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

JAN 20 2011

David Valenstein
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: Agreement on Purpose and Need for California High-Speed Rail Project Fresno to Bakersfield Section

Dear Mr. Valenstein:

This letter responds to a December 22, 2010 email from California High-Speed Rail Authority (CHSRA) consultant Bryan Porter which requested agreement on Purpose and Need for the California High-Speed Rail (HSR) Project Fresno to Bakersfield Section. The intent of this letter is to express EPA's agreement with Purpose and Need for the Fresno to Bakersfield HSR Project Section in accordance with the *National Environmental Policy Act (NEPA)/Clean Water Act Section 404/Rivers and Harbors Act Section 14 (33 U.S.C. 408) Integration Process for the California High-Speed Train Program Memorandum of Understanding* (NEPA/404/408 MOU) dated December 2010.

The Federal Railroad Administration (FRA) is the lead federal agency for compliance with NEPA and other federal laws. CHSRA is serving as the joint-lead under NEPA and is the lead agency for compliance under the California Environmental Quality Act (CEQA). CHSRA proposes to construct, operate, and maintain an electric-powered, steel-wheel-on-steel-rail HSR system that is approximately 800 miles long. The system is planned to reach operating speeds up to 220 mph on mostly dedicated, fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems. The system is divided geographically into nine sections for the purpose of environmental analysis and documentation, with CHSRA and FRA planning to develop a separate environmental impact statement (EIS) for each section of the overall system. Per the NEPA/404/408 MOU, EPA is currently engaged in early coordination with CHSRA and FRA as they prepare project-level EISs for the California HSR system. Agreement on Purpose and Need is Checkpoint A of the NEPA/404/408 MOU process.

EPA will review EISs for each section of the California HSR system when they become available. Early coordination through the NEPA/404/408 MOU is intended to assist participating agencies in identifying and addressing challenges as early as possible. Following the early coordination process, EPA maintains its full authority and independence in reviewing EISs

pursuant to NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Agreement on Purpose and Need

EPA received a draft Purpose and Need submittal for the Fresno to Bakersfield Section of the California HSR Project from CHSRA on October 29, 2010, and EPA provided comments on November 22, 2010. CHSRA provided EPA with an updated draft Purpose and Need submittal on December 2, 2010. On December 8, 2010, CHSRA, EPA and USACE participated in a conference call to discuss this updated draft Purpose and Need submittal. CHSRA then provided EPA with a final Purpose and Need submittal on December 22, 2010. EPA reviewed the December 22, 2010 Purpose and Need submittal and found that CHSRA had adequately addressed EPA's requested changes. Per Checkpoint A of the NEPA/404/408 MOU, this letter provides formal agreement with the Fresno to Bakersfield Section of the California HSR Project Purpose and Need as presented in Section 1.2.2 and Section 1.2.4 of the December 22, 2010 CHSRA Checkpoint A submittal package.

Thank you for requesting EPA's agreement on the Purpose and Need. We look forward to further participation in this project through the NEPA/404/408 MOU process in addition to continuing interagency discussions on the environmental sustainability of the overall HSR system. If you have any questions or comments please contact the lead reviewer for this project, Jen Blonn, at (415) 972-3855 (blonn.jennifer@epa.gov).

Sincerely,

Connell Dunning, Transportation Team
Supervisor
Environmental Review Office
Communities and Ecosystems Division

CC Via Email:

Melissa DuMond, Federal Railroad Administration
Dan Leavitt, California High-Speed Rail Authority
Meg Scantlebury, California High-Speed Rail Authority
Bryan Porter, Parsons Brinckerhoff, HSR Project Management Team
Paul Maniccia, U.S. Army Corps of Engineers
Leah Fisher, U.S. Army Corps of Engineers
Zach Simmons, U.S. Army Corps of Engineers
Greg Brown, U.S. Army Corps of Engineers
Veronica Chan, U.S. Army Corps of Engineers
Kellie Berry, U.S. Fish and Wildlife Service

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