

# Submission E001 (Vince Fong, January 16, 2018)

**Fresno - Bakersfield (2014 June+) - RECORD #330 DETAIL**

**Status :** Action Pending  
**Record Date :** 1/16/2018  
**Response Requested :**  
**Affiliation Type :** Elected Official  
**Interest As :** State Elected  
**Submission Date :** 1/16/2018  
**Submission Method :** Project Email  
**First Name :** Vince  
**Last Name :** Fong  
**Professional Title :** Assemblymember  
**Business/Organization :**  
**Address :** P.O. Box 942849  
**Apt./Suite No. :**  
**City :** Sacramento  
**State :** CA  
**Zip Code :** 94249-0034  
**Telephone :** 916-319-2034  
**Email :** Assemblymember.Fong@assembly.ca.gov  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :**  
 Good Morning!  
 Please see attached for public comment.  
 Sincerely,  
 Vince Fong  
 Assemblymember, 34th District  
**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes  
**Attachments :** 330\_AssemblymemberFong\_email\_011618\_Attachment.pdf (69 kb)

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**COMMITTEES**  
 VICE CHAIR-TRANSPORTATION  
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**SUBCOMMITTEES**  
 BUDGET SUBCOMMITTEE NO. 3 ON  
 RESOURCES AND TRANSPORTATION

January 09, 2018

Mr. Dan Richard  
 Chairman  
 California High Speed Rail Authority  
 770 L Street, Suite 800  
 Sacramento, California 95814

Dear Chairman Richard,

I am writing to express my concerns regarding the route proposed by the California High Speed Rail Authority (CHSRA) and its impact on the First Free Will Baptist Church and Bethel Christian School.

E001-1

I have been told the First Free Will Baptist Church and Bethel Christian School will be negatively impacted by the construction of the proposed route from Fresno to Bakersfield and that this organization submitted numerous concerns in writing, before the Oct. 19, 2012, deadline, and in numerous public hearings (e.g., the Aug. 27, 2012, HSRA Hearing), but the HSRA has not been willing to discuss any viable mitigation for air quality, visual impact, noise pollution or vibration.

Given the impacts indicated above, it is clear that the proposed plans would have detrimental effects on community character, social interactions, and community cohesion. I respectfully request that you communicate with First Free Will Baptist Church and Bethel Christian School. Should you have any questions or concerns, please contact my office, by phone at (661) 395-2995 or via email at [Lauren.skidmore@asm.ca.gov](mailto:Lauren.skidmore@asm.ca.gov).

Sincerely,

Vince Fong  
 Assemblymember, 34<sup>th</sup> District

## Response to Submission E001 (Vince Fong, January 16, 2018)

### E001-1

The commenter expresses concerns that the Authority has been unwilling to communicate with or discuss viable mitigation with the First Free Will Baptist Church and Bethel Christian School.

The previous comments and expressed concerns regarding the First Free Will Baptist Church and the associated Bethel Christian School appear six times in the Fresno to Bakersfield Section Final EIR/EIS documentation:

- In Volume IV, Response to Comments from Businesses and Organizations A-Q Part 1 of 2, dated 9-11-2011, pages 21-37 through 21-38 (referred to below as Comment Set 1);
- In Volume IV, Response to Comments from Public Meetings and Hearings 9-22-2011, pages 29-469 through 29-475 (referred to below as Comment Set 2);
- In Volume V Response to Comments from Businesses and Organizations Part 4 of 5, pages 40-949 through 410-953 (referred to below as Comment Set 3);
- In Volume V Response to Comments from Public Meetings and Hearings 8-27-2012, pages 48-116 through 48-118 (referred to below as Comment Set 4);
- In Volume V Post-Comment Period Submissions (dated December 18, 2013), pages 51-123 through 51-129 (referred to below as Comment Set 5);
- And Volume VI Letters Inadvertently Omitted from Volumes IV & V and Errata (dated 10-14-2011), pages 54-51 through 54-52 (referred to below as Comment Set 6).

Comment Set 1 expresses concerns that the Bethel Christian School was not considered in the Fresno to Bakersfield Section Draft EIR/EIS, stating that noise and vibration impacts to the school should be analyzed and mitigation such as a sound barrier should be considered. As stated in the response to comments, the Fresno to Bakersfield Section EIR/EIS was revised to include the school and the associated First Free Will Baptist Church; the responses to these comments provided in Volume IV also address the noise mitigation available and are sufficient to address the issues the commenter has described.

Comment Set 2 contains two individual submissions made at the September 22, 2011 public hearing. The first, Submission P045, included oral comments expressing concerns that the Bethel Christian School was not considered in the Fresno to Bakersfield Section Draft EIR/EIS, stating that impacts to the school should be analyzed and mitigation should be considered. As stated in the response to comments, the

### E001-1

Fresno to Bakersfield Section EIR/EIS was revised to include the school and the associated First Free Will Baptist Church; the responses to these comments provided in Volume V are sufficient to address the issues the commenter has described. The second, Submission P046, is a written comment which reiterates concerns that the Bethel Christian School was not included in analysis, potential impacts to the school, the length and complexity of the document, and the quality of CEQA and NEPA analysis in the environmental document. The responses to these comments provided in Volume V are sufficient to address the issues the commenter has described.

Comment Set 3, a letter submitted in response to the Fresno to Bakersfield Revised Draft EIR/EIS, expresses concerns about a wide variety of issues and impacts, including provision of Spanish-translated text, proposed mitigation, noise impacts, document length and complexity, funding, and project location. The responses to these comments provided in Volume V are sufficient to address the issues the commenter has described.

Comment Set 4 contains oral comments submitted in response to the Fresno to Bakersfield Revised Draft EIR/EIS. These comments express opposition to the project, as well as concerns about stakeholder involvement, noise impacts and mitigation, and provision of Spanish-language documents. The responses to these comments provided in Volume V are sufficient to address the issues the commenter has described.

Comment Set 5 contains a letter submitted after the close of the comment period for the Fresno to Bakersfield Revised Draft EIR/EIS. The letter states that the church and school do not feel that their concerns have been adequately addressed, and outlines a number of concerns regarding impacts to the school and church including noise and aesthetic impacts, and a potential violation of rights and requirements for schools and religious institutions. Though the Authority is not required to respond to comments submitted after the close of the comment period, the Standard General Response issued in response to all letters submitted after the close of the comment period including Comment Set 5 summarizes and sufficiently addresses the issues the comment letter has described.

Comment Set 6 contains a letter submitted in response to the Fresno to Bakersfield Draft EIR/EIS that was inadvertently omitted from Volumes IV and V of the Fresno to Bakersfield Section Final EIR/EIS. The letter expresses concerns about a wide variety of issues and impacts, including provision of Spanish-translated text, proposed mitigation, noise impacts, document length and complexity, funding, and project location. The responses provided in Volume IV to Comment Sets 1 and 2, which had also been

## Response to Submission E001 (Vince Fong, January 16, 2018) - Continued

### E001-1

submitted in response to the Fresno to Bakersfield Draft EIR/EIS, sufficiently addressed the issues the commenter has described; responses provided in Comment Sets 3 and 4 also address these concerns, but these Comment Sets had been submitted in response to the Fresno to Bakersfield Revised Draft EIR/EIS.

## Submission E002 (Andy Vidak, January 10, 2018)

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1201 E. CALIFORNIA AVE. STE. A  
BAKERSFIELD, CA 93307  
TEL (661) 395-2620  
FAX (661) 395-2622

January 10, 2018

The Honorable Dan Richard, Chair  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, California 95814

Dear Chairman Richard:

I am writing to express my concerns with the route proposed by the California High Speed Rail Authority (CHSRA) and the impact the route will have on the First Free Will Baptist Church and Bethel Christian School in Bakersfield.

It has come to my attention that the First Free Will Baptist Church and Bethel Christian School along with other organizations will be negatively impacted by the construction of the proposed route from Fresno to Bakersfield. I understand that they have submitted numerous concerns, both in writing and during several public hearings, yet the CHSRA has been unwilling to discuss their concerns regarding air quality, noise, vibration and visual impacts. These impacts will make it nearly impossible to provide an environment that is conducive to learning for our students.

It is extremely concerning to me that despite the documented impacts, the church-school facility has been omitted from the Environmental Impact Report (EIR). Given the nature of the High-Speed Rail project, it is critical that folks in the Central Valley have an opportunity to review and comment on the impact that each proposed project section will have on our community.

Additionally, the church-school legal team has reported a number of violations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). With the church-school CEQA lawsuit making its way through the State judicial system, it is imperative that our constituents have every opportunity to participate in the regulatory process associated with the EIR.

It is clear to me that these proposed plans will adversely affect folks in the Valley. It is my request that you work with the First Free Will Baptist Church and Bethel Christian School to reach a positive resolution.

Note: There is a legal obligation to include this letter as an official comment to the Draft Supplemental EIR/EIS for the Fresno to Bakersfield Project Section and add this documentation to the existing Administrative Record for Case No. 34-2014-80001864.

Sincerely,



ANDY VIDAK  
Senator, 14th District

### California State Senate

SENATOR  
ANDY VIDAK  
FOURTEENTH SENATE DISTRICT



COMMITTEES

VICE CHAIR  
BANKING AND  
FINANCIAL INSTITUTIONS

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GOVERNMENTAL  
ORGANIZATION

NATURAL RESOURCES  
AND WATER

E002-1

## Response to Submission E002 (Andy Vidak, January 10, 2018)

### E002-1

Refer to Standard Response FB-LGA-Response-N&V-01: Schools, FB-LGA-Response-N&V-02: General Assessment Methodology Concerns - Use of FRA Methodology/Criteria.

The commenter expresses concerns with the route proposed by the Authority and the impact the route will have on the First Free Will Baptist Church and Bethel Christian School in Bakersfield. The commenter notes that the church-school facility has been omitted from the Draft Supplemental EIR/EIS environmental scoping and public input process and the analysis in the Draft Supplemental EIR/EIS itself.

The church-school facility has not been omitted from the Draft Supplemental EIR/EIS as the commenter notes. The Draft Supplemental EIR/EIS addresses possible impacts to the First Free Will Baptist Church and Bethel Christian School facilities based on its location within the Project Study Area described in Section 3.1.3.3 of the Draft Supplemental EIR/EIS. The First Free Will Baptist Church and Bethel Christian School are specifically identified in numerous discussions in the Draft Supplemental EIR/EIS, including Section 3.4, Noise and Vibration (Section 3.4.3.2); Section 3.10, Hazardous Materials and Wastes (Table 3.10-2); Section 3.11, Safety and Security (Table 3.11-3 and under Impact S&S #14); Section 3.12, Socioeconomics and Communities (Section 3.12.3.7); and Section 3.16, Aesthetics and Visual Resources (Section 3.16.4.2). Air quality, noise and vibration, and visual impacts are referenced specifically by the commenter; these impacts are addressed in Sections 3.3, 3.4, and 3.16, respectively, of the Draft Supplemental EIR/EIS. Section 3.3, Impact AQ #6 of the Draft Supplemental EIR/EIS, addresses localized air quality impacts during construction to sensitive receptors such as schools. Section 3.4, Impact N&V #3 of the Draft Supplemental EIR/EIS, discusses potential noise impacts to schools and churches. Table 3.4-21 in this section specifically references the Bethel Christian School. Section 3.16, under Impact AVR #5 of the Draft Supplemental EIR/EIS, specifically discusses visual quality effects to the Bethel Christian School.

As discussed in Chapter 9 of the Draft Supplemental EIR/EIS, the Authority has provided extensive public and agency outreach as part of the Supplemental EIR/EIS process, as well as opportunities for public involvement and comment. The public involvement and outreach included preparation and distribution of informational

### E002-1

materials such as fact sheets, informational meetings and open houses, public and agency scoping meetings and hearings, meetings with individuals and groups, workshops regarding the F-B LGA, and briefings to interested and/or affected stakeholders. The Authority will continue to coordinate with private and public sectors during the environmental process and subsequent phases of the project (right-of-way acquisition, regulatory permitting, final design, etc.) in order to address concerns and resolve issues.

A review of Appendix 3.12-C revealed that Bethel Christian School had inadvertently been omitted from Table 3.12-C-2, Schools in the Study Area for the F-B LGA. This mistake has been rectified and revisions to Appendix 3.12-C of the Draft Supplemental EIR/EIS have been made to include Bethel Christian School in Table 3.12-C-2. Refer to Chapter 16 of this Final Supplemental EIR.