Avenue, suite 410
Glendale, CA 91203
(818) 240-8200
(818) 240-1496 (fax)
Email: jcsaunders@chp.ca.gov<mailto:jcsaunders@chp.ca.gov>

From: Enciso, Blanca@CHP <Blanca.Enciso@chp.ca.gov<mailto:Blanca.Enciso@chp.ca.gov>>
Sent: Friday, August 14, 2020 4:45 PM
To: Hammond, Melissa@CHP <MEHammond@chp.ca.gov<mailto:MEHammond@chp.ca.gov>>
Subject: RE: 063-BE - Environmental Document Review - SCH# 2014071073 - Due to Lead Agency by 08/31/20

Good afternoon,

Special Projects Section (SPS) recently received the referenced Notice of Environmental Impact document from the State Clearinghouse (SCH) outlined in the following Web site:

https://ceqanet.opr.ca.gov/2014071073/2<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fceqanet.opr.ca.gov%2F2014071073%2F2&data=02%7C01%7CJCSaunders%40chp.ca.gov%7Cc672a33ec4ee4d741d1b08d840ac4262%7Cf1e2e89e71904b0f9463d7f5b09db86c%7C0%7C0%7C637330455883460850&sdata=8gRFybUqeTja8zt9dY3T%2FTiLNyvUqQIxQrFIW%2F5ZNBE%3D&reserved=0>

Due to the project's geographical proximity to the Southern Division, please use the attached checklist to assess its potential impact to local Area/Section operations and public safety.

Please feel free to e-mail me if you have any questions.

Thank you!

Kind regards,

Blanca Enciso
Special Projects Section- 063
Transportation Planning Unit
California Highway Patrol
Office: (916) 843-3365

[http://home.chp.ca.gov/resources/visuals/thumbs/CHP.jpg]<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhome.chp.ca.gov%2Fresources%2Fvisuals%2Fimages%2FCHP.jpg&data=02%7C01%7CJCSaunders%40chp.ca.gov%7Cc672a33ec4ee4d741d1b08d840ac4262%7Cf1e2e89e71904b0f9463d7f5b09db86c%7C0%7C0%7C637330455883470805&sdata=SvhccWj5Rt9QobmV9V4eZHPfwwZ%2FmtPrHQiDacg4RQ0%3D&reserved=0>

Submission 851 (Joseph Saunders, California Highway Patrol, August 25, 2020) - Continued

State of California **Transportation Agency**

M e m o r a n d u m

Date: August 14, 2020

To: Southern Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A10212.A18109.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2014071073

Special Projects Section (SPS) recently received the referenced "Notice of Completion" environmental impact document from the State Clearinghouse (SCH).

Due to the project's geographical proximity to Southern Division, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above SCH number must be sent to the lead agency and emailed to state.clearinghouse@opr.ca.gov. Your written comments must be received by SCH no later than **August 31, 2020**. For reference, additional information can be found in General Order 41.2, Environmental Impact Documents.

For project tracking purposes, SPS must be notified of Southern Division's assessment of the project (including negative reports). Please e-mail a copy of Area's response to Associate Governmental Program Blanca Enciso at blanca.enciso@chp.ca.gov. For questions or concerns, please contact Ms. Enciso at (916) 843-3370.

L. NARVAEZ, SSM III
Commander

Attachments: Checklist
Project File

Safety, Service, and Security
CHP 51 (Rev. 06/2013) OPI 076

An Internationally Accredited Agency

Submission 851 (Joseph Saunders, California Highway Patrol, August 25, 2020) - Continued

NOTICE: EXTENSION OF PUBLIC COMMENT PERIOD

The California High-Speed Rail Authority (Authority) recently released the Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS) for the Burbank to Los Angeles Project Section. The Draft EIR/EIS is available for public review and comment. **The comment period has been extended to August 31, 2020.**

The Section is part of the first phase of the nation's first high-speed rail system. The Section is approximately 14-miles connecting Burbank (airport area) and Los Angeles Union Station, running mostly within the existing railroad corridor adjacent to the Los Angeles River.

AVISO: EXTENSIÓN DEL PERÍODO DE COMENTARIOS

*La Autoridad del Tren de Alta Velocidad de California (Autoridad) recientemente ha publicado el Borrador de Informe de Impacto Ambiental/Declaración de Impacto Ambiental (Draft EIR/EIS) para la Sección del Proyecto de Burbank a Los Angeles. El Borrador EIR/EIS está disponible para revisión y comentarios. **El período de comentarios se ha extendido hasta el 31 de agosto de 2020.***

La Sección es parte de la primera fase del primer sistema ferroviario de alta velocidad en la nación. La Sección del proyecto recorre aproximadamente 14 millas conectando Burbank (área del aeropuerto) y Los Angeles Union Station, corriendo principalmente dentro del corredor ferroviario existente adyacente al río Los Angeles.

إذا كنت بحاجة إلى ترجمة هذا الكتاب تحريريًا أو شفويًا فثمة موظفون يتحدثون اللغة العربية متاحون لمساعدتك. يُرجى الاتصال على الرقم (877) 977-1660

Եթե այս նամակի գրավոր կամ բանավոր թարգմանության համար օգնության կարիք ունեք, կան հայերենախոս անձեր, ովքեր տրամադիր են օգնելու Ձեզ: Խնդրում ենք զանգահարել (877) 977-1660 հեռախոսով:

この通知状の翻訳または通訳に補助が必要な場合は、日本語を話す係の者がお手伝いします。(877) 977-1660にお電話ください。

如果您需要协助翻译或口译该信函，有讲普通话的人员可以帮助您。请致电 (877) 977-1660

Kung kailangan mo ng tulong sa pagsasalin o pag-interpreta sa liham na ito, may tauhang nagsasalita ng Tagalog na maaaring makatulong sa iyo. Tumawag sa (877) 977-1660.

Nếu quý vị cần hỗ trợ biên dịch hoặc phiên dịch lá thư này, chúng tôi có nhân viên nói tiếng Việt sẵn sàng giúp đỡ quý vị. Vui lòng gọi (877) 977-1660.

본 서신에 대한 번역 또는 통역 지원 도움이 필요한 경우 한국어로 귀하를 도울 수 있는 인력이 준비되어 있습니다. (877) 977-1660 번으로 연락하십시오.

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. Code 327 and a Memorandum of Understanding (MOU) dated July 23, 2019, and executed by the Federal Railroad Administration (FRA) and the State of California. Under that MOU, the Authority is the project's lead agency under NEPA. Prior to the July 23, 2019 MOU, the FRA was the federal lead agency. The Authority is also the lead agency under CEQA.

www.hsr.ca.gov | (877) 977-1660 | burbank_los.angeles@hsr.ca.gov

CALIFORNIA
High-Speed Rail Authority
355 S. Grand Avenue, Suite 2050
Los Angeles, CA 90071

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Terry Roberts
California Governor's Office, Planning & Research, Sta
1400 10th St # 100
Sacramento CA 95814-5502

Governor's Office of Planning & Research
AUG 11 2020
STATE CLEARINGHOUSE

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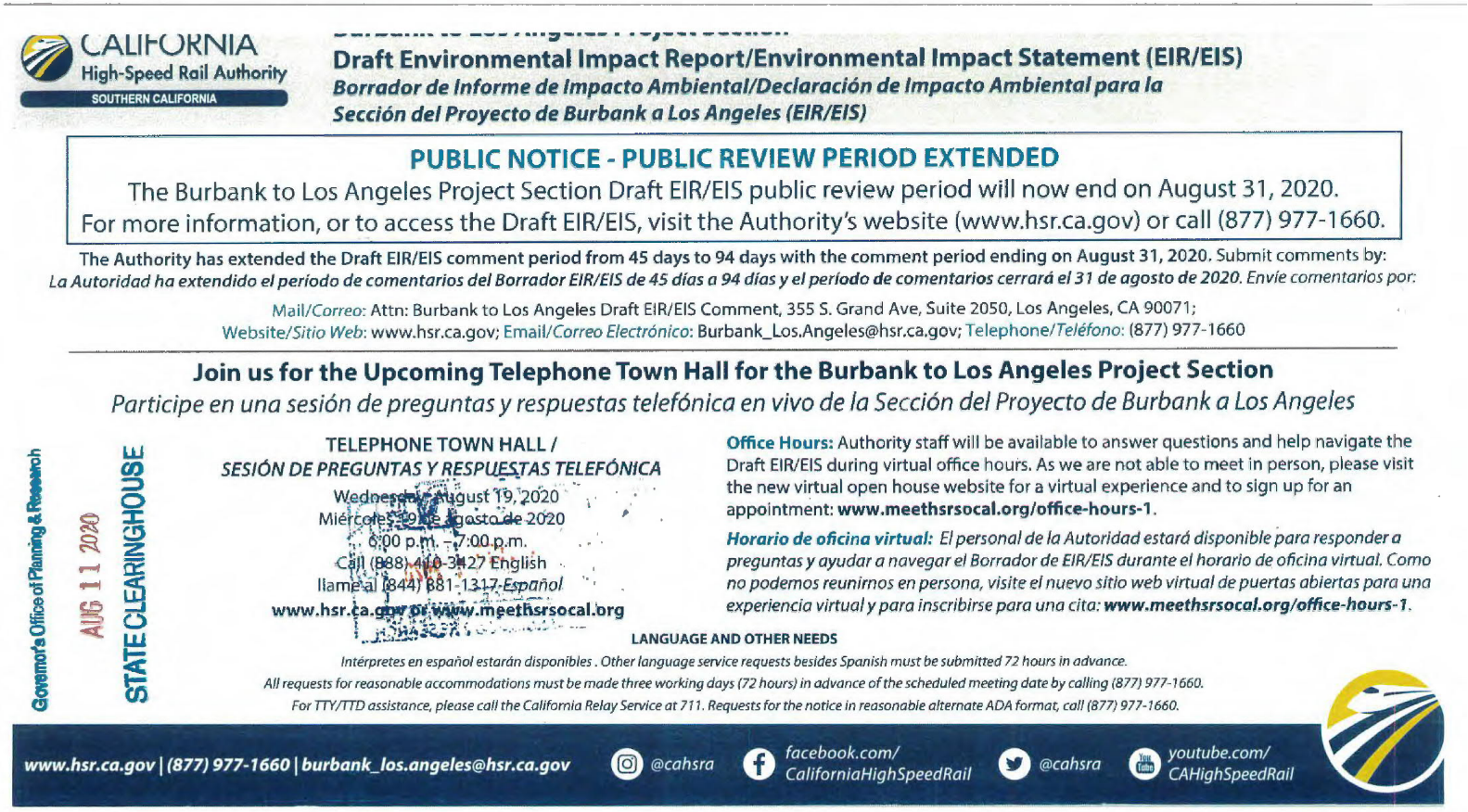
Submission 851 (Joseph Saunders, California Highway Patrol, August 25, 2020) - Continued



CALIFORNIA High-Speed Rail Authority
SOUTHERN CALIFORNIA

Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
Borrador de Informe de Impacto Ambiental/Declaración de Impacto Ambiental para la Sección del Proyecto de Burbank a Los Angeles (EIR/EIS)

PUBLIC NOTICE - PUBLIC REVIEW PERIOD EXTENDED

The Burbank to Los Angeles Project Section Draft EIR/EIS public review period will now end on August 31, 2020.
For more information, or to access the Draft EIR/EIS, visit the Authority's website (www.hsr.ca.gov) or call (877) 977-1660.

The Authority has extended the Draft EIR/EIS comment period from 45 days to 94 days with the comment period ending on August 31, 2020. Submit comments by:
La Autoridad ha extendido el período de comentarios del Borrador EIR/EIS de 45 días a 94 días y el período de comentarios cerrará el 31 de agosto de 2020. *Envíe comentarios por:*

Mail/*Correo*: Attn: Burbank to Los Angeles Draft EIR/EIS Comment, 355 S. Grand Ave, Suite 2050, Los Angeles, CA 90071;
Website/*Sitio Web*: www.hsr.ca.gov; Email/*Correo Electrónico*: Burbank_Los.Angeles@hsr.ca.gov; Telephone/*Teléfono*: (877) 977-1660

Join us for the Upcoming Telephone Town Hall for the Burbank to Los Angeles Project Section
Participe en una sesión de preguntas y respuestas telefónica en vivo de la Sección del Proyecto de Burbank a Los Angeles

Governor's Office of Planning & Research
AUG 11 2020
STATE CLEARINGHOUSE

TELEPHONE TOWN HALL /
SESIÓN DE PREGUNTAS Y RESPUESTAS TELEFÓNICA
Wednesday, August 19, 2020
Miércoles, 19 de agosto de 2020
6:00 p.m. – 7:00 p.m.
Call (888) 410-3427 English
llame al (844) 881-1317 *Español*
www.hsr.ca.gov or www.meethsrsocal.org

Office Hours: Authority staff will be available to answer questions and help navigate the Draft EIR/EIS during virtual office hours. As we are not able to meet in person, please visit the new virtual open house website for a virtual experience and to sign up for an appointment: **www.meethsrsocal.org/office-hours-1**.

Horario de oficina virtual: *El personal de la Autoridad estará disponible para responder a preguntas y ayudar a navegar el Borrador de EIR/EIS durante el horario de oficina virtual. Como no podemos reunirnos en persona, visite el nuevo sitio web virtual de puertas abiertas para una experiencia virtual y para inscribirse para una cita:* ***www.meethsrsocal.org/office-hours-1***.

LANGUAGE AND OTHER NEEDS

Intérpretes en español estarán disponibles . Other language service requests besides Spanish must be submitted 72 hours in advance.
All requests for reasonable accommodations must be made three working days (72 hours) in advance of the scheduled meeting date by calling (877) 977-1660.
For TTY/TTD assistance, please call the California Relay Service at 711. Requests for the notice in reasonable alternate ADA format, call (877) 977-1660.

www.hsr.ca.gov | (877) 977-1660 | burbank_los.angeles@hsr.ca.gov *@cahsra* *facebook.com/CaliforniaHighSpeedRail* *@cahsra* *youtube.com/CAHighSpeedRail*

Response to Submission 851 (Joseph Saunders, California Highway Patrol, August 25, 2020)

851-1554

The commenter states that no impacts have been identified that would affect California Highway Patrol's Southern Division Area local operations and/or public safety. The Authority acknowledges that there is no impact as a result of the HSR project.

Submission 884 (Matthew Cervantes, California Public Utilities Commission (CPUC): Rail Crossings and Engineering - Rail Safety Division, August 31, 2020)

Burbank - Los Angeles - RECORD #884 DETAIL

Status :	Action Pending
Record Date :	9/1/2020
Submission Date :	8/31/2020
Interest As :	State Agency
First Name :	Matthew
Last Name :	Cervantes
Attachments :	SCH2014071073_CPUC_Response_CaliforniaHighSpeedRailBurbankLASection.pdf (159 kb)

Stakeholder Comments/Issues :

Dear Mr. McLoughlin:

The California Public Utilities Commission has jurisdiction over rail crossings in California. The Commission's Rail Crossings Engineering Branch is in receipt of the Draft Environmental Impact Report for the proposed California High-Speed Rail - Burbank to Los Angeles Project Section.

Please accept and review the attached comment letter regarding this segment of the High-Speed Rail project. You may contact me with any questions, or to set up diagnostic meetings to review the crossings along the corridor.

[cid:image003.png@01D67FB3.50B7E1B0]Matthew Cervantes, PE
Utilities Engineer
Rail Crossings & Engineering Branch - Rail Safety Division
California Public Utilities Commission
320 W 4th St, Suite 500 | Los Angeles, CA 90013
* (213) 266-4716 | Cell (213) 440-5125

STATE OF CALIFORNIA — Gavin Newsom, *Governor*

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

August 31, 2020

CORS2020080002

Mark A. McLoughlin
California High-Speed Rail Authority
770 L Street, Suite 620 MS-1
Sacramento, CA 95814

Sent by email to: Burbank_Los.Angeles@hsr.ca.gov

Re: California High-Speed Rail – Burbank to Los Angeles Project Section
SCH 2014071073 — *Draft Environmental Impact Report*

Dear Mr. McLoughlin:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed California High-Speed Rail – Burbank to Los Angeles Project Section. California High-Speed Rail Authority (Authority) is the lead agency.

The Burbank to Los Angeles Project Section will provide a High-Speed Rail (HSR) connection from the Burbank Airport Station in Burbank to Los Angeles Union Station in Los Angeles. The approximately 14-mile project section will travel through the City of Burbank, City of Glendale, as well as communities in the City of Los Angeles within an existing railroad corridor. The Los Angeles County Metropolitan Transportation Authority (Metro) owns the existing right-of-way (ROW), the Southern California Regional Rail Authority (SCRRA) owns the existing tracks and operates Metrolink commuter rail service, the National Railroad Passenger Corporation (Amtrak) provides intercity passenger service on the existing track, and Union Pacific Railroad (UPRR) holds track access rights and operates freight rail within the corridor.

884-1657

CPUC General Orders set forth regulations governing construction and design for new crossings or alteration of existing crossings. As such, DEIR Table 2-D-1: Transportation (of Appendix 2-D: Applicable Design Standard) should include CPUC General Orders under Applicable Design Standards for alteration of existing state and local roadways.

884-1658

CPUC General Order (G.O.) 88-B establishes criteria for altering existing crossings, including roadway realignment, reconstruction of grade-separated structures, and construction of a grade-separated structure that eliminates an existing grade crossing. The Authority will be required to submit a G.O. 88-B request for alteration of each existing crossing on the corridor, unless an application to the Commission is required. Requests to alter existing crossings may be approved by RCEB staff, provided completion of request as outlined in G.O. 88-B, Section 5 and consensus among parties. Roadways closed at the HSR corridor may require G.O. 88-B authorization if a nearby grade crossing remains in place. Under Commission G.O 75-D, CPUC shall be notified of the closure of any existing crossings.

884-1659

G.O. 88-B also establishes cases for which the Authority must apply to the Commission for authorization, including construction of new highway-rail or rail-rail crossings. Refer to the CPUC Rules of Practice and Procedure (www.cpuc.ca.gov/rpp/), Rule 3.9 Railroad Across Public Road and Rule 3.10 Railroad Across Railroad, for new crossing application requirements. You may consult with RCEB staff to determine the need for authorization by G.O. 88-B or by application at each proposed crossing on the corridor.

884-1660

DEIR Section 2.3.4 Infrastructure Components and Section 2.3.5 Grade Separations detail proposed typical cross-sections with minimum clearances. All grade-separated structures, including rail-rail structures, are subject to

Submission 884 (Matthew Cervantes, California Public Utilities Commission (CPUC): Rail Crossings and Engineering - Rail Safety Division, August 31, 2020) - Continued

Mark McLoughlin
SCH 2014071073
August 31, 2020

884-1660 minimum vertical and horizontal clearance requirements outlined in Commission G.O. 26-D, Section 2, Section 3, and Section 4. Clearance between parallel tracks is governed by G.O. 26-D, Section 5. Public roads, highways, and streets crossing under tracks and over tracks are subject to G.O. 26-D, Section 12 and Section 13, respectively. The overhead contact system (OCS) powering the HSR is subject to clearance requirements stated in G.O. 95 and G.O. 176. Construction and maintenance of walkways adjacent to track is subject to Commission G.O. 118-A, which details standards for vegetation abatement, surface materials, slope, track clearance, and width. G. O. 72-B details the rules governing the construction and maintenance of crossings at grade of railroads with public streets, roads, and highways.

884-1661 A diagnostic meeting is required for each crossing alteration or construction. The diagnostic team consists of representatives from the railroads, roadway agencies, local government agencies, CPUC, and private stakeholders. You may contact RCEB staff to schedule diagnostic meetings and to discuss preliminary designs of grade-separated structures. Section 3.2.7 Mitigation Measures includes considerations for changes to traffic signal operations and roadway alignments during construction, including existing highway-rail crossings approaches. Such alterations to crossing roadway approaches and traffic signal phasing or preemption timing require CPUC review and may require G.O 88-B authorization prior to implementation.

884-1662 Appendix 2-A: Roadway Crossings, Table 2-A-1 lists proposed roadway crossings of high-speed rail, modifications, and closures. According to G.O. 75-D, Section 2, CPUC's policy is to reduce the number of at-grade crossings of freight and passenger railroad mainlines. RCEB recommends the entire HSR corridor be grade separated with no at-grade highway-rail crossings. Grade separated crossings provide a greater level of safety, for both the roadway users as well as railroad employees, than at-grade highway-rail crossings.

884-1663 CPUC supports closure of the private LADWP road crossing south of Main Street in the City of Los Angeles. Closure of Chevy Chase Drive to vehicles should be coordinated through a CPUC application process with the opening of the new Goodwin Avenue undercrossing, and construction of the pedestrian underpass at Chevy Chase Drive. Modifications of existing grade-separated crossings will require review and authorization by RCEB staff pursuant to G.O. 88-B, including the Salem/Sperry St planned crossing as noted in Appendix 2-A. Elimination of grade crossings at Sonora Avenue, Grand Avenue, and Flower Street through grade separation is subject to CPUC authorization by G.O. 88-B, where exempt from CEQA pursuant to PR Code Section 21080.13. Modifications of the Buena Vista Street crossing are currently shown with the Metrolink/UPRR tracks remaining at-grade. Strong consideration should be given to grade-separating the entire crossing. All modifications will require CPUC authorization.

Please continue to keep RCEB informed of the project's development. If you have any questions or require clarification on CPUC's role in rail crossings projects, you may contact Matt Cervantes at matthew.cervantes@cpuc.ca.gov.

Sincerely,

Matt Cervantes, PE
Utilities Engineer
Rail Crossings and Engineering Branch
Rail Safety Division

CC: State Clearinghouse, state.clearinghouse@opr.ca.gov
Peggy Ygbuhay (UPRR), pygbuhay@up.com
Donald Filippi (Metrolink), FillippiD@scrra.net
Roger Clugston (CPUC), roger.clugston@cpuc.ca.gov

Response to Submission 884 (Matthew Cervantes, California Public Utilities Commission (CPUC): Rail Crossings and Engineering - Rail Safety Division, August 31, 2020)

884-1657

The commenter requested that the CPUC General Orders be added to Appendix 2-D. Appendix 2-D of this Final EIR/S was revised to include CPUC General Orders in Table 2-D-1.

884-1658

The commenter states that the Authority would be required to submit a General Order (G.O.) 88-B request to the California Public Utilities Commission (CPUC) for alteration of an existing crossing on the corridor, unless an application to the Commission is required. The Authority will follow the steps required by CPUC prior to design approval. Refer to Table 2-21 in Chapter 2 of this Final EIR/EIS which identifies the approvals required from the CPUC to construct the project.

884-1659

The commenter states that the Authority refer to the CPUC Rule of Practice and Procedure for new crossing application requirements. The Authority will follow the steps required by CPUC prior to design approval. The next stage of design (30%) will be the time to fulfill more detailed requirements and to incorporate into the final design and CPUC application.

884-1660

The commenter states that all grade-separated structures, including rail-rail structures, are subject to minimum vertical and horizontal clearance requirements described in CPUC G.O. 26-D, Sections 2 through 4. The Authority will follow the steps required by CPUC prior to design approval. The next stage of design (30%) will be the time to fulfill more detailed requirements and to incorporate into the final design and CPUC application.

884-1661

The commenter states that a diagnostic meeting is required for each crossing alteration or construction. Diagnostic meetings for all crossings will be held early in the next phase of the design with all key stakeholders to discuss potential impacts and proposed improvements. All at-grade rail crossings within the HSR Burbank to Los Angeles Project Section would be grade-separated or closed (Chevy Chase Drive).

884-1662

The commenter recommends that the entire HSR corridor be grade-separated with no at-grade highway-rail crossings. As shown in Table 2-10 (Section 2.5.2.2 of this Final EIR/EIS), all roadway crossings within the Burbank to Los Angeles Project Section would be grade separated for HSR trains. Diagnostic meetings will be scheduled with the CPUC for all proposed modification of crossings to ensure the proposed design meets the needs of all railroad, CPUC, agency, and stakeholder needs. The Authority will submit applications for CPUC approval per G.O. 88-B in the next phase of design.

884-1663

The commenter expresses support of the closure of the private LADWP road crossing south of Main Street in the city of Los Angeles. The commenter also requests that closure of Chevy Chase Drive to vehicles be coordinated through a California Public Utilities Commission application process with the opening of the new Goodwin Avenue undercrossing, and construction of the pedestrian bridge at Chevy Chase Drive. The Authority appreciates the commenter's support of the closure of the private LADWP road crossing. Given LADWP, Los Angeles County Fire Department, and City of Los Angeles concurrence on proposed improvements, the crossing could be eliminated or used for emergency access. Both the closure and/or modification to the LADWP and Chevy Chase Drive crossing would be coordinated through the CPUC application. The next level of design (30%) will be the time to hold the diagnostic field team meeting and to incorporate details and findings into each crossing design and the CPUC application.

Submission 644 (Derek Higa, California State Transportation Agency - Department of Transportation, June 17, 2020)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 SOUTH MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0362
FAX (213) 897-0360
TTY 711
https://dot.ca.gov/caltrans-near-me/district-7

Making Conservation a California Way of Life.

June 17, 2020

Walid Khalifé, P.E.
Contract Manager
Strategic Delivery Branch
California High-Speed Rail Authority (CHSRA)
770 L Street, Suite 620, MS-2
Sacramento, CA 95814

Comments to CHSRA's Work Affecting or Within Caltrans Right-of-Way (CROW) - Burbank to Los Angeles (Supersedes Caltrans 02/11/2020 and 4/21/2020 Letters)

Dear Mr. Khalifé:

Thank you for providing Caltrans (CT) the opportunity to review and comment on the draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the California High Speed Rail (CHSR) segment Burbank to Los Angeles. Caltrans has the following comments on the submittal.

644-661 1. According to CT project development procedures, the Draft EIR/EIS is normally accompanied by a Draft Project Report. Has a Draft Project Report been prepared? If so, Caltrans would like the opportunity to review and comment on the Draft Project Report.

644-662 2. Have noise impacts been evaluated due to any changes in the vertical or horizontal alignment of a CT roadway due to the HSTPS proposal? Please follow the CT Traffic Noise Analysis Protocol (August 2006).

644-663 3. To the extent that HSTPS is within or affects CROW, please ensure CT Storm Water requirements are followed as set forth in the following: CT Construction General Permit of July 1, 2010; MS-4 NPDES; Storm Water Management Plan and Storm Water Quality Handbook -Project Planning and Design Guide, dated May 2007.

644-664 4. Please ensure that the HSTPS within or affecting CROW does not conflict with CT owner-operator responsibilities. For reference, an equivalent level of environmental analysis appropriate to the HSTPS within or affecting CROW can be found on the forms and template page of the Standard Environmental Reference (http://www.dot.ca.gov/ser/forms.htm).

644-665 5. The Alignment Plan provided to CT through CHSRA's SharePoint access for the Burbank to Los Angeles section contains the entire alignment of the proposed track and contains numerous sheets with work outside CROW. In the future, please separate the HSTPS proposal that is within CT Right of Way to facilitate CT Division of Design's review. This can be accomplished by including this information in a Draft Project Report. For guidelines on preparing the Draft Project Report, please follow Caltrans' Project Development Procedures Manual referenced below in the weblink.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

644-665 https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm

A response to the above comments would be greatly appreciated. If you have any questions or need clarification on any of the above comments, please feel free to contact me at (213) 897-2721 or call Mr. Sam Alameddine at (213) 507-7941.

Sincerely,

Derek Higa

Derek Higa
Assistant District Division Chief
District 7 Division of Design

c. Sheik Moinuddin, Project Manger
Karl Price, Sr. Environmental Planner
Sam Alameddine, Chief – Office of Design B

Attachments:
Caltrans comments on Engineering Plans on the High Speed Rail segment Burbank to Los Angeles

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Submission 644 (Derek Higa, California State Transportation Agency - Department of Transportation, June 17, 2020)

644-661

The commenter requests that the California Department of Transportation (Caltrans) be given the opportunity to review the Draft Project Report for the HSR project, if available. The Authority does not prepare Draft Project Reports at the Draft EIR/EIS stage, but instead prepares Preliminary Engineering for Project Definition (PEPD) plans. The Burbank to Los Angeles PEPD was provided as Volume 3 of the Draft EIR/EIS. See response 664-665 regarding the timing of preparation of the Draft Project Report.

644-662

As a result of the HSR project, modifications to 15 existing crossings of the current rail corridor and local roadways would be necessary in order to grade-separate the HSR track from existing roadways. Of the 15 crossings, none of them are California Department of Transportation (Caltrans) owned roadways. Therefore, the Caltrans Traffic Noise Analysis Protocol was not used for the noise analysis of the project. No changes have been made to the Final EIR/EIS in response to this comment.

644-663

The commenter states the California High-Speed Rail (HSR) Project should comply with California Department of Transportation (Caltrans) stormwater permits and requirements for improvements within Caltrans right-of-way. As stated in Section 3.8.2.2 in Section 3.8, Hydrology and Water Quality, of this Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), the Caltrans National Pollutant Discharge Elimination System (NPDES) permit (Order No. 2012-0011-DWQ, NPDES No. CAS000003) is applicable to portions of the HSR project that involve modifications to state highways. As such, implementation of permanent treatment Best Management Practices (BMP) for improvements within Caltrans right-of-way would comply with the stormwater requirements of the Caltrans NPDES permit and the Caltrans Storm Water Management Plan and Storm Water Quality Handbook, Project Planning and Design Guide.

Construction activities within Caltrans right-of-way are not regulated under the Caltrans NPDES permit. Rather, the Caltrans NPDES permit requires that construction activities within Caltrans right-of-way comply with the statewide General Permit for Stormwater Discharges Associated with Construction Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as revised by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ) (Construction General Permit). As discussed in Section 3.8.6.3 in Section 3.8, Hydrology and Water Quality, of this Final EIR/EIS, construction of the HSR Build Alternative would comply with the requirements of the Construction General Permit. In compliance with the requirements of the Construction General Permit, the California High-Speed Rail Authority (Authority) would implement a Stormwater Pollution Prevention Plan (SWPPP) and construction BMPs during construction, as specified in HYD-IAMF#3: Prepare and Implement a Construction Stormwater Pollution Prevention Plan and HMW-IAMF#8: Permit Conditions. No revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 644 (Derek Higa, California State Transportation Agency - Department of Transportation, June 17, 2020) - Continued

644-664

The commenter requests that any impacts on Caltrans right-of-way resulting from implementation of the proposed HSR project not affect the owner-operator responsibilities held by Caltrans for their facilities. The commenter notes that guidelines for environmental analysis for impacts on Caltrans right-of-way can be found on the Caltrans' Standard Environmental Reference website. The webpage referenced by the commenter was reviewed. The Authority's Environmental Methodology Guidelines (Authority 2017 v. 5.09) are very similar to those provided on the Standard Environmental Reference website (https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser). As the design of the HSR project advances, the Authority will coordinate with Caltrans to avoid affecting Caltrans' owner-operator responsibilities.

644-665

The commenter requests that, in the future, a separate submission for project design within the Caltrans right-of-way be made to facilitate Caltrans Division of Design's review. The commenter suggests that this can be accomplished by including this information in a Draft Project Report.

The Authority has held ongoing coordination with Caltrans regarding design review submission and review. The Authority met monthly with Caltrans in 2015 and 2016 to provide information and share exhibits, including an "encroachment matrix" that provided information on potential effects to Caltrans' facilities. That series of meetings ended once the Authority and Caltrans mutually agreed to develop the Draft Project Report once the engineering design was further developed (to 30%). The Authority appreciates Caltrans' partnership thus far and looks forward to future coordination efforts as the project engineering design continues to develop.

Submission 663 (Vanessa Velasco, CalTrans District 7, June 29, 2020)

Burbank - Los Angeles - RECORD #663 DETAIL

Status :	Action Pending
Record Date :	6/29/2020
Submission Date :	6/29/2020
Interest As :	State Agency
First Name :	Vanessa
Last Name :	Velasco

Stakeholder Comments/Issues :

663-682 Hi I'm calling, because... so my name is Vanessa Velasco, I work for CalTrans District 7. I would like to request a copy of the Noise technical report as well as the geology soils and seismicity technical report as well. On the website it says to call this number to request those studies. Please call me back at 818-645-3185 and my email address is vanessa.velasco@dot.ca.gov, thank you.

Response to Submission 663 (Vanessa Velasco, CalTrans District 7, June 29, 2020)

663-682

The commenter requested copies of the Noise and Vibration Technical Report and the Geology, Soils, and Seismicity Technical Report. The commenter was forwarded copies of the technical reports on June 29, 2020. No revisions to this Final EIR/EIS have been made in response to this comment.

Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

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Making Conservation a California Way of Life.

July 31, 2020

Mr. Mark A. McLoughlin
Director of Environmental Sciences Branch
California High-Speed Rail Authority
770 L Street, Suite 620, MS-1
Sacramento, CA 95814

Dear Mr. McLoughlin,

The California Department of Transportation appreciates the opportunity to comment on the Burbank to Los Angeles Project Section Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS) prepared by the California High-Speed Rail Authority (CHSRA). The proposed project involves the construction of new dedicated rail tracks for electrically powered, high-speed trains. As a Responsible Agency and Cooperating Agency under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) respectively, Caltrans has reviewed the DEIR/DEIS in an effort to provide input as a partner agency. As a result, the following comments are presented to CHSRA for consideration in this project's development.

767-1198

General

1. Two locations within the high-speed rail (HSR) alignment have been confirmed internally to intersect Caltrans-owned facilities but were not mentioned in the DEIR/DEIS:
   - I-5 at PM 25.3 – Colorado Boulevard Bridge Overcrossing freeway exit/entrance and
   - I-5 at PM 20.6 – adjacent to Riverside Drive and SR-110.

   Both locations will need to be included in Table 2-12 and will be included in the encroachment permit to analyze impacts to these State-owned facilities.

767-1199

Section 2.5.2.7 State Highway Modifications

2. At location no.1 (Burbank Boulevard Overpass) of Table 2-12, it is understood that a new overpass structure is proposed to accommodate the HSR alignment. There is currently a Caltrans project in close proximity that includes realignment of SR-5 closer to the HSR alignment and modification of the Burbank Boulevard/SR-5 overpass. Caltrans improvements must be protected from potential geotechnical adverse impacts due to the HSR design or construction, such as embankment modifications or foundation installation.

767-1200

Section 3.2 Transportation

3. In Table 3.2-18, the control type for the intersection of Hollywood Way and I-5 SB Ramps is TWSC (Two Way Stop Control). This T-intersection is controlled by a stop sign at the off-ramp and should be classified as OWSC (One Way Stop Control). The other 2 locations in this table are also T-intersections with a stop sign in the minor approach are classified as OWSC.

767-1201

4. Table 3.2-29 shows a significant impact at the intersection of Hollywood Way at I-5 SB ramps and warrants installation of a traffic signal. This environmental document proposes to signalize the intersection as a mitigation measure in Tables: 3.2-11, 3.2-30, 3.2-35, and 3.2-36. The Caltrans project EA 4T980 already proposes to install a traffic signal at this intersection. This project is currently under construction and the signal is scheduled to be installed by the end of 2020. This environmental document should consider this intersection as a signalized intersection in the 2040 Horizon Year.

767-1202

Section 3.4 Noise and Vibration

5. Change the Caltrans Traffic Noise Analysis Protocol year from 2011 to the newly issued Protocol of 2020 in both the DEIR/EIS and Noise and Vibration Technical Report.

767-1203

6. It is stated that while there are no standardized criteria from the FTA or FRA, guidelines are used from these documents to assess impacts. However, since there are about 10 locations where the HSR intersects a state highway system, the provisions of Section 14-8.02, Noise Control, of Caltrans Standard Specifications also need to be addressed within the state right of way. The specification states that
   a. Do not exceed 86 dBA at 50 feet from the job site activities from 9 p.m. to 6 a.m.
   b. Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

767-1204

7. Page 3.4-49, Sound Barriers: The $95,000 per benefited receptor needs to be updated to $107,000 (2019) for cost-effectiveness purposes.

Section 3.7 Biological and Aquatic Resources

767-1205

8. The California Migratory Bird Protection Act (went into effect on January 1, 2020) needs to be discussed in the section pertaining to relevant environmental laws. This law should also be referenced in sections discussing migratory birds, such as measures BIO MM-14 and 15.

767-1206

9. A National Marine Fisheries Service (NMFS) species list should be included in this chapter.

767-1207

10. Measure BIO MM-14 states there needs to be a 75-foot buffer around bird nests, but this distance is too small and should be revised to 150 feet for song birds. This measure also needs to specify that preconstruction surveys must be done no more than 3 days prior to the start of work.

767-1208

11. Measure BIO MM-15 states raptor nest preconstruction surveys must occur no more than 14 days prior to start of work, but this is too long and needs to be revised to no more than 3 days.

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Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1209

12. Measure BIO MM-16 should be written to include "prior to any ground disturbing activity *or bridge work*…" Also, the preconstruction survey time window needs to be specified and should occur no more than 3 days prior to the commencement of work. This measure needs to prohibit disturbance to maternity colonies. Evictions cannot be performed for maternity colonies because the young are unable to fly.

767-1210

Section 3.8 Hydrology and Water Resources

13. Page 4, fourth paragraph: Under the California Department of Transportation National Pollutant Discharge Elimination System Statewide Stormwater Permit, include the following statement "Caltrans stormwater discharges must meet water quality standards through implementation of permanent and temporary Best Management Practices (BMPs) to the maximum extent practicable, and other measures deemed necessary by the SWRCB and/or other agency having authority reviewing the stormwater component of the project."

767-1211

14. A listing of the Caltrans facilities that the HSR alignment crosses should be included on page 42 and post construction treatment BMPs are required. Current Caltrans MS4 permit mandates that a Rapid Stability Assessment (RSA) be conducted during planning and design for all projects that will include 1 acre or more of net new impervious surface and for which, any new impervious portion of the project drains to a stream crossing located within the project limits.

Section 3.9 Geology, Soils, Seismicity, and Paleontological Resources

767-1212

15. Section 3.9.6.3 Construction Impacts: There are several HSR locations that will travel under existing Caltrans overpass bridge structures with limited space. Excavations for foundation construction for the HSR project may cause loss of foundation support or damage to the foundations of these Caltrans facilities. Dewatering or earthwork activities to facilitate HSR construction may cause settlement or slope instability that may impact foundations of nearby Caltrans structures. Measures must be in place to protect potentially impacted Caltrans facilities during construction, including instrumentation and monitoring.

767-1213

16. Section 3.9.6.3 Construction Impacts: Measures such as ground improvement, re-grading, and pre-loading may be implemented to minimize impacts from potential geologic hazards for the project. while these measures may facilitate construction of the HSR alignment, they may inadvertently impact nearby Caltrans embankments or structure foundations. Measures must be in place to protect potentially impacted Caltrans facilities during construction including instrumentation and monitoring.

767-1214

17. Structural loads from the HSR project may transfer surcharge loads onto nearby existing Caltrans wall or foundation structures. During the design phase, consideration should be given such that design loads do not adversely impact Caltrans facilities, or protective measures shall be formulated.

767-1215

18. Upon completion of geological and geotechnical investigations for design of the project, Caltrans Geotechnical Services, Structure Design, and Structure Construction should be

767-1215

contacted to review the design for evaluation of potential impacts to Caltrans facilities.

Section 3.10 Hazardous Materials and Wastes

767-1216

19. Section 3.10.1.1 Definition of Resources: Hazardous waste also includes other waste identified by California that are not identified as a hazardous waste by USEPA. These hazardous waste materials are non-RRA (California) hazardous waste and need to be included.

767-1217

20. Page 2.10-2, Laws, Regulations, and Orders: Include the California laws and regulations for hazardous waste – California Code of Regulations Title 22, Cal OSHA, and AQMD Rules.

767-1218

21. Page 3.10-9, Definition of Resources Study Area: The third sentence states, "The RSA for potential environmental concern (PEC) sites extend 1 mile from the project footprint, consistent with ASTM-specified minimum search distances." Delete the reference to PECs throughout the report and use RECs, HRECs, and CRECs defined in ASTM 1527-13. If the discussion still includes study areas, such as general hazardous materials and waste with a boundary of 150 ft buffer and landfills with a boundary of 0.25-mile buffer, these boundaries may not be applicable because contamination from a hazardous waste facilities, landfills, and other types of facilities with releases may extend greater distances laterally.

767-1219

22. Section 3.10.4.2 Impact Avoidance and Minimization Features:

- Bullet 1, needs to be corrected in that the Phase I and II ESAs need to be performed *before* the right of way acquisition phase and during the preliminary design phase so that the alignment can be modified to avoid the contaminated parcels, meeting the requirement for acquisition of uncontaminated parcels, reduce environmental impacts, avoid future liability for contamination on contaminated parcels, and estimate cost for the project.
- Bullet 2, include the additional IAMFs for construction adjacent to a landfill related to hazardous waste, waste cells, soil, soil vapor, and groundwater contamination, and structural integrity.
- Bullet 3, clarify the type of work barriers.
- Bullet 4, include that the hazardous waste studies will be performed to identify contamination, any potential future releases and characterize contamination in the soil, soil vapor, and groundwater to delineate lateral and vertical extent of contamination requiring remediation and determining cost to the project. A risk assessment for unanticipated contamination will be performed for the project and a cost assigned to the risk for incorporation into the contingency when unanticipated contamination is encountered during construction. The Standard Specifications contain requirements when encountering unanticipated contamination.
- Bullet 5, include that an asbestos containing material (ACM) survey and lead-based paint (LBP) survey will be performed to identify, quantify, classify the ACM and LBP that requires removal by licensed abatement contractors. The demolition activities for structures will comply with the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations for notification, compliance with SCAQMD Rule 1403x, and

Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1219 notification to Cal/OSHA, ACM and LBP requirements, measures implemented to protect health and safety of workers and the community from exposure to the hazards from ACM and LBP, will properly package, label, containerize, transport, and dispose of ACM and LBP in a facility licensed to accept the waste.

767-1220 23. Page 3.10-12, Methods for NEPA and CEQA Impact Analysis: This methodology did not include interviewing property owners, performing reconnaissance at individual properties, field sampling, or conducting analysis or investigation of individual buildings or structures. A hazardous materials assessment of individual parcels is potentially subject to property transfer/acquisition would occur subsequent to the NEPA and CEQA environmental review and final design/project implementation processes. For this reason, specific properties requiring abatement of building materials could not be determined at this time. Include the detailed analysis of the properties to be acquired for this project to adequately determine the environmental impact from this project. The current description of the ranking is inadequate for PEC sites.

767-1221 24. Page 3.10-13, General Environmental Concerns:

- Include that the project is within the San Fernando Valley Groundwater Basin Superfund site where there are numerous hazardous waste sites that contributed to the soil, soil vapor, and groundwater contamination that is currently being remediated by USEPA. Include that a site investigation will be performed for the project to characterize all media for the proposed project activities to determine impacts to the environment. The review of the regulatory agencies' databases, Geotracker and Envirostor, should have revealed the San Fernando Valley Groundwater Basin Superfund Site and the sites that contributed to the contamination.
- Include a section on groundwater contamination due to proposed bridge work.
- Properties that were closed or designated No Further Action with hazardous waste or petroleum products remaining in the subsurface need to be listed as medium to high risk.
- Include sites that previously used hazardous substances or petroleum products and had releases, potential for a release, or potential for a future release.

767-1222 25. Page 3.10-14: Potential Railway Corridor Hazardous Substances, include PCBs, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polycyclic aromatic hydrocarbon (PAH) compounds, metals, petroleum hydrocarbons in all soil and groundwater. Asbestos from sources other than ballast.

767-1223 26. Page 3.10-14, Potential Utility Corridor Hazardous Substances: Include asbestos containing materials (ACM), VOCs, and TPH. If the utility lines for Southern California Gas Company will be impacted, include that the lines were contaminated with PCB oil and VOCs, therefore the lines are ACM.

767-1224 27. Section 3.10.6.3: Include discussions related to the hazardous waste comments from this letter. Clarify what will be done for avoidance and minimization of impacts. Currently general statements are made but no explanation of the IAMFs.

767-1225 ***Section 3.16 Aesthetics and Visual Quality***

28. A Landscape Architect needs to be involved in the development of this section.

767-1226 29. Page 3.16-7.1: The following statement should not be included in this section, "No species on the Invasive Species Council of California's list of invasive species shall be planted." This sentence is better suited in Section 3.7 Biological and Aquatic Resources.

Thank you for the opportunity to comment on this project. We look forward to your response and the ongoing coordination between our agencies to establish a more effective permit application process. If you have any questions about this letter, please contact Vanessa Velasco, Associate Environmental Planner at Vanessa.velasco@dot.ca.gov.

Sincerely,

RONALD KOSINSKI
Deputy District Director
Division of Environmental Planning

Enclosure

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020)

767-1198

The commenter identified two Caltrans facilities which the HSR project would cross, and requested they be added to the document. Revisions to this Final EIR/EIS have been made in response to this comment. Section 2.5.2, Table 2-12 and Figure 2-32 were revised to include the Colorado Boulevard bridge overcrossing freeway exit/entrance and I-5 adjacent to SR-110.

767-1199

The commenter indicates that at the proposed location of the Burbank Boulevard overpass, current planned Caltrans modifications to Interstate 5 would bring the roadway closer to the overpass location. The Authority has held ongoing coordination with Caltrans. Improvements at Burbank Boulevard do not conflict with the intent or design of the I-5 Empire Project. The Authority is aware of this project, and has included the project in current designs to confirm that there is no conflict. As discussed in GEO-IAMF#10, the HSR project design and construction must incorporate the guidelines, standards, and best practices of multiple manuals, publications, circulars, and codes from the American Association of State Highway and Transportation Officials, the Federal Highway Administration, the American Railway Engineering and Maintenance-of-Way Association, the California Building Code, the International Building Code, the American Society of Civil Engineers, the American Society for Testing and Materials, and Caltrans Design and Construction. Incorporation of and adherence to these guidelines, standards, and best practices, as well as coordination with Caltrans during the final design phase, would ensure that appropriate measures are in place during construction of the HSR project to avoid or minimize impacts on adjacent and nearby Caltrans facilities.

767-1200

The commenter expresses concern with the control type designation for the Hollywood Way/I-5 southbound ramps. The analysis reflects how unsignalized methodology for LOS works, where a location that is unsignalized is either an all-way stop-sign-controlled location or a partial stop-sign-controlled location. The two-way stop control designation only means that the intersection is partially controlled by stop signs, and the designation does not affect the accuracy of the operational calculations. The related tables in Section 3.2 of this Final EIR/EIS have been modified to provide the one-way stop control designation.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1201

Per the 2018 updates to the CEQA guidelines, LOS metrics cannot be used to determine the significance of impacts under CEQA. Vehicle delay and LOS metrics are provided in the transportation analysis to show patterns of traffic impacts for review by local agencies. For CEQA impacts, the VMT metric is analyzed, and this is provided as a regionwide value for each analyzed project year, as the mobility network must be evaluated as a whole in the statewide HSR model to acknowledge shifts between auto and rail modes and travel routes and provide the resulting regional VMT change. In addition, LOS is still required for NEPA analysis to characterize the transportation setting and consequences of the action and determine the significance of the action as a whole. As there are no significant impacts requiring mitigation under CEQA, the LOS after mitigation is not included in the analysis. Furthermore, NEPA does not require the mitigation measures identified and therefore, these mitigation measures have been described as “available”. As described in Section 3.2 of this Final EIR/EIS, if the mitigation measures are implemented, there would not be an adverse impacts under NEPA.

The intersection was re-analyzed with signalization in the baseline periods for 2029 and 2040, based on the improvements being implemented by Caltrans as part of the I-5 corridor improvements. This supplemental analysis indicates that the significant project impacts identified in the Draft EIR/EIS at this location would no longer exist with this change in baseline conditions. Therefore, the mitigation measures identified in the Draft EIR/EIS are no longer required at this location. The results of this supplemental analysis are summarized in Section 3.2 of this Final EIR/EIS.

767-1202

While the commenter has suggested that the latest version of the Caltrans Traffic Noise Analysis Protocol, updated in April 2020, be used within this Final EIR/EIS, all referenced documents regarding other jurisdictions; standards are consistent with the date of the Authority’s2016 Business Plan. The reference to the Caltrans 2011 Traffic Noise Analysis Protocol was current in the year the project studies were conducted (2016), therefore, date of the Protocol was not revised. Lastly, the revisions that were made in the 2020 version of the Protocol would not result in methodological differences in the analysis.

767-1203

While the commenter is correct that there are no standardized criteria related to construction noise from the FTA or FRA, the guidelines in the FRA’s High-Speed Ground Transportation Noise and Vibration Impact Assessment Manual (FRA 2012) are used to create the applicable criteria for this project. No changes have been made to the Final EIR/EIS in response to this comment.

767-1204

While Caltrans updated its benefited receptor allowance in 2019, the HSR project is using the costs from 2018, consistent with the California High-Speed Rail Authority’s (Authority) Noise Mitigation Guidelines (Appendix3.4-A) and, as discussed in comment 1202, with the Caltrans 2011 Traffic Noise Analysis Protocol. No changes have been made to the Final EIR/EIS in response to this comment. The locations and length of the noise barriers considered for analysis is not affected by the amount per benefitted receptor.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1205

The commenter states that the California Migratory Bird Protection Act should be discussed in all sections and mitigation measures of the HSR project EIR/EIS that cover migratory birds. The Authority refers the commenter to Section 3.7.2.2 of this Final EIR/EIS for a summary of applicable elements of the California Fish and Game Code (CFGC). CFGC Section 3513 prohibits the take or possession of any migratory nongame bird or part thereof, as designated in the federal Migratory Bird Treaty Act. The California Migratory Bird Protection Act, approved by Governor Gavin Newsom in September 2019, amends language in CFGC Section 3515 to state that "it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act before January 1, 2017, any additional migratory nongame bird that may be designated in that federal act after that date…" (added text italicized). These amendments to the CFGC were a response to proposed revisions to the federal Migratory Bird Treaty Act that correspond with U.S. Department of the Interior Solicitor's Opinion M-37050, dated December 22, 2017, which states that the federal Migratory Bird Treaty Act applies only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs. On August 11, 2020, United States District Judge Valerie Caproni vacated Solicitor's Opinion M-37050, meaning that the legal interpretation of the federal Migratory Bird Treaty Act is currently consistent with that in effect before January 1, 2017. The discussion of the federal Migratory Bird Treaty Act in Section 3.7.2.2 of this Final EIR/EIS has been updated to reflect the August 2020 United States District Court Opinion and Order. Both the Draft EIR/EIS and this Final EIR/EIS (and all relevant mitigation measures) contain appropriate references to the provisions of the federal Migratory Bird Treaty Act as well as the California Fish and Game Code with respect to nesting and migratory bird species. Because the recommended language would not increase or replace the effectiveness of mitigation already included or alter any aspect of the impact analysis, no revisions to this Final EIR/EIS have been made in response to this comment.

767-1206

The commenter states that a National Marine Fisheries Service (NMFS) species list should be included in Chapter 3.7 of this Final EIR/EIS. The Authority refers the commenter to Section 3.7.5.8 of this Final EIR/EIS for a discussion of resources under the purview of the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries; formally referred to as the NMFS). Species lists reviewed for the technical biological resources analysis can be found in the Burbank to Los Angeles Project Section: Biological and Aquatic Resources Technical Report. Within the project area, one listed species—Southern California steelhead (Oncorhynchus mykiss irideus) Distinct Population Segment (DPS)—appears on the California Species List Tool managed by NOAA Fisheries. However, the Los Angeles River does not currently provide habitat for anadromous fish due to the river's concrete lining. Steelhead are considered extirpated from at least 11 southern California streams and rivers, including the Los Angeles River. Additionally, the project would not result in any permanent barriers to fish passage. The HSR project would not adversely affect marine or anadromous fish habitat subject to NOAA Fisheries jurisdiction. The Authority has consulted with NOAA Fisheries regarding the HSR project impact findings. No revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1207

The commenter recommends a modification to mitigation measure BIO-MM#14 to increase active songbird nest avoidance buffers to 150 feet, and to specify that preconstruction surveys must be done no more than 3 days prior to the start of work. BIO-MM#14 establishes 75-feet as a minimum buffer area around bird nests, and stated that larger buffers may be required pursuant to regulatory authorizations under the Federal Endangered Species Act and/or California Endangered Species Act.

There is no legal standard nest avoidance buffer, as it would not be possible to ensure that "take" (using the federal definition, including "harm" and "harassment") of nesting birds would or would not occur in any given circumstance. Typically, measures are established that afford the biological monitor with the flexibility to set the avoidance buffer based on the actual on-the-ground circumstances (i.e., the species nesting, type of work activity, nest location, topographic/existing noise barriers, etc.). 75 feet could be too small for some species and situations but completely reasonable for others. Depending on the work activity and species, a buffer could adequately protect the nest at 25 feet and other construction activities could warrant a buffer of 500 feet depending on the circumstance. BIO-MM#14 allows the monitor to halt work if the work is causing harm to sensitive wildlife. The ultimate goal is to ensure consistency with the State Fish and Game Code and MBTA.

Regarding the minimum 3 day time period suggested in this comment, the Authority acknowledges that some bird species can construct nests within 3 days, and many times this is a resource agency recommendation (or permit requirement). But again there is no legal standard for how many days out the pre-construction nesting survey needs to be.

Therefore, no revisions to Measure BIO-MM#14 have been made in response to this comment.

767-1208

The commenter states that the pre-construction survey timing outlined in mitigation measure BIO-MM#15 is too long and should be revised to state that raptor nest pre-construction surveys should be conducted no more than 3 days prior to the start of work. The 14 day period stipulated in BIO-MM#15 is a maximum time period; shorter time periods may be established pursuant to regulatory authorizations under the Federal Endangered Species Act and/or California Endangered Species Act. Refer to response to comment 1207 regarding the timing of preconstruction surveys for nesting birds. Therefore, no revisions to this Final EIR/EIS have been made in response to this comment.

767-1209

The commenter makes reference to a mitigation measure BIO-MM#16, which does not exist in the Draft EIR/EIS. However, given the context of the comment, it is assumed the commenter is referring to BIO-MM#26, which provides for the implementation of bat avoidance and relocation measures. The text in the measure that specifies when this survey would take place is general and not intended to omit bridge work or any other element of construction work; rather, it is assumed that any bridge work would be included in ground-disturbing activities. The commenter also states that the preconstruction survey should take place no more than 3 days prior to the commencement of work. It should also be noted that mitigation measure BIO-MM#63 provides for the biological monitor to temporarily stop work activities to prevent harm to any special-status wildlife species within or near the work area, as well as to ensure that the project would not adversely affect any federal Endangered Species Act/California Endangered Species Act-listed species without proper consultation with the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, where applicable. Therefore, no revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1210

The commenter states that the discussion on Caltrans regulations should be expanded and provides suggested text for inclusion in this Final EIR/EIS. The suggested statement was added to Section 3.8.2.2 in Section 3.8, Hydrology and Water Resources, of this Final EIR/EIS under the "California Department of Transportation National Pollutant Discharge Elimination System Statewide Stormwater Permit" heading.

767-1211

This comment states that a list of the Caltrans facilities where best management practices (BMP) are required should be included in Section 3.8, Hydrology and Water Resources, and that a Rapid Stability Assessment should be conducted. The Burbank to Los Angeles Project Section of the HSR would cross the following Caltrans facilities: Interstate 5, State Route 134, State Route 2, Colorado Boulevard Bridge Overcrossing freeway exit/entrance, State Route 110, U.S. Route 101, and Interstate 10. As stated in Section 3.8.2.2 in Section 3.8, Hydrology and Water Quality, of this Final EIR/EIS, the Caltrans National Pollutant Discharge Elimination System (NPDES) permit (Order No. 2012-0011-DWQ, NPDES No. CAS000003) is applicable to portions of the HSR project that involve modifications to state highways. As such, implementation of permanent treatment BMPs for improvements within Caltrans right-of-way would comply with the stormwater requirements of the Caltrans NPDES permit and the Caltrans Storm Water Management Plan and StormWater Quality Handbook; Project Planning and Design Guide. However, the specific Caltrans facilities for which BMPs will be included in the HSR design will be determined during final design. Compliance with the Caltrans requirements would include a Rapid Stability Assessment, which may be simplistic because all crossings would be lined channels. Because the locations of BMPs within Caltrans facilities are not known at this time, and will be determined during Final Design, the commenter's request to include a list of the Caltrans facilities that the HSR alignment crosses will not be incorporated into the Final EIR/EIS. Therefore, no revisions to this Final EIR/EIS have been made in response to this comment.

767-1212

The commenter expresses concern regarding the effects of HSR project excavation and construction activities on adjacent and nearby California Department of Transportation (Caltrans) facilities and requests that measures, in the form of instrumentation and monitoring, be in place during construction to protect those facilities. Section 3.9.6.3 addresses potential impacts about which the commenter is concerned (e.g., soil erosion [Impact GSSPR #6], unstable or collapsible soils [Impact GSSPR#7], and ground subsidence [Impact GSSPR#8]).

Implementation of GEO-IAMF#1, HYD-IAMF#3, and GEO-IAMF#10, as listed in Sections 3.8.4.2 and 3.9.4.2 of this Final EIR/EIS, addresses the potential for adverse impacts of soil erosion, unstable or collapsible soils, and ground subsidence and prevents significant impacts. As discussed in GEO-IAMF #1, a Construction Management Plan (CMP) must be prepared and implemented to address geologic constraints and minimize or avoid impacts to geologic hazards during construction. As discussed in HYD-IAMF#3, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented to manage the amount and quality of stormwater runoff and construction materials and wastes. As discussed in GEO-IAMF#10, listed in Section 3.9.4.2 of this Final EIR/EIS, the HSR project's design and construction must incorporate the guidelines, standards, and best practices of multiple manuals, publications, circulars, and codes from the American Association of State Highway and Transportation Officials, the Federal Highway Administration, the American Railway Engineering and Maintenance-of-Way Association, the California Building Code, the International Building Code, the American Society of Civil Engineers, the American Society for Testing and Materials, and Caltrans Design and Construction. Incorporation of and adherence to these guidelines, standards, and best practices, as well as implementation of the CMP and SWPPP, and coordination with Caltrans during the design phase, will ensure that appropriate measures are in place during construction of the HSR project to limit effects to adjacent and nearby Caltrans facilities. No revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1213

The commenter expresses concern about how ground improvement measures for construction of the HSR project may affect nearby Caltrans embankments and structure foundations and requests that measures, in the form of instrumentation and monitoring, be in place during construction to protect those facilities. Section 3.9.6.3 addresses potential impacts about which the commenter is partly concerned (e.g., soil erosion [Impact GSSPR#6], unstable or collapsible soils [Impact GSSPR#7], and ground subsidence [Impact GSSPR#8]).

Implementation of GEO-IAMF#1, HYD-IAMF#3, and GEO-IAMF#10, as listed in Sections 3.8.4.2 and 3.9.4.2 of this Final EIR/EIS, addresses the potential for adverse impacts of soil erosion, unstable or collapsible soils, and ground subsidence and prevents significant impacts. As discussed in GEO-IAMF #1, a Construction Management Plan (CMP) must be prepared and implemented to address geologic constraints and minimize or avoid impacts to geologic hazards during construction. The CMP would include the necessary measures to protect potentially impacted Caltrans facilities during construction, such as instrumentation and monitoring. As discussed in HYD-IAMF#3, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented to manage the amount and quality of stormwater runoff and construction materials and wastes. As discussed in GEO-IAMF#10, listed in Section 3.9.4.2 of this Final EIR/EIS, the HSR project's design and construction must incorporate the guidelines, standards, and best practices of multiple manuals, publications, circulars, and codes from the American Association of State Highway and Transportation Officials, the Federal Highway Administration, the American Railway Engineering and Maintenance-of-Way Association, the California Building Code, the International Building Code, the American Society of Civil Engineers, the American Society for Testing and Materials, and Caltrans Design and Construction. Incorporation of and adherence to these guidelines, standards, and best practices, as well as implementation of the CMP and SWPPP and coordination with Caltrans during the design phase, will ensure that appropriate measures are in place during construction of the HSR project to limit effects to nearby Caltrans embankments and structures. No revisions to this Final EIR/EIS have been made in response to this comment.

767-1214

The commenter requests that the potential for the transfer of structural loads to nearby existing Caltrans wall and foundation structures be considered and accounted for in the design phase to ensure the HSR project has no adverse effects to existing Caltrans facilities. As discussed in GEO-IAMF#10, listed in Section 3.9.4.2 of this Final EIR/EIS, the HSR project's design and construction incorporates the guidelines, standards, and best practices of multiple manuals, codes, circulars, and publications from the American Association of State Highway and Transportation Officials, the Federal Highway Administration, the American Railway Engineering and Maintenance-of-Way Association, the California Building Code, the International Building Code, the American Society of Civil Engineers, the American Society for Testing and Materials, and Caltrans Design and Construction. Incorporation of and adherence to these guidelines, standards, and best practices, as well as coordination with Caltrans during the design phase, will address and prevent potential impacts of transferred structural loads from the HSR project to Caltrans facilities.

767-1215

The commenter requests that Caltrans Geotechnical Services, Structure Design, and Structure Construction be contacted after the completion of geotechnical investigations to review the design and evaluate the potential for effects to Caltrans facilities. As Caltrans is a Responsible Agency under CEQA, the Authority will continue to coordinate with Caltrans throughout the HSR project design phase to ensure any potential effects to Caltrans facilities are addressed and modifications to the design are incorporated as appropriate.

767-1216

This commenter expresses concern that other wastes identified by California need to be included in the document. Section 3.10.1.1 of this Final EIR/EIS has been revised to add text related to California hazardous waste laws and regulations.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1217

Per the commenter's request, this Final EIR/EIS has been revised to include California laws and regulations for hazardous waste, including California Code of Regulations Title 22, California Division of Occupational Safety and Health (Cal-OSHA), and South Coast Air Quality Management District (SCAQMD) Rules.

767-1218

This Final EIR/EIS has retained the use of potential environmental concern (PEC) sites, as this is consistent with Chapter10 of the California Department of Transportation (Caltrans) initial site assessment guidance document (California Department of Toxic Substances Control[DTSC] 2006a) and Chapter 18 of the California Office of State, Project Development Procedures and Quality Improvement in Division of Design, Project Development Procedures Manual (DTSC 2006b). In addition, the use of the term "PECs" is consistent with the Authority's methodology published in Environmental Methodology Guidelines, Version 5.09 (April 2017). In addition, RECs, HRECs, and CRECs have specific connotations with regard to a Phase I ESA conducted in accordance with E 1527-13 and All Appropriate Inquiry; since ESAs have not been conducted, it would be inappropriate to use these acronyms in place of PECs.

767-1219

The commenter requests a number of changes to Section3.10.4.2, Impact Avoidance and Minimization Features, in the EIR/EIS. This comment essentially requests that the Authority follow Caltrans' procedures for hazardous waste studies rather than the Authority's own procedures. Because the Authority's procedures as specified in HMW-IAMF #1 through HMW-IAMF #10 address all regulatory requirements related to hazardous materials and wastes, no changes have been made to this Final EIR/EIS in response to this comment. The IAMF descriptions provided in Section 3.10.4.2 of the EIR/EIS are summaries; the commenter is referred to Appendix 2-B in Volume 2 of this Final EIR/EIS which provides the full text of all IAMFs applicable to hazardous materials and wastes. In addition, as stated in HWM-IAMF#1 Property Acquisition, Phase I and Phase II Environmental Site Assessments would require completion of a Phase I Environmental Site Assessment (ESA) during the right-of-way acquisition phase in order to identify potential hazardous waste on parcels to be acquired, as well as appropriate testing and remediation (if necessary). This type of site assessment is not required or typically completed during preliminary design.

767-1220

The commenter states that the Methods for NEPA and CEQA Impact Analysis in Section 3.10.4.3 of the EIR/EIS did not include interviewing property owners, performing reconnaissance at individual properties, field sampling, or conducting analysis or investigation of individual buildings or structures. HMW-IAMF#1 Property Acquisition Phase I and Phase II Environmental Site Assessments would require completion of a Phase I Environmental Site Assessment (ESA) during the right-of-way acquisition phase in order to identify potential hazardous waste on parcels to be acquired, as well as appropriate testing and remediation (if necessary). The methodology included for analysis in this Final EIR/EIS is appropriate based on the current preliminary (15%) design plan which is a sufficient level of design for the purpose of disclosing impacts under NEPA and CEQA. The methodology used to evaluate impacts, is described in Section 3.10.4 of the Draft EIR/EIS and this Final EIR/EIS. Refer to response to comment 767-1219 regarding why the Authority is not changing its methods for hazardous waste studies as requested in this comment.

767-1221

Per the commenter's request, Section 3.10.5.1 of this Final EIR/EIS has been revised to clarify that the project is within the San Fernando Groundwater Basin Superfund site. Appendix 3.10-A in Volume 2 of the Draft EIR/EIS provided multiple references to the San Fernando Groundwater Basin Superfund site and those locations were identified in Table 3.10-6 of the Draft EIR/EIS under the discussion of Impact HMW #3, Hazards Due to Project Location on Potential Environmental Concern Sites or Cortese List Sites during Construction. The discussion under Impact HMW #3 in Section 3.10.6.3 has been revised to clarify the potential impacts of the HSR Build Alternative to the remedies for the San Fernando Groundwater Basin Superfund site. In addition, a reference to Appendix 3.10-A has been included in this section to direct the reader to additional detailed information provided in that appendix regarding the San Fernando Groundwater Basin Superfund site.

Response to Submission 767 (Ronald Kosinski, Caltrans District 7 Division of Environmental Planning, July 30, 2020) - Continued

767-1222

Per the commenter's request, Section 3.10.5.1 of this Final EIR/EIS has been revised to include potential railway corridor hazardous substances, including polychlorinated biphenyls (PCB), volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), polycyclic aromatic hydrocarbon (PAH) compounds, metals, and petroleum hydrocarbons (TPH) in all soil and groundwater, as well as asbestos from sources other than ballast.

767-1223

Per the commenter's request, Section 3.10.5.1 of this Final EIR/EIS has been revised to include ACMs such as VOCs and TPH and to note that any impacted utility lines for the Southern California Gas Company may be contaminated with PCB oil and VOCs.

767-1224

The commenter requests that Section 3.10.6.3 of this Final EIR/EIS discuss how IAMFs avoid and minimize impacts. Each impact within Section 3.10.6.3 already includes a discussion of the specific IAMFs relevant for each impact, as well as how those IAMFs avoid and minimize those impacts. No changes to this Final EIR/EIS were made in response to this comment.

767-1225

The commenter states that a landscape architect should be involved in the development and review of Section 3.16, Aesthetics and Visual Quality, of the EIR/EIS.

The Authority's analysis methodology is based on the Federal Highway Administration's (FHWA) 2015 Guidelines for the Visual Impact Assessment of Highway Projects. The FHWA's visual impact assessment methodology recommends that visual impact assessment authors have "skills associated with evaluating landscape aesthetics typical of a licensed landscape architect or other similarly trained professional..." A landscape architect is not required to be involved in the development or review per that methodology. In compliance with the Authority's methodology and FHWA's 2015 Guidelines, Section 3.16 authors have experience and skills in preparing aesthetics and visual impact analyses. No revisions have been made to this Final EIR/EIS in response to this comment.

767-1226

The commenter states that mitigation measures in Section 3.16, Aesthetics and Visual Quality, of the Draft EIR/EIS that prohibit the use of invasive species should not be included in Section 3.16, but instead should be included in Section 3.7, Biological and Aquatic Resources.

The commenter is referring to Mitigation Measures AVQ-MM#4 (Provide Vegetation Screening along At-grade and Elevated Guideways Adjacent to Residential Areas) and AVQ-MM#6 (Screen Traction Power Distribution Stations and Radio Communication Towers), which state that "[n]o species on the list from the Invasive Species Council of California shall be planted." These provisions have been included in the mitigation measures to ensure that no secondary effects related to invasive species or harm to native species would occur as a result of implementing these mitigation measures. No revisions have been made to this Final EIR/EIS in response to this comment.

Submission 759 (Craig Sap, Department of Parks and Recreation, July 30, 2020)

State of California • Natural Resources Agency — Gavin Newsom, *Governor*
DEPARTMENT OF PARKS AND RECREATION — Lisa Ann L. Mangat, *Director*

Angeles District
1925 Las Virgenes Rd.
Calabasas, CA 91302

California High Speed Rail Authority
Attn: Burbank to Los Angeles Draft EIR/EIS Comment
355 S. Grand Avenue, Suite 2050
Los Angeles, CA 90071

July 28, 2020

RE: California High-Speed Rail Project, Burbank to Los Angeles Project Section Draft EIR/EIS

Dear Mr. McLoughlin,

California State Parks, Angeles District (DPR), has reviewed the Burbank to Los Angeles Project Section of the Draft EIR/EIS for California High-Speed Rail and would like to provide the following comments:

759-1158

In the Section 4(f) evaluation, the 18 acre G-1, or "Bowtie Parcel" of the former Taylor Yard complex was not included in the analysis and this oversight must be corrected. The Bowtie Parcel was acquired by DPR in 2003 with the intent of transforming this former railyard into park land. The undeveloped 18-acre parcel is designated as a sub-unit of Rio De Los Angeles State Park in Park General Plan as naturalized open space. Conceptual design for the full 18-acres is beginning in the next few months and DPR is currently involved in the design and development of two early activation projects on the site which would provide public amenities and habitat enhancement to the riverfront property. As such, impacts of the project on this property must be examined and included in the Final EIR/EIS.

759-1159

With both the Bowtie Parcel and Rio De Los Angeles State Park, the frequency of High-Speed Rail trains, 16 per hour, is concerning, as is the potential noise associated with this intensity of rail traffic. Additionally concerning is the visual impact of fencing or sound walls that may be required as part of this project. DPR is concerned that both auditory and aesthetic impacts may negatively affect adjacent public parklands and that fencing and/or walls be carefully considered in the design of this project.

759-1160

Finally, DPR questions the assertion that a de minimis impact is an appropriate finding regarding permanent alterations and grading proposed for 0.56 acres of Rio De Los Angeles State Park. Long term impacts to Rio de Los Angeles State Park, including the Bowtie Parcel, must be considered and mitigated as this project moves forward.

Sincerely,

Craig Sap
Angeles District Superintendent

Response to Submission 759 (Craig Sap, Department of Parks and Recreation, July 30, 2020)

759-1158

The commenter requests the inclusion of the G-1 (Proposed Bowtie Parcel) in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The Proposed Bowtie Parcel is a proposed park that is publicly owned and would be open to the public. In addition, the proposed park is included as a proposed recreational resource within a Master Plan. Therefore, this recreational resource is protected under Section 4(f) of the U.S. Department of Transportation Act. An analysis for the Proposed Bowtie Parcel has been added to Chapter 4 of this Final EIR/EIS to assess whether the California High-Speed Rail (HSR) Project would result in a use of this property under Section 4(f).

The analysis concludes that the HSR Build Alternative project footprint would not encroach onto the park property; therefore, the HSR project would not result in the permanent use or temporary occupancy of the Proposed Bowtie Parcel. The HSR Build Alternative project footprint is located adjacent to this proposed park; therefore, an analysis of indirect noise or visual impacts (proximity impacts) was also added to Chapter 4 to determine whether the HSR project would result in the constructive use of the proposed park.

In the area adjacent to the Proposed Bowtie Parcel, the existing tracks would be removed and new tracks would be added slightly farther to the east, away from the proposed park property. After HSR project implementation, HSR trains would run adjacent to the Proposed Bowtie Parcel.

As detailed in the Burbank to Los Angeles Project Section Noise and Vibration Technical Report (Authority 2018b), the HSR project would result in a noise increase at Site ST-09 (the closest noise monitoring location to this resource), from an existing level of 62 A-weighted decibels (dBA) to 69 dBA after project implementation, which would be a moderate impact. A moderate impact indicates that the introduction of the project will be noticeable to most people, but it may not be sufficient to cause strong reactions from the community. In addition, during operation, visual elements introduced within the rail corridor would include the trains, overhead contact system (OCS), lighting, and signage. The proposed elements near the Proposed Bowtie Parcel would be consistent with the existing railroad corridor, and the HSR project would not introduce any vertical elements that would be visually intrusive to users of the park. Therefore, proximity impacts would not substantially impair the activities, features, or attributes of the property.

For the reasons stated above, the HSR Build Alternative would not result in a Section 4(f) use of the Proposed Bowtie Parcel. Chapter 4 of this Final EIR/EIS has been revised to include this discussion.

759-1158

759-1159

The commenter presents concerns regarding aesthetic impacts of sound barriers and fencing on public parklands adjacent to the proposed project (specifically,including the Bowtie Parcel and Rio de Los Angeles State Park) and aesthetic impacts of sound barriers and fencing. However, aAs discussed in Section 3.16.4.2 of the Draft EIR/EIS and this Final EIR/EIS, the Authority is committed to balancing a consistent, project-wide aesthetic with the local context for the HSR non-station structures (AVQ-IAMF#1, Aesthetic Options). Further, KVP 16 (Section 3.16.6.3) shows a view from Rio de Los Angeles State Park looking southwest and provides a visual simulation of the proposed project in the vicinity of the park. Portions of the park are already proximate to an existing rail corridor, which includes visual elements similar to what is proposed with the Build Alternative. Therefore, the overall visual quality effect of the proposed project would be neutral. Aesthetic impacts have been carefully considered in the environmental review, and will continue to be considered, throughout the environmental review and the design process. Further, the alignment of the proposed HSR Project is a busy, existing railroad corridor where commuter rail, Amtrak, and freight rail currently operate. Noise from train operations is part of the existing setting of Rio de Los Angeles State Park, and is also part of the existing setting near the Bowtie Parcel. While increases in train operation noise near California Department of Parks and Recreation lands may occur, there is no impact under FRA noise criteria. Refer to Section 3.4.9 for conclusions related to noise and vibration. No revisions to this Final EIR/EIS have been made in response to this comment.

Response to Submission 759 (Craig Sap, Department of Parks and Recreation, July 30, 2020) - Continued

759-1160

The commenter expresses concern regarding the de minimis finding for impacts on Rio De Los Angeles State Park and requests the inclusion of the Proposed Bowtie Parcel in the analysis. In the Draft EIR/EIS, the California High-Speed Rail Authority (Authority) made a preliminary determination that the HSR project would not adversely affect the activities, features, or attributes that qualify Rio de Los Angeles State Park for protection under Section 4(f); therefore, the HSR Build Alternative was preliminarily determined to result in a de minimis impact on this resource. The preliminary de minimis impact determination was based on consideration of both direct effects (grading of an existing vegetated slope outside the park's fence line) and indirect effects, which would include a moderate noise impact (noticeable to most people, but not sufficient to cause strong reactions from the community) and neutral effects on visual quality (a moderate visual change that would be compatible with the existing environment). In addition, the preliminary de minimis impact determination was based on the implementation of measures to minimize harm to address access, air quality, noise, and visual impacts, including PK-IAMF#1, TR-IAMF#2, TR-IAMF#4, TR-IAMF#5, AQ-IAMF#1, N&V-IAMF#1, AVQ-IAMF#1, AQV-IAMF#2, PR-MM#1, PR-MM#2, N&V-MM#1, and AVQ-MM#1. In order to finalize this determination, the Authority will need to obtain concurrence from the California Department of Parks and Recreation that the project would not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f).

During a Section 4(f) consultation meeting on June 26, 2020, the Authority initiated a discussion with the California Department of Parks and Recreation regarding the HSR project's impacts on Rio De Los Angeles State Park. The California Department of Parks and Recreation communicated that the portion of Rio De Los Angeles State Park that would be affected by the HSR project is adjacent to a soccer field, and plans have been proposed to extend the soccer field onto the area that would be re-graded as part of the HSR Build Alternative. The discussion in Table 3.15-6 has been revised in this Final EIR/EIS to replace the words "acquisition" and "incorporation" with "improvements" to clarify the impact on Rio de Los Angeles State Park described in Impact PK #3, which states: "Construction of the HSR Build Alternative would require permanent improvements to 0.56 acre of land along the southern boundary of the park. The existing access road would be lowered adjacent to the park, which would require grading of the existing vegetated slope within the park boundary."

The Authority is committed to continuing coordination with the California Department of Parks and Recreation to discuss measures to minimize harm to Rio De Los Angeles State Park. The proposed grading of the vegetated slope would not preclude the future use of this area as a part of the park.

In addition, please refer to Response to Comment 759-1158 contained in this chapter for a discussion on the inclusion of the Proposed Bowtie Parcel in this Final EIR/EIS.