

19 Federal Agency Comments

Submission 220 (Sheri Byers, U.S. Fish and Wildlife Service, May 23, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #220 DETAIL

Status : Action Pending
Record Date : 5/23/2019
Submission Date : 5/23/2019
Interest As : State Agency
First Name : Sheri
Last Name : Byers
Submission Content :

220-8 | Project Infoline voice mail message recording attached. Transcribed comments are as follows: "Hi, my name is Sheri Byers (spelling?) and I'm calling from the Sacramento Fish & Wildlife Office and I'm calling in regards to a letter dated April 26, which says the California High-Speed Rail Authority is pleased to announce the availability of the CEQA Central Valley Wye Draft Supplemental Environmental Impact Report. We received 10 copies in our office and I wanted to let you know all of the people you should take off the list who no longer work here. It's such a nice presentation that you have and you guys spent some money doing this, but they're gonna go in the recycle bin because the people don't work here anymore and we've got enough copies to pass on to the right people. So if you could give me a call at (916) 414-6700. Thank you.

Response to Submission 220 (Sheri Byers, U.S. Fish and Wildlife Service, May 23, 2019)

220-8

Comment noted. Thank you.

Submission 223 (Jimmy C CIV CPMS (US) Szeto, Department of Army San Francisco District, Corps of Engineers, May 23, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #223 DETAIL

Status : Action Pending
Record Date : 5/23/2019
Submission Date : 5/23/2019
Interest As : Federal Agency
First Name : Jimmy C CIV CPMS (US)
Last Name : Szeto
Submission Content :

To Whom It May Concern:

223-22 | Our new address has been changed, the following new address has provided below:

Department of Army
San Francisco District, Corps of Engineers
450 Golden Gate Avenue, 4th Floor, Suite 1111
P.O. Box 36152
San Francisco, California 94102-3404

Thanks,
Jimmy

Response to Submission 223 (Jimmy C CIV CPMS (US) Szeto, Department of Army San Francisco District, Corps of Engineers, May 23, 2019)

223-22

Comment noted. Thank you.

Submission 224 (Jimmy C CIV CPMS (US) Szeto, U.S. Army Corp of Engineers, May 23, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #224 DETAIL

Status : Action Pending
Record Date : 5/23/2019
Submission Date : 5/23/2019
Interest As : Federal Agency
First Name : Jimmy C CIV CPMS (US)
Last Name : Szeto
Submission Content :

Hi,

224-23 | If you need to send any mail in the future, please use the new address below.

Thanks,
Jimmy

—Original Message—

From: Szeto, Jimmy C CIV CPMS (US)
Sent: Tuesday, May 14, 2019 3:21 PM
To: spephanie.leach@coastal.ca.gov
Subject: New Address for U.S Army Corp of Engineer San Francisco District

To Stephanie,

I have enclosed the new address for any future mail at the following:

Department of the Army
San Francisco District, Corps of Engineers
450 Golden Gate Avenue, 4th Floor, Suite 1111 P.O. Box 36152 San Francisco, California 94102-3404

Thanks,
Jimmy

Response to Submission 224 (Jimmy C CIV CPMS (US) Szeto, U.S. Army Corp of Engineers, May 23, 2019)

224-23

Comment noted. Thank you.

Submission 227 (Gregor Blackburn, U.S. Dept. of Homeland Security - FEMA Region IX, May 2, 2019)

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



May 2, 2019

Diana Gomez, Central Valley Regional Director
California High Speed Rail Authority
770 L Street, Suite 620, MS-1
Sacramento, California 95814

Dear Ms. Gomez:

This is in response to your request for comments regarding the Availability of Draft Supplemental Environmental Impact Report/Environmental Impact Statement for Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS, California High Speed Rail Report.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the Counties of Fresno (Community Number 065029), Maps revised January 20, 2016, Merced (Community Number 060188), Maps revised December 2, 2008 and Cities of Fresno (Community Number 060048), Maps revised February 18, 2009 and Merced (Community Number 060191), Maps revised December 2, 2008. Please note that the Cities in the Counties of Fresno and Merced, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

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Diana Gomez, Central Valley Regional Director
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May 2, 2019

227-34

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Fresno floodplain manager can be reached by calling Brian T. Leong, Safety Service Manager, at (559) 621-8080. The Fresno County floodplain manager can be reached by calling Augie Ramirez, Deputy County Surveyor, at (559) 600-4266. The Merced floodplain manager can be reached by calling Ken F. Elwin, City Engineer, Public Works Department, at (209) 385-6898. The Merced County floodplain manager can be reached by calling Charles Mendenhall, Floodplain Manager, at (209) 385-7477.

If you have any questions or concerns, please do not hesitate to call Brian Trushinski of the Mitigation staff at (510) 627-7183.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Ken F. Elwin, City Engineer, Public Works Department, City of Merced
Charles Mendenhall, Floodplain Administrator, Merced County
Brian T. Leong, Safety Service Manager, City of Fresno
Augie Ramirez, Deputy County Surveyor, Fresno County
Carlos Blancas, State of California, Department of Water Resources, South Central Region Office
Brian Trushinski, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

www.fema.gov

Response to Submission 227 (Gregor Blackburn, U.S. Dept. of Homeland Security - FEMA Region IX, May 2, 2019)

227-34

As described in Section 3.8, Hydrology and Water Resources, the most current Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (2008) for the areas were reviewed as part of the environmental analysis to assess potential floodplain impacts. The California High-Speed Rail Authority (Authority) also coordinated with local flood control agencies throughout the environmental review process.

As noted in the discussion of Impact HYD#13, implementation of impact avoidance and mitigation features (IAMF) would avoid or minimize any significant flood-related impact. The requirement to notify FEMA of any development-related changes in Special Flood Hazard Areas is noted; however, no such project-related changes are anticipated with construction or operation of any of the Central Valley Wye alternatives.

Submission 264 (Connell Dunning, United States Environmental Protection Agency Region 9, June 20, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #264 DETAIL

Status : Action Pending
Record Date : 6/26/2019
Submission Date : 6/20/2019
Interest As : Federal Agency
First Name : Connell
Last Name : Dunning
Submission Content :
Attachments : 06_20_2019_EPA comments SDEIR_CVY.pdf (134 kb)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105-3901

June 20, 2019

Mark McLoughlin
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Draft Supplemental Environmental Impact Report for the California High Speed Rail
Merced to Fresno: Central Valley Wye Section

Dear Mr. McLoughlin-

Throughout development of the Draft Supplemental Environmental Impact Report (DSEIR) for the Merced to Fresno: Central Valley Wye Section of California High Speed Rail, EPA has appreciated the commitment of the California High Speed Rail Authority (CHSRA) to work closely with state and federal resource and regulatory agencies to address concerns early and avoid and minimize impacts to environmental resources. Through a collaborative approach of monthly agency meetings and iterative reviews, EPA has had the opportunity to provide feedback and have our comments addressed through multiple revisions to the environmental document. We are particularly encouraged to see the addition of a robust set of commitments to address concerns from the community of Fairmead, as outlined in the Environmental Justice chapter of the DSEIR. EPA has no additional comments on the DSEIR. We look forward to continued collaboration with your agency as project design progresses to identify further avoidance and minimization measures, and finalize a compensatory mitigation plan for any unavoidable impacts to wetlands and waters of the U.S.

264-381 | At this time, we understand that no Draft Supplemental Environmental Impact Statement (DSEIS) for this section has yet been formally filed by the Federal Railroad Administration (FRA) pursuant to the National Environmental Policy Act (NEPA). In accordance with EPA's review and comment responsibilities under NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act, EPA will provide additional formal comments on the Merced to Fresno: Central Valley Wye Section of California High Speed Rail following FRA's publication of the DSEIS for the project. We continue to be committed to early interagency coordination to expedite environmental review and permitting while improving environmental and community outcomes on this project. We encourage CHSRA and FRA to strive to publish combined EIR/EISs for the environmental reviews of the remaining sections of the California High Speed Rail project.

We also understand that CHSRA has applied to the Department of Transportation for the assumption of federal environmental responsibilities (including NEPA and other federal environmental laws) pursuant to the FAST Act, and that a final application and draft memorandum of understanding was published in

Submission 264 (Connell Dunning, United States Environmental Protection Agency Region 9, June 20, 2019) - Continued

264-381 | the Federal Register on May 2, 2018. Should this assumption take effect prior to the release of the DSEIS, EPA will provide our comments on the DSEIS to CHSRA. When the DSEIS for this project section is available for review, please provide a copy to Clifton Meek, the lead reviewer for this project, at the same time the DSEIS is formally filed online. Mr. Meek can be reached by phone at 415-972-3370 or by email at meek.clifton@epa.gov.

Sincerely,



Connell Dunning, Acting Manager
Environmental Review Branch
Tribal, Intergovernmental & Policy Division

Cc via email:

Stephanie Perez-Arrieta, Federal Railroad Administration
Marlys Osterhues, Federal Railroad Administration
Andrew Bayne, California High Speed Rail Authority
Audrey Van, California High Speed Rail Authority
Serge Stanich, California High Speed Rail Authority
Zachary Fancher, U.S. Army Corps of Engineers
Susan Meyer Gayagas, U.S. Army Corps of Engineers

Response to Submission 264 (Connell Dunning, United States Environmental Protection Agency Region 9, June 20, 2019)

264-381

The Authority assumed National Environmental Policy Act (NEPA) Assignment on July 23, 2019, with execution of a Memorandum of Understanding (MOU) pursuant to 23 United States Code Section 327 between the State of California and the Federal Railroad Administration (FRA).

In September 2019, the Authority pursuant to the terms of that NEPA Assignment MOU circulated the Draft Supplemental Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for a 45-day NEPA review period. The Authority issued a copy of the Draft Supplemental EIR/EIS to the U.S. Environmental Protection Agency (USEPA), Region 9, during the California Environmental Quality Act (CEQA) review period and, following coordination with USEPA for the NEPA review period, USEPA confirmed that a full hard copy version did not need to be reissued for NEPA review. This Final Supplemental EIR/EIS is being issued by the Authority pursuant to the terms of the MOU, as will be the Supplemental Record of Decision for the Final Supplemental EIR/EIS.

Submission 265 (Allison Jacobson, U.S. Bureau of Reclamation, Mid-Pacific Region, June 24, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #265 DETAIL	
Status :	Action Pending
Record Date :	6/26/2019
Submission Date :	6/24/2019
Interest As :	Federal Agency
First Name :	Allison
Last Name :	Jacobson
Submission Content :	
Attachments :	USBR Comment on the CVY Supplemental EIR_EIS.PDF (181 kb)

Kong, Dennis@HSR

From: Jacobson, Allison <ajacobson@usbr.gov>
Sent: Monday, June 24, 2019 12:15 PM
To: Kong, Dennis@HSR
Subject: Fwd: High Speed Rail CVY Environmental Report

Hi Dennis,

265-382

Please see the forwarded message for USBR's comments on the CVY document. There were no specific comments for the FB LGA document. There was a general question about how a Final SEIS and supplemental ROD be issued by the Authority without a Federal lead agency. Also, what is a supplemental ROD?

Thank you,

Allison Jacobson

Project Manager, Division of Planning
 U.S. Bureau of Reclamation, Mid-Pacific Region
 2800 Cottage Way, MP-730
 Sacramento, CA 95825
 Office: 916-978-5075
 Cell: 916-200-6353

----- Forwarded message -----

From: LeFevre, Jamie <jlefevre@usbr.gov>
Date: Fri, Jun 21, 2019 at 12:49 PM
Subject: Re: High Speed Rail CVY Environmental Report
To: Jacobson, Allison <ajacobson@usbr.gov>

Hi Allison,

265-383

The FBLGA EIS/EIR had a nice summary of Reclamation action and I liked that they spelled out impacts to our facilities are analyzed in the EIS/EIR. The FBLGA document stated as "The Bureau of Reclamation (Reclamation) may issue rights of entry permits for pedestrian surveys and ground disturbing investigations, such as geotechnical investigations, or other information gathering activities. It may grant temporary construction permits for the relocation of facilities and equipment such as pipes, canals, and pumps. If the facilities are relocated outside of Reclamation's ownership, the Authority will acquire any needed land rights necessary for future operations and maintenance needs and/or relocated Reclamation features. After construction, the Authority will transfer to Reclamation necessary land rights. Reclamation will grant or transfer land rights as appropriate to the Authority. The HSR alignment crosses Reclamation lands and facilities, one of which is the Friant-Kern Canal. Impacts to Reclamation facilities within the F-B LGA project footprint are analyzed in this Final Draft Supplemental EIR/EIS."

I would be nice if some of that language can be incorporated into the CVY EIS/EIR.
 Jamie

Submission 265 (Allison Jacobson, U.S. Bureau of Reclamation, Mid-Pacific Region, June 24, 2019) - Continued

On Fri, May 10, 2019 at 12:25 PM Jacobson, Allison <ajacobson@usbr.gov> wrote:
Hi All,

The CA High Speed Rail Authority released the Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS for comment. This report was released for CEQA review, but NEPA content is included in the report. I attached the letters that accompany the report. The letter provides the website to access the documents.

Even though the report has not been officially published for NEPA, should USBR review and provide comment to make sure USBR's actions are covered under future drafts of the report? Please let me know what you think.

Comments are due June 20, 2019. If we need to schedule a phone call to discuss, let me know.

Jamie and Rain - The LGA Draft Final Supplemental EIS/EIR is a separate document that is also available for review. The link to the document was provided in a prior email. The comment period for this document closes on June 13th.

Have a great weekend!

Allison Jacobson

Project Manager, Division of Planning
U.S. Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, MP-730
Sacramento, CA 95825
Office: 916-978-5075
Cell: 916-200-6353

—
Jamie LeFevre,
Natural Resources Specialist
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, Sacramento, California 95825
(916) 978-5035
jlefevre@usbr.gov

Response to Submission 265 (Allison Jacobson, U.S. Bureau of Reclamation, Mid-Pacific Region, June 24, 2019)

265-382

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.C. 327 and a Memorandum of Understanding dated July 23, 2019 and executed by the Federal Railroad Administration and the State of California.

This Final Supplemental EIR/EIS is being issued by the Authority pursuant to the terms of that delegation agreement, as will be the Supplemental Record of Decision for the Final Supplemental EIR/EIS. As discussed in Chapters 1 and 2 of the Draft Supplemental EIR/EIS, in 2012 the Authority and FRA deferred a decision on the "wye connection," the east-west connection between the San Jose to Merced Project Section to the west and the north-south Merced to Fresno Project Section to the east, and committed to further exploration of the alternatives.

This Final Supplemental EIR/EIS provides that further evaluation by describing and analyzing four Central Valley Wye alternatives to connect the San Jose to Merced and the Merced to Fresno Project Sections.

Because the Central Valley Wye Final Supplemental EIR/EIS tiers from the Merced to Fresno Final EIR/EIS, the Authority anticipates issuing a Supplemental Record of Decision to document the selection of the Preferred Alternative from among the alternatives studied in the Draft and Final Supplemental EIR/EIS, thereby completing the alignment selection for the Merced to Fresno Section of the high-speed rail (HSR) system.

265-383

The comment is noted.

Please see Appendix 3.6-C for a depiction of all Central Valley Wye alternatives relative to proposed crossings of Bureau of Reclamation facilities at fee and easement locations.

As discussed in Section 3.8, Hydrology and Water Resources, of the Draft Supplemental EIR/EIS, during the initial design of the Merced to Fresno Project Section, the Authority took part in a coordination meeting on June 6, 2011, with the Bureau of Reclamation and the California Department of Water Resources. During this meeting, it was determined that the design of the Central Valley Wye alternatives would not conflict with the San Joaquin River Restoration Project (SJRRP). Additionally, in December 2017, the Authority met with USBR to identify which facilities that would be crossed by the project are Bureau of Reclamation-owned. The Authority again met with Bureau of Reclamation multiple times in 2018, with discussions focused primarily on the SJRRP.

As the design has progressed, the Authority has continued working with the implementing agencies of the SJRRP to avoid any Central Valley Wye alternatives-related impacts on the goals of the SJRRP or impacts from the interim flows provided by the SJRRP on the HSR crossings of the San Joaquin River.

Submission 279 (Erin Strange, NOAA Fisheries West Coast Region, September 17, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #279 DETAIL	
Status :	Action Pending
Record Date :	9/19/2019
Submission Date :	9/17/2019
Interest As :	Federal Agency
First Name :	Erin
Last Name :	Strange
Submission Content :	
Attachments :	2019-09-16_HSR_M2F_CVY_NEPACommentLetter_NMFS.pdf (135 kb)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

Ref No. WCRO-2018-00285

September 16, 2019

Mark McLoughlin
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, California 95814

RE: Response to California High Speed Rail Authority NEPA-Only Release and Public Notice of Availability/Public Hearing on the Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Environmental Impact Statement

Dear Mr. McLoughlin:

NOAA's National Marine Fisheries Service (NMFS) received your public notice of availability and public hearing on the draft supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the California High Speed Rail (HSR) Merced to Fresno Section: Central Valley Wye project component on September 10, 2019. Thank you for the opportunity to provide comments on the potential impacts of your proposed action.

279-655

On September 3, 2019, NMFS issued a combination biological opinion and essential fish habitat consultation regarding the potential adverse effects and impacts of the Merced to Fresno HSR section (including the Central Valley Wye component) on species and habitats under NMFS jurisdiction, entitled "Endangered Species Act Section 7(a)(2) Biological and Conference Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response, for the California High Speed Rail Merced to Fresno Section, including the Central Valley Wye (NMFS No. WCR-2018-10897/WCRO-2018-00285)". Our comments and conservation concerns regarding this HSR segment are contained in that document, NMFS does not anticipate the need to provide further comment on the HSR Merced to Fresno Section: Central Valley Wye EIR/EIS, since such comments would be duplicative. However, if the proposed action changes in a substantive way, or new information surfaces about the needs of our listed fish species, of course our biological opinion about your proposed action may require revision. Please notify our office as soon as possible and request reinitiation of the consultation pursuant to Section 7 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq) when such a situation is expected to occur.



Submission 279 (Erin Strange, NOAA Fisheries West Coast Region, September 17, 2019) - Continued

2

Please continue to direct questions regarding this topic to Katherine Schmidt, in the California Central Valley Office, at (916) 930-3685, or by email at katherine.schmidt@noaa.gov.

Sincerely,


Erin Strange
Branch Supervisor
San Joaquin River Branch

cc: To the file 151422-WCR2018-SA00467

Audrey Van, California High Speed Rail, audrey.van@hsr.ca.gov
John Hunter, California High Speed Rail, john.hunter@hsr.ca.gov
Serge Stanich, California High Speed Rail, serge.stanich@hsr.ca.gov

Response to Submission 279 (Erin Strange, NOAA Fisheries West Coast Region, September 17, 2019)

279-655

Comment noted.

The Final Supplemental EIR/EIS acknowledges National Marine Fisheries Service's issuance of a combined biological opinion and essential fish habitat consultation. The Final Supplemental EIR/EIS further acknowledges the United States Fish and Wildlife Service's issuance of a biological opinion concerning terrestrial species.

Several mitigation measures were added to the Supplemental EIR/EIS as a result of the biological opinion/essential fish habitat consultation; these include BIO-MM#8a, establishing work windows for fish; BIO-MM#8b, requiring underwater sound pressure attenuation measures during pile driving activities; and BIO-MM#8c, requiring measures to minimize impacts on fish during water diversions. An additional measure, BIO-MM#8d, requiring a fish rescue plan, was in the Draft Supplemental EIR/EIS (this measure was BIO-MM#8 in the draft) but was modified to clarify the required contents of the plan, including timing, minimization measures, and monitoring and reporting requirements

Submission 280 (Gregor Blackburn, U.S. Department of Homeland Security FEMA Region IX, September 12, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #280 DETAIL	
Status :	Action Pending
Record Date :	9/30/2019
Submission Date :	9/12/2019
Interest As :	Federal Agency
First Name :	Gregor
Last Name :	Blackburn
Submission Content :	
Attachments :	2019-09-12_HSR_M2F_CVY_NEPACommentLetter_FEMA.pdf (74 kb)

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



September 12, 2019

Diana Gomez, Central Valley Regional Director
and
Mark A. McLoughlin, Director
California High Speed Rail Authority
770 L. Street, Suite 620
Sacramento, California 95814

Dear Ms. Gomez and Mr. McLoughlin:

This is in response to your request for comments regarding Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Environmental Impact Statement Public Notice, NOA/Notice of Public Hearing (NEPA-Only Release and Notice California High Speed Rail Authority).

280-656

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the Counties of Merced (Community Number 060188), Maps revised December 2, 2008 and Fresno (Community Number 065029), Maps revised January 20, 2016. Please note that the Counties of Merced and Fresno, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

Submission 280 (Gregor Blackburn, U.S. Department of Homeland Security FEMA Region IX, September 12, 2019) - Continued

Diana Gomez, Central Valley Regional Director
Mark A. McLoughlin, Director of Environmental Service
Page 2
September 12, 2019

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

280-657

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Merced County floodplain manager can be reached by calling Charles Mendenhall, Floodplain Administrator, at (209) 385-7477. The Fresno County floodplain manager can be reached by calling Augie Ramirez, Deputy County Surveyor, at (.

If you have any questions or concerns, please do not hesitate to call Patricia Rippe of the Mitigation staff at (510) 627-7015.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Charles Mendenhall, Floodplain Administrator, Merced County
Augie Ramirez, Deputy County Surveyor, Fresno County
State of California, Department of Water Resources, South Central Region Office
Patricia Rippe, Sr. NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

www.fema.gov

Response to Submission 280 (Gregor Blackburn, U.S. Department of Homeland Security FEMA Region IX, September 12, 2019)

280-656

As described in Section 3.8, Hydrology and Water Resources, the most current FEMA Flood Insurance Rate Maps (2008) for the areas were reviewed as part of the environmental analysis to assess potential floodplain impacts.

As noted in the discussion of Impact HYD#13, implementation of IAMFs would avoid or minimize any significant flood-related impact. The requirement to notify FEMA of any development-related changes in Special Flood Hazard Areas is noted; however, no such project-related changes are anticipated with construction or operation of any of the Central Valley Wye alternatives.

The commenter indicates that Fresno County maps were revised on January 20, 2016. However, because the rail alignments of the Central Valley Wye do not pass through Fresno County, these maps were not used to conduct the analysis. As shown on Figure 2-15, the only elements of the Preferred Alternative (or any of the Central Valley Wye Alternatives) within Fresno County are network upgrades to an existing electric transmission line corridor (El Nido Oro Loma Panoche Junction).

280-657

The comment is noted and does not raise any issue with any of the conclusions of the Draft Supplemental EIR/EIS.

Submission 285 (Janet Whitlock, United States Department of the Interior, October 24, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #285 DETAIL

Status : Action Pending
 Record Date : 10/24/2019
 Submission Date : 10/24/2019
 Interest As : Federal Agency
 First Name : Janet
 Last Name : Whitlock
 Submission Content :

Please see the attached comment letter from the Department of the Interior.

Janet Whitlock
 Regional Environmental Officer, CA, NV, AZ and Pacific Islands (Regions 8, 10, and 12)
 Office of Environmental Policy and Compliance
 US Department of the Interior
 333 Bush Street, Suite 515
 San Francisco, CA 94104
 (415) 296-3355 (work)
 (415) 420-0524 (cell)
 Attachments : 19-0191 High Speed Rail DOI letter final.pdf (491 kb)



United States Department of the Interior

OFFICE OF THE SECRETARY
 Office of Environmental Policy and Compliance
 333 Bush Street, Suite 515
 San Francisco, California, 94104

In Reply Refer To:
 19-0191

Filed electronically

October 24, 2019

CentralValley.Wye@hsr.ca.gov
 California High-Speed Rail Authority
 770 L Street, Suite 620 MS-1
 Sacramento, CA 95814

Subject: Merced to Fresno Section: Central Valley Wye, Draft Supplemental Environmental Impact Report/Environmental Impact Statement, California

To Whom it May Concern:

The U.S. Department of the Interior (Department) has reviewed the *Merced to Fresno Section: Central Valley Wye, Draft Supplemental Environmental Impact Report/Environmental Impact Statement* (DSEIR/EIS), dated January 2018. The document was prepared as a supplement to the 2012 Final EIR/EIS for the Merced to Fresno Section of the California High-Speed Rail Project, which was certified/approved by the California High Speed Rail Authority as California Environmental Quality Act (CEQA) lead agency and by the Federal Railroad Administration (FRA) as the National Environmental Policy Act lead agency.

285-658


Section 4(f) and Section 106 Evaluation

Three Section 4(f) properties are present in the Central Valley Wye alternatives resource study areas for recreational and cultural resources: one outdoor play area (at the Fairmead Elementary School) and two historic resources (the Chowchilla Canal and Robertson Boulevard Tree Row). Because all of the Central Valley Wye alternatives considered would result in a Section 4(f) use of the Robertson Boulevard Tree Row, and that use is not *de minimis*, the FRA completed a Section 4(f) evaluation, which considers the potential for feasible and prudent avoidance alternatives and includes a least-harm analysis. The FRA has preliminarily concluded there are no feasible and prudent avoidance alternatives for the Robertson Boulevard Tree Row and the SR 152 (North) to Road 11 Wye Alternative is the alternative that causes the least overall harm. As with the other SR 152 alternatives, SR 152 (North) to Road 11 Wye Alternative would remove trees at a location that has been previously disturbed, but would also result in the fewest linear feet of disturbance among all the Central Valley Wye alternatives. The FRA and the Authority are continuing coordination, as appropriate, with the State Historic Preservation Office. During the FRA's consideration of its decision and during final design, additional measures to minimize harm may be agreed on to further reduce potential impacts on Section 4(f) properties.

Submission 285 (Janet Whitlock, United States Department of the Interior, October 24, 2019) - Continued

The Department of the Interior agencies concur with the DSEIR/EIS 4(f) evaluation. Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact Ellen McBride with the US Fish and Wildlife Service at (916) 414-6593 or Ellen_McBride@fws.gov. For all other questions, please contact me at (415) 420-0524.

Sincerely,



Janet L. Whitlock
Regional Environmental Officer

Cc:
Shawn Alam, DOI
Ellen McBride, FWS

Response to Submission 285 (Janet Whitlock, United States Department of the Interior, October 24, 2019)

285-658

The Authority appreciates the comment indicating concurrence with the Section 4(f) determinations.

Submission 287 (Connell Dunning, United States Environmental Protection Agency Region 9, October 24, 2019)

Merced - Fresno 2014+; Central Valley Wye - RECORD #287 DETAIL

Status : Action Pending
Record Date : 10/25/2019
Submission Date : 10/24/2019
Interest As : Federal Agency
First Name : Connell
Last Name : Dunning
Submission Content :
Attachments : 2019-10-24_CVY_NEPACommentLetter_EPA.pdf (141 kb)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105-3901

October 24, 2019

Mark McLoughlin
Director of Environmental Services
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Draft Supplemental Environmental Impact Statement for the California High Speed Rail Merced to Fresno Section: Central Valley Wye (CEQ# 20190220)

Dear Mr. McLoughlin-

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Statement (DSEIS) for the California High Speed Rail Merced to Fresno Section: Central Valley Wye. Our review was completed pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act. We note that effective October 22, 2018, EPA no longer includes ratings in our comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

287-659 Throughout development of the DSEIS, EPA has appreciated the commitment of the California High Speed Rail Authority to work closely with state and federal resource and regulatory agencies to address concerns early and avoid and minimize impacts to environmental resources. Through a collaborative approach of monthly agency meetings and iterative reviews, EPA has had the opportunity to provide feedback and have our comments addressed through multiple revisions to the environmental document. We are particularly encouraged to see the addition of a robust set of commitments to address concerns from the community of Fairmead, as outlined in the Environmental Justice chapter of the DSEIS. EPA has no further comments on the DSEIS. We look forward to continued collaboration with your agency as project design progresses to identify further avoidance and minimization measures, and to finalize a compensatory mitigation plan for any unavoidable impacts to wetlands and waters of the U.S. When the Final SEIS for this project section is available for review, please provide a copy to Clifton Meek, the lead reviewer for this project, at the same time the Final SEIS is formally filed online. Mr. Meek can be reached by phone at 415-972-3370 or by email at meek.clifton@epa.gov.

Submission 287 (Connell Dunning, United States Environmental Protection Agency Region 9, October 24, 2019) - Continued

Sincerely,



Connell Dunning, Acting Manager
Environmental Review Branch
Tribal, Intergovernmental & Policy Division

Cc via email:

Andrew Bayne, California High Speed Rail Authority
Serge Stanich, California High Speed Rail Authority
Dan McKell, California High Speed Rail Authority
Zachary Fancher, U.S. Army Corps of Engineers
Susan Meyer Gayagas, U.S. Army Corps of Engineers

Response to Submission 287 (Connell Dunning, United States Environmental Protection Agency Region 9, October 24, 2019)

287-659

The comment is noted and does not indicate any specific concern regarding any of the conclusions in the Draft Supplemental EIR/EIS.

Submission 313 (Connell Dunning, United States Environmental Protection Agency Region 9, April 22, 2020)

Merced - Fresno 2014+; Central Valley Wye - RECORD #313 DETAIL	
Status :	Action Pending
Record Date :	4/23/2020
Submission Date :	4/22/2020
Interest As :	Federal Agency
First Name :	Connell
Last Name :	Dunning
Submission Content :	
Attachments :	2020-04-22_EPA_Comments_HSR_CVY_SDSEIS.pdf (232 kb)



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

April 22, 2020

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

Subject: Merced to Fresno Section: Central Valley Wye Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement [CEQ# 20200091]

Dear Mr. McLoughlin,

The U.S. Environmental Protection Agency has reviewed the Merced to Fresno Section: Central Valley Wye Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement. Our review is provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

313-856

This SDSEIS was prepared as a limited revision to the previously published DSEIS, for which we provided comments in an October 24, 2019 letter. The focus of this limited revision SDSEIS is to provide background information, impact analysis, and mitigation measures for the Crotch bumble bee (*Bombus crotchii*) following its listing as a candidate species for endangered status under the California Endangered Species Act. Based upon our review, the EPA has no comments on the revisions included in this SDSEIS. We look forward to continued collaboration with your agency as project design progresses to identify additional avoidance and minimization measures and to finalize a compensatory mitigation plan. When the Final SEIS for this project section is available for review, please provide a copy to Clifton Meek, the lead reviewer for this project, at the same time the Final SEIS is formally filed online. Mr. Meek can be reached by phone at 415-972-3370 or by email at meek.clifton@epa.gov.

Sincerely,

For Jean Prijatel, Manager
Environmental Review Branch

CC Via Email: Andrew Bayne, California High Speed Rail Authority
Dan McKell, California High Speed Rail Authority

Response to Submission 313 (Connell Dunning, United States Environmental Protection Agency Region 9, April 22, 2020)

313-856

The Authority appreciates the commenter's review of the Supplemental Draft EIR/EIS.

The Authority has noted the commenter's request to provide a copy of the Final Supplemental EIR/EIS to Clifton Meek at EPA.