

US EPA ARCHIVE DOCUMENT



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

May 27, 2014

David Valenstein
Federal Railroad Administration
1200 New Jersey Avenue, SE
Mail Stop 20, W38-219
Washington, DC 20590

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

Subject: Final Environmental Impact Statement for the California High-Speed Rail System,
Fresno to Bakersfield Section (CEQ# 20140125)

Dear Mr. Valenstein and Mr. McLoughlin:

Thank you for the opportunity to review the Final Environmental Impact Statement for the Fresno to Bakersfield Section of the California High-Speed Rail System. We completed our review 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. If planned well, a HSR system can serve as an important catalyst for strengthening regional connectivity and economic centers, as well as providing environmental benefits, including reduced vehicle emissions.

Through programmatic and project-level environmental analysis for the high speed rail system, EPA has coordinated with Federal Railroad Administration and California High-Speed Rail Authority following decision checkpoints and a coordination strategy defined in an agreement between EPA, U.S. Army Corps of Engineers, FRA, and CHSRA (*Integrated National Environmental Policy Act and Clean Water Act Section 404 Memorandum of Understanding*). Materials from this process are available on CHSRA's website for public review. Extensive early coordination on the development of the EIS for the Fresno to Bakersfield section resulted in early identification of potential issues and efficiencies in the environmental review process. In addition, CHSRA is promoting environmental sustainability through aggressive goals and policies described on their website and through a partnership with EPA, FRA, U.S. Department of Housing and Urban Development, Federal Transit Administration, and California Strategic Growth Council under the *Memorandum of Understanding for Achieving an Environmentally Sustainable HSR System for California*, signed in September 2011.

EPA commented on this project through an October 13, 2011 letter in response to the Draft EIS, a May 16, 2012 letter in response to the Administrative Supplemental Draft EIS, an October 19, 2012 letter in response to the Supplemental Draft EIS, and a February 21, 2014 memorandum in response to the Administrative Final EIS. We rated the Draft and Supplemental Draft EISs *Environmental Concerns – Insufficient Information* based on aquatic resources, air quality, environmental justice, health, and community impacts. We thank FRA and CHSRA for addressing comments we made in our letters and throughout the early coordination process. While this statewide project will have large impacts on aquatic resources, communities, farmland, and other resources, we appreciate FRA and CHSRA's

commitments in the Final EIS to minimize and mitigate impacts anticipated in the Fresno to Bakersfield section. We understand that CHSRA will continue to work with affected residents, businesses, farmers, and cities as the project moves forward. In the enclosed detailed comments, please find recommendations for aquatic resource mitigation, general conformity, and measures to reduce valley fever exposure.

Thank you for the opportunity to review the Final EIS for the Fresno to Bakersfield Section of the California HSR system. We look forward to further collaboration to reduce impacts and maximize benefits from the statewide system. When the Record of Decision is signed, please send a copy to the address above (mail code: ENF-4-2). If you have any questions, please contact Connell Dunning, the lead reviewer for this project, at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

/S/

Lisa B. Hanf, Assistant Director
Enforcement Division

Enclosures: EPA's Detailed Comments

Cc via email:

Michael Jewell, U.S. Army Corps of Engineers
Leslie Rogers, Federal Transit Administration
Vincent Mammano, Federal Highway Administration
Ophelia B. Basgal, U.S. Department of Housing and Urban Development
Dan Russell, U.S. Fish and Wildlife Service
Ken Alex, Governor's Office of Planning and Research
Mike McCoy, Strategic Growth Council
Matt Rodriguez, California EPA
Kurt Karperos, California Air Resources Board
Seyed Sadredin, San Joaquin Valley Air Pollution Control District
Garth Fernandez, California Department of Transportation
Diana Dooley, California Health and Human Services
John Laird, California Natural Resources
Julie Vance, California Department of Fish and Wildlife
Mark Nechodom, California Department of Conservation
Paul Romero, California Department of Water Resources
Bill Orme, State Water Resources Control Board

AQUATIC RESOURCE MITIGATION

According to the Final Environmental Impact Statement, the project would directly impact 151.14 acres of waters of the U.S, including approximately 17 acres of vernal pools. We understand that the California High-Speed Rail Authority intends to fully offset these impacts and is in the process of developing a Final Compensatory Mitigation Plan. We believe that continued coordination between the Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Federal Railroad Administration, and CHSRA will facilitate efficiency in the permitting process.

Consistent with our March 27, 2014 comments in response to the Public Notice for the Clean Water Act Section 404 permit, we offer the following recommendations:

- Please continue to work with EPA, Corps, and FWS on the Final Mitigation Plan for the entire Fresno to Bakersfield section, and provide EPA with early versions of the Final Mitigation Plan for our review and comment.
- Use CHSRA's "Watershed Approach" document (from Checkpoint C under the NEPA/404 MOU) as the foundation for the scope and character of aquatic resource mitigation activities described in the Final Mitigation Plan.
- Maintain a preference hierarchy of mitigation activities. Priority should be given to offsetting unavoidable impacts with reestablishment of in-kind aquatic resources within their impacted watershed.
- Scale mitigation acreage using the Corps' *Standard Operating Procedures for Mitigation Ratios and Uniform Performance Standards*.
- Clearly define circumstances when compensatory mitigation will be provided for indirect impacts.

GENERAL CONFORMITY

Thank you for including the Draft General Conformity Determination in the Final EIS. As EPA, FRA, and CHSRA discussed on a May 5, 2014 conference call, EPA believes clarifying text should be added to the Final General Conformity Determination to address the following two issues.

- It is our understanding that CHSRA plans to fully offset emissions for every year of construction in the San Joaquin Valley Air Basin. Please add text to the Final General Conformity Determination to clearly state that these emissions will be fully offset (to net zero). This commitment would help address the concern that the combined emissions from two or more HSR sections within a single air basin could cumulatively exceed de minimis levels.
- The FEIS and the Draft General Conformity Determination explain that FRA cannot yet determine whether emissions from material hauling will exceed conformity thresholds in neighboring air basins. Please add text to the Final General Conformity Determination to clearly state that: (1) this Determination is not intended to fulfill general conformity requirements for neighboring air basins, and (2) separate general conformity determinations will be conducted for project impacts in neighboring air basins if required under the General Conformity Rule (Clean Air Act Section 176(c)(4), revised March 24, 2010).

VALLEY FEVER

Coccidioidomycosis, commonly called valley fever, is a fungal infection with the main exposure pathway being inhalation of fungal spores. It is endemic to the soils within the project area for the Fresno to Bakersfield HSR alignment. Fungal spores can live for long periods of time in soil under harsh environmental conditions including heat, cold, and drought and can be released into the air when soil containing the fungus is disturbed, either by strong winds or activities such as farming or construction. Most people who are exposed to the fungus do not get sick, but some people develop flu-like symptoms, and on rare occasions develop more severe conditions, such as meningitis or even death. Early diagnosis and treatment is critical to preventing more serious conditions. Because this project will be a new alignment disturbing soils along 117 miles, EPA recognizes that valley fever is an important health consideration for this project.

CHSRA and FRA have committed to implement best practices to minimize and mitigate dust during construction, which will help prevent the spread of valley fever. Based on communication between EPA and FRA during April and May 2014, it is our understanding that FRA plans to make additional commitments in the Record of Decision to minimize valley fever health risks from the HSR project, including:

- Prior to construction, provide information on causes, preventive measures, symptoms, and treatments for valley fever to individuals who could potentially be exposed through construction activities (i.e., construction workers).
- Continue outreach and coordination with the California Department of Public Health to ensure that the above referenced information concerning valley fever is readily available to nearby residents, schools, and businesses.
- Conduct additional modeling of the potential for operations to increase exposure risks to valley fever for workers within the right-of-way and the general public outside of the right-of-way. If increased risks are found, take all practicable measures to avoid, minimize, and mitigate risks through educational programs and additional dust suppressant measures.

EPA strongly supports these measures, and we appreciate FRA and CHSRA's commitment to reducing health risks from valley fever.