

Chapter 15. Introduction

This introduction explains the organization of and how to use Volume 4, Responses to Public Comments, of the Merced to Fresno High-Speed Train Final Environmental Impact Report / Environmental Impact Statement (EIR/EIS).

15.1 Standard Responses to Frequently Raised Comments

As part of the public review process for the August 2011 Draft EIR/EIS, the Authority and FRA received approximately 900 written comment letters and verbal comments at public hearings containing approximately 2,000 individual comments on the Draft EIR/EIS and on the proposed project generally. The table in Chapter 16 (Standard Responses) lists the Standard Responses that are intended to provide broad responses to the most frequently raised issues, and to supplement individual responses to comments.

15.2 Individual Responses to Written and Verbal Comments

Following the standard responses, the Authority is providing responses to individual written and verbal comments. The individual letters and comments included and addressed in this volume are organized and numbered as follows:

- Federal Agencies (Chapter 17)
- State Agencies (Chapter 18)
- Local Agencies (Chapter 19)
- Business and Organization Comments (Chapter 20)
- Individual Comments by Name A-C (Chapter 21)
- Individual Comments by Name D-F (Chapter 22)
- Individual Comments by Name G-J (Chapter 23)
- Individual Comments by Name K-M (Chapter 24)
- Individual Comments by Name N-R (Chapter 25)
- Individual Comments by Name S-U (Chapter 26)
- Individual Comments by Name V-Y (Chapter 27)
- Public Meeting and Hearing Comments (Chapter 28)
- Federal Agency Comments Received After the Close of the Comment Period (Chapter 29)
- State Agency Comments Received After the Close of the Comment Period (Chapter 30)
- Local Agency Comments Received After the Close of the Comment Period (Chapter 31)
- Statewide Comments (Chapter 32)

Each written submission and oral presentation can be found under the appropriate category, by name, or if representing an organization, the name of their organization. If a commenter gave oral or written testimony at one of the public hearings, they will find their comments, submissions, and responses under "Public Hearing Comments." Each written comment letter sent to the California High-Speed Rail Authority (Authority) or the Federal Railroad Administration (FRA) was assigned a number. For example, the United States Coast Guard comment letter is found in Chapter 17, "Federal Agencies," and its comment letter has been designated as Submission 366. Each comment letter and public hearing transcript has brackets in the left-hand margin with identification numbers for each comment. Some letters or oral statements have been treated as a single comment, whereas in other submissions multiple comments have been identified, which have been numbered and responded to individually. Again, using the United States Coast Guard as an example, one comment was identified in this comment letter (Comment 366-1). The

responses to comment(s) are located at the end of each letter or transcript. Each response is labeled with the letter/testimony identifier and comment number (such as 366-1) that relates back to that particular bracketed comment.

Some comments from the same agency, organization, or individual were submitted more than once (e.g., letter was first faxed and then mailed). These duplicate comment letters are included only once and are not repeated multiple times in this volume.

15.3 Comments Received after the Close of the Comment Period

After the close of the Draft EIR/EIS public comment period on October 13, 2011, the FRA and Authority received a number of late comments from individuals and public agencies. The late comments were reviewed, and summaries of the comments appear below, along with general responses, for individuals and then by agency. Most responses to comments can be found in the Master Responses, located in the beginning of Volume IV. No new issues were raised by the individuals who submitted late comments. The letters from agencies are included and appear after the summary of general responses.

15.3.1 Summary of Comments Received from Individuals

The non-agency comments received after the comment period were from individuals or groups living, working, or with property interests in the project study area. Many of them expressed opinions about the project or its alternatives, including statements that the cost of the project is too high and that money would be better spent on highway improvements. One commenter questioned why magnetic levitation technology was not evaluated. This technology was previously evaluated and dismissed in the Program EIR/EISs and referred to in Chapters 1 and 2 of the Merced to Fresno Section EIR/EIS.

Several commenters expressed concerns related to property impacts. Comments regarding property impacts included statements that the EIS/EIR did not fully recognize the importance of the Madera County agricultural community and rural lifestyle, including failure to consider impacts on water distribution systems. The analysis of water distribution systems is covered in Section 3.6, Public Utilities and Energy. Several commenters also expressed concerns related to the property acquisition process and questioned how homeowners would be compensated if the fair market value of the property is less than the amount paid when the property was originally purchased. MF-Response-SOCIAL-1 and 2, found in Chapter 16 of Volume IV, responds to this comment. Additionally, there was a request to remove the "Dejager-Harris" property from consideration as an HMF site (this is already noted in the Chapter 2 of the Final EIR/EIS) and a request that UPRR/SR 99 Alternative (A2) be dropped from consideration due to impacts on the Orchard Pointe Estates subdivision.

Environmental Justice was also a concern for a commenter who included a request that the EIR/EIS be revised to include an analysis of potential effects from diesel engine pollution, which is not the train technology under consideration in this EIR/EIS. Additionally, this commenter suggested mitigation, including a request to establish a medical center and/or hospital, local workforce development and training, loans and grants for business relocations, and interim transportation alternatives for communities during construction, which are outside the area of responsibilities of FRA and the Authority.

The Central Valley Education Coalition expressed several concerns regarding the project's impact on schools and the community, including student safety issues, home to school transportation difficulties related to bus routes, student walking routes, and parental access by car. Concerns related to school issues are addressed in Section 3.12, Socioeconomics, the Community Impact Assessment Technical, Report, and two appendices available in Volume II (3.12-B, Effects on School District Funding and Transportation Bus Routes, and 3.12-D, Summary of Issues/Concerns Affecting Schools).

15.3.2 A Summary of Late Submittals by Agency

15.3.2.1 Representative Dennis Cardoza

Representative Dennis Cardoza of the 18th Congressional District provided comments expressing support for the UPRR/SR 99 Alternative and requested further evaluation of the SR 152 Wye Alternative. He stated appreciation for the ongoing public involvement efforts but noted that many constituents still have unanswered questions. He stressed the importance of the benefits that the project would bring to his district, including employment, improved environmental quality and public health, and economic and educational opportunities. He also requested that the HMF evaluation be removed from the Final EIR/EIS, and that it instead be evaluated further at a later date and involve more coordination with the City of Merced and Merced County.

In the Executive Summary and in Chapters 2 and 7, the EIR/EIS notes that the HMF locations will be further evaluated in the San Jose to Merced Section EIR/EIS and that a decision would follow when both the San Jose to Merced Section EIR/EIS and Fresno to Bakersfield Section EIR/EIS are final. Also included in the Executive Summary and in Chapters 2, are references to the forthcoming analysis of the SR 152 Wye Alternative in the San Jose to Merced Section EIR/EIS.

15.3.2.2 California Department of Fish and Game

Jeffrey Single, Ph.D., Regional Manager for the California Department of Fish and Game (CDFG), submitted comments regarding CDFG regulatory requirements, including a Lake and Stream Alteration Agreement, which they expect to be needed for at least some of the many stream crossings, and additional analysis and mitigation they would like to see in the Final EIR/EIS. They are concerned about east-west wildlife movement across the project corridor and request that elevated profiles be used instead of wildlife underpasses or overpasses to facilitate wildlife movement. If underpasses or overpasses are used, more analysis is needed before an alternative is selected. CDFG feels that the scope of analysis for wildlife movement was too narrow and that other areas besides Essential Connectivity Areas be considered.

CDFG is concerned that construction and operation of HST facilities within or near CDFG-managed lands may reduce the wildlife and public use values of these lands, and points out the greater impacts that the BNSF Alternative, and specifically the Le Grand design options, would have on CDFG lands. CDFG notes that the acquisition of property or an easement at Camp Pashayan would be a Section 4(f) impact and that the EIR/EIS does not evaluate an alternative that would avoid this property. They feel that the economic impacts from lost revenue due to the HST traveling through Camp Pashayan should be evaluated and recommend that the HST alignment be elevated where it runs adjacent to CDFG properties in order to facilitate wildlife movement underneath.

Regarding special-status plant species, CDFG feels the one survey completed was not adequate and that focused, repeated surveys should be conducted prior to the Final EIR/EIS and not be deferred to the pre-construction period. CDFG notes that no surveys were conducted for the California tiger salamander and that relocation is not a minimization measure in the USFWS guidance, as stated in the Draft EIR/EIS. Relocation would constitute a “take” under the California Fish and Game Code, and no CDFG-approved mitigation banks or in-lieu fee programs are available to purchase credits for mitigation for the California tiger salamander, as suggested in the Draft EIR/EIS. Alternative mitigation would need to be developed during the incidental take permitting process. For special-status raptors, CDFG feels that the 1,000-foot buffer for active nests is inadequate and requests a 0.5-mile buffer.

The Authority has been working with CDFG on a number of issues raised in this comment letter. The Streambed alteration permit will be addressed following project approval. The Authority has been working closely with the CDFG to define the criteria and range of wildlife crossings throughout the project area consistent with the Caltrans and CDFG Essential Connectivity Project to identify the most essential wildlife corridors and habitat linkages (A.B. 2786, 2008). The criteria for implementing these crossings are

incorporated into the EIR/EIS section 3.7 as mitigation measures, the final placement are considered part of the subsequent design phases of the project. Focused studies for special-status species were only conducted in areas where right of entry was granted, but the methodology for determining impacts assumes presence in all suitable habitat areas. Finally, the Authority worked with the CDFG to determine whether the effects on the far west edge of the Camp Pashayan Ecological Reserve would be considered de minimis under Section 4(f), or such slight effects that mitigation would result in no lasting effects on the resource or on recreational activities.

15.3.2.3 California State Department of Conservation, Division of Land Resource Protection

John Lowrie, Williamson Act Program Manager for the Department of Conservation Division of Land Resource Protection, submitted comments related to the necessary noticing and coordination related to the Williamson Act, and noted concerns with mitigation measures Ag-MM#1 and Ag-MM#2. He provided examples of properties that would be affected by acquisition that he felt would not be feasible for agricultural use following construction and expressed concern that severed parcels would no longer be consistent with local zoning requirements for farmland, as required by the Farmland Protection Policy Act.

The Authority has put forth agricultural land mitigation measures that can be applied, to the extent possible, but the EIR/EIS recognizes that these mitigation measures will not reduce the effects to less than significant. The Authority generally agrees with the comments and has made modifications to the project to incorporate suggestions by Mr. John Lowrie. In addition, the Authority has submitted official notification packets to the Department of Conservation consistent with the statutes regarding acquisition of the Williamson Act lands.

15.3.2.4 Alview-Dairyland Union School District

Lori Flanagan, Superintendent of the Alview-Dairyland Union School District, sent a letter to Governor Brown requesting assistance in setting up a meeting with the Authority to discuss the impacts the project would have on their district due to the relocated residences, impacts on farms, and the potential division of their district. Authority representatives did meet with representatives of the Alview-Dairyland Union School District on November 29, 2011, to address their specific concerns.

15.3.2.5 City of Chowchilla

David Alexander, Mayor of the City of Chowchilla, submitted a letter detailing the additional transportation improvements that would be needed in Chowchilla with selection of the UPRR/SR 99 Alternative or the Hybrid Alternative. He also voiced support for the BNSF Alternative and for grade-separating the BNSF freight rail tracks as part of the BNSF Alternative to reduce noise and traffic congestion and improve air quality in their area. No further response is required, but project coordination will continue.

15.3.2.6 City of Livingston

Jose Antonio Ramirez, Livingston City Manager, submitted comments in support of the project and noted how it will provide a viable transportation option for moving through California. No further response is required.

15.3.2.7 City of Riverbank

J.D. Hightower, Development Services Director for the City of Riverbank, submitted comments expressing support for the route selection and the City's willingness to work with the Authority in the future. No further response is required.

15.3.2.8 Madera Unified School District

Gustavo Balderas, Superintendent of the Madera Unified School District, submitted comments expressing concern regarding potential impacts from the UPRR/SR 99 Alternative on schools in Madera, including noise, exposure to hazardous materials, disruption of school transportation during construction, and the economic impacts of displaced businesses in the community. The comments also expressed support for the Gordon-Shaw HMF site, and the district feels locating the HMF in Madera County would be an economic benefit to the community.

Concerns related to school issues are addressed in Section 3.12, Socioeconomics, the Community Impact Assessment Technical Report, and two appendices available in Volume II (3.12-B, Effects on School District Funding and Transportation Bus Routes, and 3.12-D, Summary of Issues/Concerns Affecting Schools).

15.3.2.9 Transbay Joint Powers Authority

The Transbay Joint Powers Authority provided comments requesting that references to the Transbay Terminal be updated so that the facility is referred to as the Transbay Transit Center in statewide project maps, the timing of construction of the 4th & King Station, and the impact of individual alternatives on the overall project travel time.

The figures have been updated to reflect this change throughout the EIR/EIS.

15.4 Attachments to Comment Letters

Various comment letters submitted to the Authority included attachments. Some of these attachments included additional comments on the EIR/EIS, and some of them included extensive additional information in support of the comment that did not directly comment on the document. Generally, attachments are included in Volume IV. However, there are some instances where the Authority has retained certain comment letter attachments in the administrative record, but not published the attachments in Volume IV. Attachments not published in Volume IV are identified in Table 15-1.

Submission Number	First Name	Last Name	Business/Organization	Attachment	Reason Not Published
691	Nadia, Rita, Elizabeth	Naik, Wespi, Alexis	CARRD	FRA Grant Agreement; Redefined Merced-Fresno ARRA Scope	Included in administrative record
695	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record
718	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record
719	Rita	Wespi	CARRD	PMT Progress	Included in administrative

Table 15-1 Attachments Not Published in Volume IV					
Submission Number	First Name	Last Name	Business/Organization	Attachment	Reason Not Published
				Reports	record
720	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record
722	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record
723	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record
724	Rita	Wespi	CARRD	PMT Progress Reports	Included in administrative record