

Attachment B
Errata Memorandum

Brightline West Cajon Pass High Speed Rail Project Environmental Assessment

Errata Memorandum

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration (FRA), December 2022

This Errata Memorandum notes specific corrections to the Brightline West Cajon Pass High Speed Rail Project Environmental Assessment (EA; issued October 2022). These corrections are provided as an attachment to FRA's Finding of No Significant Impact (FONSI) for the Project, in response to public comments on the EA.

Where FRA has made changes to the text, they are shown below in **bold**. Deletions are shown in ~~strikethrough~~, while newly added text is underlined. Where applicable, the entire paragraph from the EA has been included to provide context for the changes.

CORRECTIONS TO CHAPTER 1 INTRODUCTION

FRA notes corrections to Chapter 1 of the EA related to train headways.

In Chapter 1, Introduction, the third paragraph has been revised as follows:

Trains are expected to operate daily on **4560**-minute headways between Victor Valley and Rancho Cucamonga. The trip between Victor Valley and Rancho Cucamonga will be approximately 35 minutes. Service will be coordinated with existing and planned Metrolink service at the Rancho Cucamonga station to provide a convenient connection between the HSR and commuter rail systems.

CORRECTIONS TO CHAPTER 2 PROJECT DESCRIPTION

FRA notes corrections to Chapter 2 related to (1) capacity constraints, (2) Build Alternative (3) Section 1 – High Desert, (4) Section 2 – Cajon Pass, (5) Section 3 – Greater Los Angeles, and (6) Operating Plan.

CAPACITY CONSTRAINTS

In Section 2.3.4, Capacity Constraints, the second paragraph has been revised as follows to address comments from the City of Rancho Cucamonga:

By 2045, travel speeds are expected to decrease on all but one segment of I-15 between the San Bernardino Valley and the Apple Valley in the AM (morning) peak period, and travel speeds on most segments will also decrease—some by more than 10 mph—in the PM (afternoon) peak period (SCAG 2020). Based on the Project Report for the I-15 Corridor Study (addition of express lanes), traffic volumes on I-15 between I-10 and SR-210 are expected to increase between 31 to ~~3844~~ percent from 2014 to 2045. The report states the existing level of service (LOS) is acceptable in most locations, but there are bottlenecks in each direction of travel that degrade traffic operation, especially between Base ~~line~~**Line** Road and SR-210. Since the express lane project is increasing capacity by adding express lanes, the traffic volumes are projected to increase by an additional 27 percent. The report further mentions that although the express lane project will improve conditions in the general purpose lanes in many segments, it will cause the segment between I-10 and Fourth Street to worsen in the PM peak hour (both directions). In the AM peak hour, the segment between Arrow Route and Fourth Street will worsen in the southbound direction. The segment between Base ~~line~~**Line** Road and SR-210 will continue to operate at over capacity conditions in all scenarios.

SCAG's Connect SoCal Goods Movement Technical Report identifies I-15 as part of the USDOT Primary Highway Freight Network and among the network segments that carry the highest volumes of truck traffic in the region. It also identifies the entirety of Cajon Pass as a

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truck bottleneck, with over 15,000 annual vehicle hours of delay. The transportation capacity constraints on I-15 limit reasonable highway access between Rancho Cucamonga, Hesperia, and Victor Valley.

BUILD ALTERNATIVE

In Section 2.4.2, Build Alternative, the following paragraph has been revised as follows:

The proposed rail alignment will be located within the median of I-15 freeway between Victor Valley and Rancho Cucamonga except at the approach to the proposed Rancho Cucamonga station. The rail alignment will be predominantly at-grade (the same elevation as the existing freeway), with select segments of the alignment on aerial structures or in a trench to allow for grade separations (including four BNSF Railway railroad crossings and three Union Pacific railroad crossings) and to provide a safe incline for train operation. The rail alignment will be predominantly single-track, with limited double-track segments in Victor Valley (2.6 miles, including 0.9 miles constructed as part of the approved DesertXpress Project), Hesperia (5.5 miles), and Rancho Cucamonga (2 miles). This will allow for **4560**-minute headways in the opening year between Victor Valley and Rancho Cucamonga. These headways along with the ability to couple trains (double passenger capacity), will address projected ridership needs for the foreseeable future.

SECTION 1 – HIGH DESERT

DESIGN ELEMENTS

In Section 2.4.3, Section 1 – High Desert, the revisions to the “Design Elements” are as follows:

Segment 1 of the Project includes the following design elements, which would be compatible with the planned I-15 Express Lanes Project.

- *Reconstructions/Interchange Modifications: Widening portions of the I-15 highway and modifications to interchanges at Stoddard Wells Road southbound on- and off-ramp, D Street/E Street, Mojave Drive, Roy Rogers Drive/Hook Road, Palmdale Road, La Mesa Road/Nisqualli Road, Bear Valley Road, Main Street/Phelan Road, Joshua Street, US-395, Ranchero Road, and Oak Hill Road.*
- *New Traction Power Substation: Construction of a new traction power substation along I-15 between Mesa Street and Mojave Street.*
- *Station area: Hesperia station platform, pedestrian bridge, station access/infrastructure, surface parking lot accommodating approximately 360 vehicles, bus pick up/drop off areas, Kiss and Ride.*

SECTION 2 – CAJON PASS

In Section 2.4.4, Section 2 – Cajon Pass, the revisions to “Design Elements” are as follows:

Segment 2 of the Project includes the following design elements, which would be compatible with the planned I-15 Express Lanes Project.

- *Reconstructions/Interchange Modifications: Widening portions of the I-15 highway including several miles of retained fill, and realignment of ramps at the I-15/SR-138 interchange*
- *Other facilities: CHP emergency crossovers*

SECTION 3 – GREATER LOS ANGELES

In Section 2.4.5, Section 3 – Greater Los Angeles, the first paragraph has been revised as follows to address comments from the City of Rancho Cucamonga:

Beginning at the Kenwood Avenue interchange, the proposed rail alignment will continue at-grade in the I-15 median. At the I-15/I-215 interchange, the alignment will continue between the divided I-15 freeway at the same elevation as the freeway including the Devore interchange viaduct, curving to the southwest parallel to freeway. The rail alignment will require the I-15 highway and interchange ramp modifications at **Baseline Avenue-Line Road**, SR-210, Beech Avenue, Duncan Canyon Road, Sierra Avenue, and Glen Helen Parkway.

In Section 2.4.5, Section 3 – Greater Los Angeles, the second paragraph has been revised as follows:

The rail alignment will transition to an aerial alignment over the I-15 southbound lanes south of Church Street and cross at Foothill Boulevard. It will continue along the west side of the I-15 highway on an elevated alignment, **the same height as the existing freeway**, to enter the San Gabriel Subdivision and Eighth Street corridor. The alignment will transition onto an aerial structure and will turn west, running parallel to and partially within the existing rail corridor and partially within the Eighth Street right-of-way before entering the existing Rancho Cucamonga Metrolink station area on an elevated structure. The rail alignment will maintain a single-track configuration prior to exiting the freeway median south of Church Street **at Foothill Boulevard**, where the alignment will transition to a double track configuration for the remaining distance to the Rancho Cucamonga station. At the Rancho Cucamonga station, an elevated station with a center platform and tracks on either side will be constructed parallel to and above the existing eastbound Metrolink platform, extending over Milliken Avenue. A new parking structure is proposed at Rancho Cucamonga station and will replace existing surface parking to accommodate increased parking demand. The Project design includes adequate parking areas to accommodate parking demand in the opening year.

In Section 2.4.5, Section 3 – Greater Los Angeles, the following text has been added to “Design Elements”:

Segment 3 of the Project includes the following design elements:

- Bridges/Viaducts: Viaduct of approximately 3.5 miles to cross I-15 southbound lanes and along existing rail corridor near Rancho Cucamonga station.
- Reconstructions/Interchange Modifications: I-15 freeway and interchange ramp modifications at SR-210, Beech Avenue, Duncan Canyon Road, **Foothill Boulevard**, and Glen Helen Parkway.
- Station: Dedicated Brightline station adjacent to the existing Rancho Cucamonga Metrolink station with vertical circulation down to the platform, shared access with existing Metrolink station, a shared parking structure for vehicles, and a bus plaza.
- The project will be compatible with the planned I-15 express lane project.

OPERATING PLAN

In Section 2.5.3., Operating Plan, the first paragraph has been revised as follows:

The initial schedule established for the corridor schedules trains departing every **4560** minutes, for a total of **2318** daily departures in **each the northbound** direction **and 17 daily departures in the southbound direction**. Fleet size and configuration is intended to scale with demand such that in year 11, with infrastructure improvements, the schedule could be modified to increase daily departures to **4536** in **each the northbound direction and 34 in the southbound** direction and **22-530**-minute headways.

CORRECTIONS TO CHAPTER 3: PERMITS AND APPROVALS

FRA notes corrections to Chapter 3 related to permits and approvals.

Table 1. Caltrans Requirements

| Requirement | Description |
|---|--|
| Project Aesthetics and Landscape Masterplan (PALM) | A PALM will be created to provide a management tool for deciding when and where different levels of landscape and aesthetic treatments will be constructed and ensure Project consistency with Caltrans design guidelines; adjacent city master plans or specific plans; and recent nearby freeway projects. During the design review and approval process, coordination will continue to occur with all corridor stakeholders for decisions on specific design elements. All visible concrete structures and surfaces will be designed to visually blend with the adjacent landscaping and natural plantings. |
| Stormwater Requirements | The Project will incorporate all relevant stormwater management BMPs listed in the Caltrans-approved Stormwater Pollution Prevention Plan (SWPPP). |
| Landscape and Irrigation Plans | Landscaping and irrigation plans will be coordinated with Caltrans Landscape Architecture staff to ensure that the design is consistent with Caltrans’ design policies. Reclaimed/recycled water sources will be used where feasible. |
| Tree Preservation and Removal Plan | A Tree Preservation and Removal Plan would be developed and implemented to preserve trees and vegetation to the maximum extent feasible, as required by Caltrans 2022 <i>Standard Specifications</i> . |
| Caltrans Department of Toxic Substance Control (DTSC) Aerially-Deposited Lead (ADL) Testing | All medium- and high-risk hazardous waste sites where there will be soil disturbance should have soil sampling prior to disturbance to ensure proper classification and identification of hazardous waste as well as proper handling, and disposal consistent with standard Caltrans BMPs. |
| Caltrans National Emissions Standards for Hazardous Air Pollutants (NESHAP) Requirements | Any demolition or renovation of bridge structures and buildings will require lead-based paint and asbestos testing. |
| Additional Environmental Requirements for Caltrans Encroachment Permits | To issue an encroachment permit it should be anticipated that some additional environmental studies (e.g., wildlife connectivity, impacts to State listed and Candidate species) will need to be performed in order to address matters of Caltrans policy, State laws, and requirements from State regulatory agencies. |

CORRECTIONS TO CHAPTER 4: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

FRA notes corrections to Chapter 4 related to (1) air quality, (2) wetlands and streams areas, (3) biological resources, (4) aesthetic and design quality, (5) land use and community facilities, (6) hazardous materials, (7) transportation, (8) water quality, and (9) safety.

AIR QUALITY AND GREENHOUSE GAS

FRA notes corrections to the discussion of air quality to provide text corrections and ensure Mitigation Measure AQ-2 provides the full scope of the mitigation.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.1.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure AQ-1”:

Consistent with the MDAQMD Rule 403, Brightline West will implement the following control measures:

- Use periodic watering (two times daily) for short-term stabilization of disturbed surface area to minimize visible fugitive dust emissions. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes will be considered sufficient to maintain compliance.

Brightline West will take actions sufficient to prevent Project-related trackout onto paved surfaces. Actions may include the use of:

- Gravel or aggregate vehicle tracking pads at temporary site entrances and exits.
- Wash racks that use pressurized water to clean tires as they pass through. Wash racks introduce water to the trackout control system which must be contained within the jobsite.
- Rumble plates, rumble strips, cattle guards that use vibration to shake off debris from vehicle tires.
- Cover loaded haul vehicles while operating on publicly maintained paved surfaces.
- Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.
- Clean up Project-related trackout or spills on publicly maintained paved surfaces within 24 hours.
- Reduce nonessential earth-moving activity under high wind conditions. A reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion will be considered sufficient to maintain compliance.

Alternatively, Brightline West ~~can elect to~~ may apply for and obtain an MDAQMD-approved Alternative PM10 Control Plan that incorporates emission reducing measures other than those defined above, as long as it generates equivalent emission reductions and is obtained pursuant to the requirements outlined in MDAQMD Rule 403.

In Section 4.1.6, Avoidance, Minimization, and Mitigation Measures, the following revisions have been made to “Mitigation Measure AQ-2” to address a comment from the City of Rancho Cucamonga:

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Mitigation Measure AQ-2: Fugitive Dust Control Plan during Construction to Meet South Coast Air Quality Management District (SCAQMD) Rule 403 Requirements.

- Brightline West will follow ~~the Best Available Control measures in Table 1 of Rule 403~~ **all regulatory requirements applicable to fugitive dust mitigation according to the Best Available Control Measures in Table 1 of Rule 403. This includes, but is not limited to, submittal of Fugitive Dust Control Plan and all permits required by the SCAQMD and the City of Ranch Cucamonga.**

In Section 4.1.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure AQ-3”:

Brightline West will ~~prepare a memorandum demonstrate demonstrating~~ that construction-period emissions of criteria air pollutants will not exceed General Conformity de minimis thresholds by integrating control measures into approved design-build plans. Examples of control measures include the following:

- All off-road internal-combustion engine construction equipment will be California Environmental Protection Agency (CalEPA) Tier-4 Final certified.
- All signal boards will be solar-powered.
- All architectural coatings products will contain no more than 250 grams of volatile organic compound (VOCs) per liter of coating (2.08 pounds per gallon).

The memorandum will be reviewed by a qualified air quality specialist prior to commencement of construction activities. If an exceedance of de minimis thresholds is found, Brightline West will consult with FRA.

NOISE AND VIBRATION

FRA notes corrections to the discussion of noise and vibration related to avoidance, minimization, and mitigation measures.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.2.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure NOI-1”:

Brightline West will ~~require the contractors to~~ prepare a detailed Noise Control Plan. **The Noise Control Plan will list all construction equipment to be used throughout the construction period and will provide a construction schedule detailing when and where each piece of machinery will be used. Anticipated noise levels at sensitive receptors will be quantified and avoidance, minimization, and/or mitigation measures will be identified where anticipated noise levels would exceed relevant local noise thresholds. Noise levels with and without proposed avoidance, minimization, and mitigation measures will be modeled to demonstrate the efficacy of such measures. A noise control engineer or acoustician will work with the contractor to prepare a Noise Control Plan in conjunction with the contractor’s specific equipment and methods of construction.**

In Section 4.2.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure NOI-2”:

Brightline West will comply with all applicable local noise regulations. **Consistent with applicable law, Brightline West will apply** the following measures ~~will be applied as necessary~~ to minimize temporary construction noise and vibration impacts:

- Avoid nighttime construction in residential neighborhoods,
- Locate stationary construction equipment as far as possible from noise-sensitive sites,

- Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers,
- Route construction-related truck traffic to roadways that will cause the least disturbance to residents, and
- Use alternative construction methods to minimize the use of impact and vibratory equipment (e.g., pile-drivers and compactors).

WETLAND AND STREAM AREAS

FRA notes corrections to the discussion of wetland and stream areas to (1) add discussions on construction impacts to Day Creek, East Etiwanda Creek, and Oro Grande Wash, and (2) reflect that some crossings will result in over 0.1 acre of permanent fill.

ENVIRONMENTAL CONSEQUENCES

In Section 4.3.5.2, Construction of Build Alternative, the discussion of impacts from construction of the “Railway” has been revised as follows to address the comments from the City of Rancho Cucamonga:

Temporary impacts from project construction on aquatic resources are anticipated because the Project will cross the Mojave River wetland, the Mojave River, and other drainage features. Construction of bridges, over the Bell Mountain Wash, Mojave River, Brush Creek, Cleghorn Creek, Cajon Wash/Creek and Lytle Creek, will involve work in the ordinary high-water mark (OHWM). Placement of columns needed for those bridge spans may involve phased construction with flow diversion BMPs, such as gravel bag berms placed around the work areas during construction in the streambed. This will allow water to flow around the construction area and reduce potential for construction material to reach the waterway during a storm event. Staging, equipment storage, and stockpiling will occur outside the OHWM. The Project may require temporary soil disturbance and vegetation clearing within the Mojave River riparian area and in and around other drainages along the corridor. The estimated temporary ground disturbance acreages below the OHWM associated with the construction of bridge columns are provided in Table 29.

The proposed bridges over Day Creek and East Etiwanda Creek would fully span the creek channels and no bridge piers would be placed in the channels. No construction work is proposed in the channels of Day Creek and East Etiwanda Creek. Additionally, Oro Grande Wash is culverted at the proposed project crossing, so no construction work is expected at this crossing. As such, no construction impacts are expected for these crossings.

In Section 4.3.5.3, Operation of Build Alternative, the discussion of impacts from operation of the railway has been revised as follows to address the comments from the City of Rancho Cucamonga:

Operational impacts will include permanent effects on some drainages due to installation of new bridge support structures. Most drainage features will not be affected because the proposed bridge structures will span the entire feature without placing any structures in the channels. Debris Cone Creek, Cajon Wash/Creek, and Lytle Creek crossings, however, will require new structures in the channels. **While some crossings may result in over 0.1 acres of permanent fill, All** crossings will result in less than **0.10.5** acre of permanent fill. Additionally, new structures will be placed within the Mojave River wetland. The Project will have no permanent impacts on the Mojave River itself, but a small portion (less than 0.01 acre) of the Mojave River wetland will be permanently impacted. Total avoidance of the wetland is not possible because piers in the wetland will be required to allow the Project to span over the Mojave River active channel. Modifications to existing culverts and newly designed culverts, if

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any, will be designed to maintain existing conveyance patterns of the drainage features that cross existing roadways and will not alter flow conditions or functions of the drainage features. The Project will maintain the existing drainage flows throughout the affected environment and will not significantly alter the functions of the existing aquatic resources. This impact will be minimal; and no avoidance, minimization, or mitigation measures will be required.

BIOLOGICAL RESOURCES

FRA notes corrections to the discussion of biological resources related to avoidance, minimization, and mitigation measures.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-1” is revised as follows:

~~Brightline West will ensure that biologists are present for construction activities~~
Brightline West will ensure that biologists will be present to monitor construction activities along the following portions of the Project alignment:

- Mojave Desert vicinity: From the northern-most Project extent, continuing south to the I-15 Bridge over D/E Street in Victorville - **Focusing on protection of southwestern willow flycatcher, monarch butterfly, least Bell’s vireo, western yellow-billed cuckoo, and critical habitat for southwestern willow flycatcher.**
- Cajon Canyon and Cajon Summit vicinity: From I-15 at Oak Hill Road to I-15 at Hall Ranch Road - **Focusing on protection of least Bell’s vireo, arroyo toad, and critical habitat for arroyo toad.**
- **Focusing on protection of southwestern willow flycatcher, least Bell’s vireo, monarch butterfly, arroyo toad, and critical habitat for arroyo toad.**
- Cajon Wash and Lytle Creek vicinity: From I-15 at Hall Ranch Road to I-15 at Summit Avenue. **Focusing on protection of San Bernardino Kangaroo Rat, ESA-listed plants, and critical habitat for San Bernardino Kangaroo Rat.**
- ~~**Focusing on protection of San Bernardino Merriam’s kangaroo rat, coastal California gnatcatcher, ESA-listed plants, monarch butterfly, and critical habitat for San Bernardino Merriam’s kangaroo rat.**~~

Note that monarch butterfly, a candidate species for listing under ESA, may be present in any portion of the project area during nine months of the year.

No biologist is required during construction along portions of the alignment not listed above—for example, in urban areas of Rancho Cucamonga, Hesperia, and Victorville—although Brightline West and its contractors may choose to utilize resource monitors/biological monitors at their discretion in these areas to ensure environmental compliance.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-2” is revised as follows:

Certain types of construction activities are not to be commenced during bird breeding season at three separate locations along the alignment. ~~The types of construction activities regulated are pile driving and ground disturbance (defined below). This avoidance mitigation measure does not apply to other construction activities or other locations.~~ **The types of construction activities regulated are vegetation disturbance, pile driving, and ground disturbance (defined below). This conservation measure does not apply to other construction activities or other locations. Three separate locations of Avian Avoidance Exclusion Areas are:**

~~Three separate locations of Avian Avoidance Exclusion Areas are shown on figures in Appendix A and are as follows:~~

- ~~Area 1. Mojave River (Figure A-1)~~
- ~~Area 2. Cajon Wash (Figure A-2)~~
- ~~Area 3. Lytle Creek (Figure A-3)~~
- Area 1. Mojave River (Figure A-6)
- Area 2. Cajon Wash (Figure A-7)
- Area 3. Lytle Creek (Figure A-8)

~~Pile driving and ground disturbance activities are prohibited in the Avian Avoidance Exclusion Areas during closure dates, unless the work is initiated prior to the start of the closure period.~~

~~Project-related ground disturbance is defined as:~~

- ~~Vegetation removal, including clearing and grubbing of vegetation,~~
- ~~Site preparation including grading and establishment of construction access, or~~
- ~~Grading, earth moving, stockpiling materials, excavation, and filling activities.~~

~~Table 42 summarizes the closure dates for the three Avian Avoidance Exclusion Areas.~~

~~Figures showing the exclusion areas are provided in Appendix A.~~

~~Vegetation disturbance activities, including clearing and grubbing of vegetation, are prohibited in exclusion areas during closure dates.~~

Pile driving and ground disturbance activities are prohibited in exclusion areas during closure dates unless the work is initiated prior to the start of the closure period. In addition, impact pile driving at the Mojave River Crossing will not be allowed to commence between March 15 and May 31.

Project-related ground disturbance is defined as:

- ~~Site preparation including grading and establishment of construction access, and~~
- ~~Grading, earth moving, stockpiling materials, excavation, and filling activities.~~

Table 42 summarizes the closure dates by location.

Table 42. Avian Avoidance Exclusion Areas and Closure Dates Locations and Closure Dates

| Location | Closure Dates | |
|-------------------------------|---------------|---------------------------------------|
| | Closed From | To |
| Area 1. Mojave River Crossing | March 15 | September 30 <u>May 31</u> |
| Area 2. Cajon Wash | February 15 | September 30 |
| Area 3. Lytle Creek | February 15 | September 30 |

~~USFWS has verified bird nesting dates, which are summarized for reference in Table 43.~~

The Palm Springs Fish and Wildlife Office (PSFWO) of the Service has verified bird nesting dates, which are summarized for reference in Table 43.

Table 43. ESA-Listed Bird Species' Nesting Dates (information provided for reference)

| Species | Breeding Habitat Used | Nesting Dates | Closure Dates | | |
|---|--|---------------------------------------|---------------|-------------|--------------|
| | | | Cajon Wash | Lytle Creek | Mojave River |
| Coastal California gnatcatcher (Polioptila californica californica) | Coastal sage scrub and adjacent areas of chaparral, grassland, and riparian vegetation | February 15 to August 30 ¹ | Yes | Yes | No |
| Least Bell's vireo (Vireo bellii pusillus) | Desert Riparian, Riverine, Valley Foothill Riparian | March 15 to September 30 ² | Yes | Yes | Yes |
| Southwestern willow flycatcher (Empidonax traillii extimus) | Desert Riparian, Riverine, Valley Foothill Riparian | May 1 to September 1 ³ | No | No | Yes |
| Western yellow-billed cuckoo (Coccyzus americanus) | Desert Riparian, Riverine, Valley Foothill Riparian | June 1 to September 1 ⁴ | No | No | Yes |

Notes:

1. USFWS. 2019. Section 7 Consultation on FEMA Disaster, Mitigation, and Preparedness Programs in Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California. File Number: FWS-CFWO-16B0293-18F1358. May 31.

2. USFWS. 1998. Draft Recovery Plan for the least Bell's vireo. U.S. Fish and Wildlife Service, Portland, Oregon.

3. USFWS. 2002. Southwestern Willow Flycatcher Recovery Plan, Appendices A through O. Albuquerque, New Mexico.

4. Laymon, S.A. 1998. Yellow-billed Cuckoo (Coccyzus americanus). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight. Accessed August 2, 2022. http://www.prbe.org/calpif/html/docs/species/riparian/yellow-billed_cuckoo.htm.

| Species | Breeding Habitat Used | Nesting Dates | Habitat Location | | |
|---|--|---------------------------------------|------------------|-------------|--------------|
| | | | Cajon Wash | Lytle Creek | Mojave River |
| Coastal California gnatcatcher (Polioptila) | Coastal sage scrub and adjacent areas of chaparral, grassland, | February 15 to August 30 ¹ | Yes | Yes | No |

| | | | | | |
|--|--|---|------------|------------|------------|
| <u>californica californica)</u> | <u>and riparian vegetation.</u> | | | | |
| <u>Least Bell's vireo (Vireo bellii pusillus)</u> | <u>Desert Riparian, Riverine, Valley Foothill Riparian</u> | <u>March 15 to September 30²</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> |
| <u>Southwestern willow flycatcher (Empidonax traillii extimus)</u> | <u>Desert Riparian, Riverine, Valley Foothill Riparian</u> | <u>May 1 to September 1³</u> | <u>No</u> | <u>No</u> | <u>Yes</u> |
| <u>Western Yellow Billed Cuckoo (Coccyzus americanus)</u> | <u>Desert Riparian, Riverine, Valley Foothill Riparian</u> | <u>June 1 to September 1⁴</u> | <u>No</u> | <u>No</u> | <u>Yes</u> |

Table 43. ESA-Listed Bird Species' Nesting Dates (information provided for reference)

Notes:

1 USFWS, 2019. Section 7 Consultation on FEMA Disaster, Mitigation, and Preparedness Programs in Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California. File Number: FWS-CFWO-16B0293-18F1358. May 31, 2019.

2 USFWS, 1998. Draft Recovery Plan for the least Bell's vireo. U.S. Fish and Wildlife Service, Portland, OR. 139 pp.

3 USFWS, 2002. Southwestern Willow Flycatcher Recovery Plan. Albuquerque, New Mexico. i-ix+210 pp., Appendices A-O.

4 Laymon, S.A. 1998. "Yellow-billed Cuckoo (Coccyzus americanus)" in The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight. Accessed on 8/2/22. Available at: http://www.prbo.org/calpif/htmldocs/species/riparian/yellow-billed_cuckoo.htm

In Section 4.5.6.1 General Measures "Mitigation Measure BIO-3" is revised as follows:

All Project staff, including Brightline West, contractors, operators, consultants, field personnel, and subcontractors, will attend a mandatory environmental awareness training program. The program will be developed and presented by knowledgeable biologists. **The curriculum will cover the following, at a minimum:**

- Awareness information for each ESA-listed species potentially present and designated critical habitats in the ~~project~~ **Project** area
- The legal protection for each ESA-listed species, critical habitats, and the definition of "take" for listed species
- Measures to protect ESA-listed species during construction
- Review of the Project's environmental commitments, restoration steps, and mitigation requirements
- ~~Explanation~~ **Explain-of** the reasoning behind the restrictions on the construction, where restrictions exist

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- Importance of avoiding ground-disturbing activities outside the designated work areas, closing construction gates, and visually surveying designated work zones prior to moving equipment
- **The location of any occupied ESA-listed species habitat and any suitable habitat within designated critical habitat areas within 400 feet of the Project footprint.**
- Requirements for ground and general areas inspection prior to moving vehicles and equipment
- ~~Explanation of~~ **Explain** the problem of generalist predators, such as common ravens (*Corvus corax*)
- ~~Explanation of~~ **Explain** the importance of keeping construction areas free from trash and litter and avoiding subsidizing generalist predators
- Penalties for violation of Federal and State environmental laws

Training will be documented, including names of trainees and dates of completion. All trained workers will be given an identifying sticker to be worn on site.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-4” is revised as follows:

At least 60 calendar days prior to the start of Project-related ground disturbance that will occur within ~~200-400~~ feet of any occupied ESA-listed habitat or within any suitable habitat within designated critical habitat areas, a written Biological Monitoring **During Construction Plan (Plan)** will be developed by Brightline West for approval by USFWS **PSFWO**.

The Plan will discuss the type, locations, and timing of physical disturbance: (1) within 400 feet of any occupied ESA-listed species habitat, or (2) within suitable habitat within designated critical habitat areas. **The Plan will provide details of construction monitoring to be completed.**

The Plan will identify appropriate monitoring and reporting needs **during construction**, including responsibilities, timing, and monitoring activities **including information to be collected**, and will identify coordination requirements, safety requirements, and communications, including points of contact. The Plan will be implemented during construction to ensure compliance with environmental commitments and will focus on commitments under the ESA.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-5” is revised as follows:

No more than 120 calendar days after the completion of construction, the **Biologist(s) biologist** will prepare ~~a monitoring, restoration, and mitigation report for submission to USFWS for any construction areas~~ **Construction Monitoring, and Restoration Report for submission to PSFWO for any construction areas**: (1) within 400 feet of any occupied ESA-listed species habitat, or (2) within suitable habitat within designated critical habitat areas. The report will include the results of construction monitoring, **pre- and post-construction** photographs, and the type and locations of installed mitigation and restoration measures **and a discussion of planned restoration measures. The report will include reporting on exclusion fencing monitoring and repairs.**

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-6” is revised as follows:

~~The Biologist(s) will take pre-~~ Pre- and post-construction photographs **will be taken by the biologist** to document habitat conditions and alterations within the **LOD** limits of disturbance during construction activities. Photographs will be dated, their locations recorded, and **they** will be stored in a manner that will allow access for reporting purposes.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-7” is revised as follows:

In areas adjacent to sensitive resources, the contractor will restrict all work to designated work areas through the use of visible demarcation.

The following are locations of sensitive resources:

- Mojave Desert vicinity: From the northern-most Project extent, continuing south to the I-15 Bridge over D/E Street in Victorville.
- Cajon Canyon and Cajon Summit vicinity: From I-15 at Oak Hill Road to I-15 at Hall Ranch Road.
- Cajon Wash and Lytle Creek vicinity: From I-15 at Hall Ranch Road to I-15 at Summit Avenue.

The contractor will avoid any unauthorized disturbance of native vegetation and sensitive resources outside the designated work area. Remnant habitat and existing stands of native vegetation will be identified and protected wherever possible.

During construction, the ~~biologist, contractor,~~ or their representative, will monthly inspect the visible demarcation and ~~shall will~~ help ensure that construction equipment, vehicles, and associated activities remain within designated construction work areas.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-8” is revised as follows:

~~The contractor will perform a noxious weed survey prior~~ Prior to ground-disturbing activities, a noxious weed survey will be performed by a qualified biologist within the temporary construction impact areas outside the I-15 median. “A” and “B” rated weeds on the California Department of Food and Agriculture’s Weed Pest Ratings table will be managed per Caltrans landscape management requirements. During ~~and following~~ construction, the contractor will avoid the introduction or spread of noxious weeds by ~~performing~~ having a biologist perform ~~weekly~~ annual inspections and implementing weed removal/control in temporary construction impact areas and in restoration areas.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-9” is revised as follows:

~~The contractor will ensure that Supplies-supplies,~~ equipment, and/or construction excavations where wildlife such as SBKR could hide (e.g., materials stockpiles, equipment in staging areas, and under vehicles) will be inspected by all construction crew members prior to moving or working on or with them to avoid killing or injuring wildlife. If wildlife is detected, the Biologist will be contacted.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-10” is revised as follows:

The contractor and Brightline West will preserve any dead biological material encountered related to ~~endangered species~~ ESA-listed species in the best possible state for later analysis. Preservation may include chilling and general protection from disturbance.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-11” is revised as follows:

The contractor will prepare and implement a Temporary Erosion and Sediment Control Plan that identifies best management practices (BMPs) best suited for site conditions. The plan will meet applicable Caltrans standards for erosion and sediment control.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-14” is revised as follows:

~~All~~ The contractor will ensure that all equipment maintenance and dispensing of fuel, oil, coolant, or any other such activities will be restricted to the designated staging areas outside of

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the Mojave River floodplain, Cajon Wash, and Lytle Creek to prevent the release of hazardous substances into these sensitive areas.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-16” is revised as follows:

~~The Project Sponsor~~ The contractor will employ permanent stabilization measures upon completion of construction along washes and in other areas of potential erosion.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-17” is revised as follows:

~~The contractor~~ Water will ~~be obtain~~ obtained water by the contractor from existing commercially available water sources during construction. No new groundwater wells or surface water impoundments will be developed without ~~Federal, State, federal, state,~~ and local permits as appropriate and legally required.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-19” is revised as follows:

All new utility lines and ancillary structures associated with the Project will be designed by Brightline West in a manner that will reduce the likelihood of bird nesting, especially by common ravens.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-20” is revised as follows:

Permanent water quality treatment devices that comply with ~~S~~state and local requirements, as applicable, will be ~~installed by the contractor~~ designed by Brightline West and installed to meet water quality objectives.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-21” is revised as follows:

The contractor will employ noise control measures to reduce noise from construction including:

- Use equipment with enclosed engines and/or high-performance mufflers.
- Locate stationary construction equipment as far as possible from noise-sensitive sites.
- Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers.
- Route truck traffic along roadways that will cause the least disturbance to species.
- ~~Avoid impact pile driving wherever possible. Use drilled piles or~~ Where pile driving is needed, use sonic/vibratory pile driver wherever possible. ~~If~~ Where impact pile drivers must be used near noise-sensitive receptors, implement a slow start and limit activity to daylight hours to the extent possible.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-23” is revised as follows:

To mitigate subsidized predation, ~~operational standards will be planned and implemented by~~ Brightline West will plan and implement operational standards to maintain railway and stations free of food and habitat elements that ~~facilitate opportunist predators~~ subsidize generalist scavengers, such as common ravens.

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-24” is revised as follows:

~~Feeding~~ Brightline West and their contractors will ensure that no feeding of wildlife ~~will not be allowed~~ occurs during construction and operations. No pets or firearms will be allowed in the construction area.

In Section 4.5.6.1, General Measures, “Mitigation Measure BIO-25” is revised as follows to address the comments from the San Manuel Band of Mission Indians to ensure that the mitigation measure is consistent with the requirements from the biologists:

New culverts, bridges, and viaducts will **be designed by Brightline West to** align with any existing I 15 structures to maintain a continuous wildlife crossing corridor. Where the alignment of new culvert, bridges, or viaduct will deviate from alignment with existing I-15 structures, Brightline West will design and install appropriately sized crossing structures at appropriate intervals to allow for terrestrial wildlife to pass under the proposed alignment. **Modified wildlife crossings would be designed to maintain pre-existing characteristics to the extent feasible.**

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-26” is to be removed.

~~Surveys for the presence of suitable habitat for nesting avian species (least Bell’s vireo, western yellow-billed cuckoo, and southwestern willow flycatcher) at locations of potentially suitable habitat within the temporary and permanent limits of disturbance (LOD) shall be conducted by the biologist prior to the start of construction. Surveys for the presence of suitable habitat for coastal scrub nesting avian species (coastal California gnatcatcher) at locations of potentially suitable habitat shall be conducted by the biologist prior to the start of construction. Coordination with USFWS is required on the result of the surveys.~~

In Section 4.5.6.1 General Measures “Mitigation Measure BIO-27” is to be revised to “Mitigation Measure BIO-26” and is revised as follows:

Brightline West **will develop and implement Restoration Plans** has developed a Restoration Plan to restore areas of native vegetation that are temporarily disturbed by construction. Within Caltrans right-of-way, restoration will follow Caltrans requirements. Within Caltrans right-of-way that is also within designated critical habitat, restoration will include habitat structure consideration of each species. Initiation of restoration will occur within one year of the completion of construction at any location along the alignment, during the appropriate seasonal window. Replanting will not be delayed.

The Restoration Plan(s) will address:

- ~~• Restoration of site topography to preconstruction contours~~
- ~~• Soils amendments and ameliorate soil compaction~~
- ~~• Soil stabilization by compost, mulch, erosion blankets, or other as appropriate~~
- ~~• Irrigation~~

~~In consultation with the Caltrans District Landscape Architect, Brightline West will develop and implement permanent or temporary irrigation systems to supply water to replacement landscape plantings.~~

- ~~• Minimize Negative Effects of Nighttime Operational Lighting~~

~~Nighttime lighting at passenger stations and along the rail alignment will incorporate minimized light intensity, duration, and distribution and will utilize wildlife- and insect-sensitive spectrum lighting to reduce the negative effects of artificial nighttime lighting to sensitive species. Passenger stations will incorporate light and glare screening measures—for example, use downward-cast lighting—and will use motion sensor lighting, where appropriate.~~

~~●— Remove Track-Killed Animals~~

~~Brightline West will promptly remove all track-killed animals along the operating rail line to reduce significant effects associated with food subsidies to generalist predators, such as common ravens.~~

~~●— Remove Common Raven Nests~~

~~Brightline West will annually monitor catenary and ancillary structures, power poles, auxiliary buildings, passenger stations, and parking areas to identify and remove common raven nests outside of the nesting season. Once raven nesting sites are identified, Brightline West will take actions to block the site from raven reuse. In coordination with USFWS, adaptive management may be undertaken if the initial measures are unsuccessful to remove common raven nests.~~

~~●— Operations of Passenger Stations~~

~~To mitigate potential subsidized predation, Brightline West will plan and implement operational standards for maintaining railway and passenger stations to not support generalist predators. Stations and other operations areas will always be free of food sources and will eliminate habitat support elements that facilitate opportunist predators.~~

~~●— Invasive Plant Species Control During Operations~~

~~Following the completion of construction activities, Brightline West will develop an Invasive Plant Species Monitoring and Control Plan for review and approval by USFWS. Invasive plant species in the temporary disturbed areas and operational areas will be monitored. Monthly from January through June for two growing seasons following construction.~~

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-27” would be as follows:

The contractor will stockpile and protect removed native topsoil and will use the stockpiled topsoil in restoration and landscaped areas. Areas from where topsoil is recovered will be free from invasive plant species.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-28” would be as follows:

In consultation with the Caltrans District Landscape Architect, permanent or temporary irrigation systems to supply water to replacement landscape plantings will be developed and implemented by Brightline West.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-29” would be as follows:

Nighttime lighting at passenger stations and along the rail alignment will be designed by Brightline West to incorporate minimized light intensity, duration, and distribution and will utilize wildlife- and insect-sensitive spectrum lighting to reduce the negative effects of artificial nighttime lighting to sensitive species. Passenger stations will incorporate light and glare screening measures—for example, use downward-cast lighting—and will use motion sensor lighting, where appropriate.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-30” would be as follows:

Brightline West will promptly remove all track-killed animals along the operating rail line to reduce adverse effects associated with food subsidies to generalist predators, such as common ravens.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-31” would be as follows:

During operations, Brightline West will annually monitor catenary and ancillary structures, power poles, auxiliary buildings, passenger stations, and parking areas to identify and remove common raven nests outside of the nesting season. Once raven nesting sites are identified, actions will be taken to block the site from raven reuse. In coordination with PSFWO, adaptive management may be undertaken if the initial measures are unsuccessful to remove common raven nests.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-32” would be as follows:

During operations, and to mitigate potential subsidized predation, Brightline West will plan and implement operational standards for maintaining railway and passenger stations to not support generalist predators. Stations and other operations areas will be maintained free of food sources and will mitigate identified habitat support elements that facilitate opportunist predators.

In Section 4.5.6.1 General Measures new “Mitigation Measure BIO-33” would be as follows:

Within 120 calendar days following the completion of restoration activities, Brightline West will develop an Invasive Plant Species Monitoring and Control Plan for review and approval by PSFWO. Invasive plant species in the restored temporarily disturbed areas and within operational areas will be monitored monthly from January through June for two growing seasons following completion of initial restoration.

In Section 4.5.6.2 Arroyo Toad Measures “Mitigation Measure BIO-28” is revised to be “Mitigation Measure BIO-34” and to be revised as follows:

~~Prior to the start of construction, USFWS approved Biologists will conduct surveys for the presence of suitable habitat for arroyo toad. Coordination with USFWS prior to implementation of any survey is required.~~

~~Presence/absence surveys will be conducted at all locations identified to have suitable habitat prior to the start of construction. Depending upon survey findings, additional protective measures during construction may be required.~~

~~Survey procedures will be consistent with survey protocols for arroyo toad (USFWS 1999a). To be reasonably confident that arroyo toads are not present at a site, at least six (6) surveys must be conducted with at least 7 days between surveys. Surveys will be conducted during the breeding season, which generally occurs from March 15 through July 1. Extreme weather conditions can cause variations in the breeding season; these conditions should be fully considered when developing a schedule of surveys.~~

Surveys for the presence of suitable habitat for arroyo toad within the Caltrans right-of-way will be conducted by qualified biologists prior to the start of construction. Suitable habitat areas are likely present in the vicinity of tributaries to Cajon Creek and are not likely in any other locations within the Project. Coordination with PSFWO prior to implementation of any survey is required. Information on monitoring within suitable habitat will be included in the monitoring plan identified in MM BIO-4.

In Section 4.5.6.2 Arroyo Toad new “Mitigation Measure BIO-35” would be as follows:

Presence/absence surveys will be conducted by biologists at all locations within Caltrans right-of-way identified to have suitable habitat prior to the start of ground disturbance within 150-feet of ground disturbance. Survey procedures will be consistent with survey protocols for arroyo toad (USFWS 1999b). If surface water is present, surveys will be conducted during the breeding season, which generally occurs from

March 15 through July 1. Information on monitoring within occupied habitat will be included in the Monitoring Plan identified MM BIO-4.

In Section 4.5.6.2 Arroyo Toad new “Mitigation Measure BIO-36” would be as follows:

Arroyo toads identified to be present within the surveyed areas will be captured by biologists and relocated prior to the start of any ground disturbance that would occur within 150 feet of the surveyed area.

Captured animals will be released as soon as possible following capture. Capture and handling procedures will follow the directives of the Declining Amphibian Task Force’s Fieldwork Code of Practice. The Fieldwork Code of Practice provides procedures for reducing the risk of spread of amphibian diseases and/or parasites during handling.

Animals will be released within the closest available habitat of equivalent or superior suitability to the habitat in which the animals were found, and at least 150 feet from any area of the Project’s potential ground disturbance. The biologist will determine the best location for release. Where feasible, animals will be released downstream within the same drainage captured. Release areas will be selected based on arroyo toad habitat requirements, generally including relatively broad, streamside flats with scattered vegetation located adjacent to shallow pools that have unvegetated sand bars or gravel bars. Adjacent upland may be vegetated with coastal sage scrub, chaparral, grassland, or oak woodland.

In Section 4.5.6.2 Arroyo Toad new “Mitigation Measure BIO-37” would be as follows:

For all areas within the active ground disturbance footprint that is also within 150 feet of the location of an arroyo toad capture, a biologist will perform daily clearance surveys prior to the initiation of any ground disturbing operations for that the day. The clearance survey area will be defined as the location where the toad was captured plus the surrounding area within 150 feet. The biologist will have the authority to delay ground disturbance activities within the clearance survey area until the clearance is complete.

In Section 4.5.6.2 Arroyo Toad new “Mitigation Measure BIO-38” would be as follows:

PSFWO shall be notified by the biologist within two business days of any capture and release actions.

In Section 4.5.6.2 Arroyo Toad new “Mitigation Measure BIO-39” would be as follows:

Within 90 calendar days following capture and release, an Arroyo Toad Summary will be developed by the biologist and submitted to PSFWO. The summary will provide information on handling methods used, photographs, numbers of animals handled, and maps with coordinates of capture and release locations of arroyo toads.

In Section 4.5.6.3 Coastal California Gnatcatcher “Mitigation Measure BIO-29” is to be removed.

~~**Surveys for the presence of suitable habitat for coastal California gnatcatcher will be conducted by biologists prior to the start of construction by biologists that meet USFWS’s minimum qualifications (USFWS 2019). Coordination with USFWS prior to implementation of any survey is required. Preconstruction surveyors will obtain ESA Section 10(a) permits, as necessary.**~~

~~**Prior to the start of construction, presence/absence surveys following standard protocols (USFWS 1997) will be conducted by biologists at all locations identified to have suitable coastal scrub habitat. Depending upon survey findings, additional protective measures implemented during construction (e.g., nest monitoring) may be required in the vicinity of coastal California gnatcatchers.**~~

In Section 4.5.6.4 Least Bell's Vireo "Mitigation Measure BIO-30" is revised to be Section 4.5.6.3 Least Bell's Vireo and "Mitigation Measure BIO-40" is revised as follows:

~~Prior to the start of construction, biologists will conduct surveys for the presence of suitable habitat for least Bell's vireo. Coordination with USFWS prior to implementation of any survey is required.~~

~~Presence/absence surveys will be conducted at all locations identified to have suitable habitat prior to the start of construction following standard protocols (USFWS 2001). Under normal circumstances, all riparian areas and any other potential vireo habitats should be surveyed at least eight times during the period from April 10 to July 31. Depending upon survey findings, additional protective measures during construction may be required (e.g., additional nest monitoring).~~

Surveys to document the presence of suitable habitat for least Bell's vireo will be conducted prior to the start of construction by biologists in areas of mapped potential suitable habitat. Coordination with PSFWO prior to implementation of any survey is required. A summary memorandum with the results of the survey will be shared with PSFWO no later than 14 days after completion.

In Section 4.5.6.3 Least Bell's Vireo new "Mitigation Measure BIO-41" would be as follows:

Preconstruction surveys will be conducted within 400 feet of any proposed ground disturbance at any location identified to have suitable habitat following standard protocols. Information on any occupied habitat monitoring will be included in the Monitoring Plan identified in MM BIO-4.

In Section 4.5.6.5 Southwestern Willow Flycatcher "Mitigation Measure BIO-31" is to be removed.

~~Surveys for the presence of suitable habitat for southwestern willow flycatcher will be conducted by biologists prior to the start of construction. Coordination with USFWS will occur prior to implementation of any survey.~~

~~Surveys will be implemented consistent with the U.S. Geological Survey's protocol for the southwestern willow flycatcher suitable habitat determinations (Sogge et al. 2010). Presence/absence surveys will be conducted at all locations identified to have suitable habitat prior to the start of construction. Surveyors will obtain ESA Section 10(a), permits, as necessary.~~

~~All riparian areas and any other potential southwestern willow flycatcher habitats should be surveyed over five periods during the time from May 15 to July 17. Depending upon survey findings, additional protective measures during construction may be required.~~

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-32" is revised to be Section 4.5.6.4 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-42" and is to be revised as follows:

In collaboration with USFWS-PSFWO and prior to the start of any ground disturbance, the biologist will identify areas within the construction temporary and permanent LOD that may support San Bernardino Merriam's kangaroo rat. Areas outside of the temporary and permanent LOD and also within the Caltrans ROW in SBKR critical habitat will also be assessed for areas that may support SBKR. Suitable habitat is These areas will be called "SBKR restricted work areas" and would most likely be located along the Project alignment between the vicinity of Hall Ranch Road to the vicinity of Summit Avenue and include Cajon Wash, Lytle Creek, and terraces adjacent to these features. Areas of existing

infrastructure and areas lying between I-15 highway lanes (median) in these vicinities would not be included in restricted work areas. Coordination with and approval by USFWS will occur to identify and refine the geographical boundary of the SBKR restricted work areas, and the vicinity of Summit Avenue and could be encountered in Cajon Wash, Lytle Creek, and or terraces adjacent to these features.

Areas identified to have suitable habitat for SBKR will be called “SBKR restricted work areas”. Areas of existing infrastructure and areas lying between I-15 highway lanes (median) will not be included in SBKR restricted work areas.

The 2002 final rule designating critical habitat for SBKR identified four primary constituent elements, now called Physical and Biological Features (PBFs) that provide for the conservation of SBKR. The PBFs for SBKR critical habitat are:

- (PBF 1) Soil series consisting predominantly of sand, loamy sand, sandy loam, or loam;
- (PBF 2) Alluvial sage scrub and associated vegetation such as coastal sage scrub and chamise chaparral, with a moderately open canopy;
- (PBF 3) River, creek, stream, and wash channels that are subject to dynamic geomorphological and hydrological processes typical of fluvial systems; and
- (PBF 4) Upland areas adjacent to more suitable habitat that serve as refugia during large-scale flooding.

SBKR suitable habitat, protected as SBKR restricted work areas, will be further classified as Moderate habitat when evidence of PBFs 1, 2, and 3, but not 4 are present, or as High habitat when evidence of PBF 4 is present.

Coordination with and approval by PSFWO will occur to identify and refine the boundaries of SBKR restricted work areas.

Information on monitoring of SBKR restricted work areas during construction will be included in the Monitoring Plan identified MM BIO-4.

In Section 4.5.6.5 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-33” is revised to be Section 4.5.6.4 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-43” and is to be revised as follows:

~~The contractor or Brightline West will implement surveys for San Bernardino Merriam’s kangaroo rat prior to initiation of ground-disturbing activities in the SBKR restricted work areas. Coordination with USFWS will occur prior to implementation of any surveys for San Bernardino Merriam’s kangaroo rat. Surveyors will obtain ESA Section 10(a) permits, as necessary. Areas to be surveyed and results of surveys will be coordinated with USFWS.~~

Surveys for SBKR will be performed by qualified biological monitors who are either approved by the PSFWO or are section 10(A)(1)(a) permit holders which allow handling of SBKR. Permit holder names and permit numbers will be provided to the PSFWO for record keeping purposes. Resumes for qualified SBKR biological monitors who do not hold a section 10(A)(1)(a) permit will be submitted via email to the PSFWO biologist assigned to the Project for record-keeping purposes and approval. The PSFWO will have 7 calendar days to approve biological monitors based on submitted qualifications. If the PSFWO does not respond within seven calendar days, it will be assumed that all biological monitors are approved.

In Section 4.5.6.5 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-34” is revised to be Section 4.5.6.4 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-47” and is to be revised as follows:

For the duration of construction work within the SBKR restricted work area, the ~~biologist(s) will~~ **Biologist(s) shall:**

- Review the previous week’s construction activities and the upcoming week’s construction activities to determine if there are areas that need additional inspection, fencing, or monitoring.
- **Repair any gaps in the barrier fence prior to leaving the site at the end of the workday**
- Inspect the ~~San Bernardino Merriam’s kangaroo rat SBKR~~ barrier fencing **daily during active ground disturbance, at the end of each workday during construction.**
- Inspect ~~San Bernardino Merriam’s kangaroo rat SBKR~~ barrier fencing, **and repair as needed** at least weekly during any pause in construction of greater than 1 week.
- Search the construction footprint for any kangaroo rat sign early in the morning and prior to any ground-disturbing activities.
- Contact **USFWS PSFWO** immediately if kangaroo rat sign is detected inside the barrier fencing.
- Provide a weekly written report of construction monitoring activities and findings to **USFWS PSFWO** within 4 business days following the end of each week during ground-disturbing construction within the SBKR restricted work area.

In Section 4.5.6.5 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-35” is revised to be Section 4.5.6.4 San Bernardino Merriam’s Kangaroo Rat “Mitigation Measure BIO-44” and is to be revised as follows:

~~The biologist will develop and implement San Bernardino Merriam’s kangaroo rat Translocation Plans for USFWS review. All Translocation Plans shall be submitted to, and approved by, USFWS. USFWS shall have 30 days to review the SBKR Translocation Plans. SBKR Translocation Plans shall provide procedures and protocols to follow when SBKR are relocated from the restricted work areas.~~

SBKR Translocation plans shall include, but are not limited to:

- ~~Clearance procedures for construction areas~~
- ~~Relocation procedures~~
- ~~Procedures for determining the health of the species~~
- ~~Receiving areas~~
- ~~Methods that would be used to manage and protect receiving areas~~
- ~~Monitoring for short and long term success of the relocated species~~

Trapping for SBKR will be performed by qualified biological monitors prior to the start of ground-disturbing activities within SBKR restricted work areas per details provided in Appendix D in order to remove animal from the work area.

In Section 4.5.6.4 San Bernardino Merriam’s Kangaroo Rat new “Mitigation Measure BIO-45” would be as follows:

Based on survey results, PSFWO, in collaboration with Brightline West, will determine where captured SBKR are released. Captured SBKR will be released to either:

- suitable unoccupied habitat within Caltrans right-of-way adjacent to the project site, or
- suitable unoccupied habitat within Caltrans right-of-way beyond the limits of temporary and permanent impacts, or
- a receiving conservation bank, preferably located within the same watershed as original trapping location.

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-36" is revised to be Section 4.5.6.4 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-46" and is to be revised as follows:

~~Within any portion of the SBKR restricted work area and Prior~~ to initiating ground-disturbing activities, ~~San Bernardino Merriam's kangaroo rat barrier fencing will be installed by the contractor between the construction activities and the surrounding area. within any portion of SBKR restricted work areas, SBKR barrier fencing will be installed by the contractor or biologist to separate the construction activities from the surrounding area and allow clearance of the restricted work area.~~

- ~~San Bernardino Merriam's kangaroo rat SBKR~~ barrier fencing will be constructed. ~~San Bernardino Merriam's kangaroo rats can be excluded with fencing suitable with suitable fencing~~ for effective small mammal exclusion that uses anti-climb technology 30 to 36 inches high above ground with the bottom buried at least 12 inches deep with a 6-inch apron lying at 12 inches deep at a right angle.
- ~~No gaps greater than 0.5 inch will be allowed.~~
- ~~The biologist or the biologist's representative will be present when the fence is installed to ensure that no burrows or burrow entrances are covered by the apron of the barrier fence.~~
- ~~The construction monitor will check the temporary barrier fencing at the close of each workday to ensure it is in place and properly maintained.~~
- ~~Fence gaps greater than 0.5 inch will be repaired within 24 hours of detection.~~
- Within 14 calendar days of the conclusion of exclusion fence installation, Brightline West will submit to PSFWO an Exclusion Fencing Report indicating the locations of fence along with photographs.

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-37" is revised to be Section 4.5.6.4 San Bernardino Merriam's Kangaroo Rat "Mitigation Measure BIO-48" and is to be revised as follows:

Prior to ground disturbance, the biologist(s) biologist will conduct preconstruction pre-construction clearance trapping of SBKR inside exclusion fenced areas. Trapping will be conducted at each location until no ~~San Bernardino Merriam's kangaroo rats SBKR~~ are trapped for two consecutive nights. Initial trapping is required to be performed on the evening of the first day on which the barrier fence installation is complete.

~~Trapped San Bernardino Merriam's Kangaroo Rat Housing and Release~~

~~The biologist(s) will house and release all captured San Bernardino Merriam's kangaroo rats as soon as possible following trapping. The captured San Bernardino Merriam's kangaroo rats will be housed in suitable facilities until the released. The protocol for housing trapped San Bernardino Merriam's kangaroo rats will follow the holding/animal~~

~~care requirements. Captured San Bernardino Merriam's kangaroo rats will be translocated by soft release into appropriate receiving habitat.~~

In Section 4.5.6.4 San Bernardino Merriam's Kangaroo Rat new "Mitigation Measure BIO-50" would be as follows:

The biologist(s) will house and release all captured ~~San Bernardino Merriam's kangaroo rats~~ **SBKR** as soon as possible following trapping. The captured ~~San Bernardino Merriam's kangaroo rats~~ **SBKR** will be housed in suitable facilities until ~~the they are~~ released. The protocol for housing trapped ~~San Bernardino Merriam's kangaroo rats~~ **SBKR** will follow ~~the holding/animal care requirements~~ **SBKR Translocation Plan**. Captured ~~San Bernardino Merriam's kangaroo rats~~ **SBKR** will be translocated by ~~soft release~~ **soft release** into appropriate receiving habitat **as detailed in the SBKR Translocation Plan**.

In Section 4.5.6.4 San Bernardino Merriam's Kangaroo Rat new "Mitigation Measure BIO-49" would be as follows:

The biologist will implement the SBKR Translocation Plan (Rincon 2022b, Appendix D), which provides procedures and protocols to follow when SBKR are relocated from the SBKR restricted work areas.

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat, new "Mitigation Measure BIO-51" is to be added as follows:

Brightline will restore SBKR restricted work areas temporarily affected by the Project as described in the Restoration Plan (Appendix C). The restored areas will be monitored in accordance with CM 33, Appendix C, and Caltrans requirements.

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat, new "Mitigation Measure BIO-52" is to be added as follows:

Not less than 90 calendar days prior to construction groundbreaking within any identified SBKR restricted work area, Brightline West will provide PSFWO with a SBKR Compensation Summary identifying the locations, type, and extent of permanent impacts to SBKR restricted work areas along with a calculation of required compensation credits to be provided.

Permanent impacts will be defined as direct, negative effects to functioning PBFs within designated critical habitat that result in permanent loss of the PBFs. Using the habitat classification provided under MM BIO-32, impacts will be calculated, and conservation credits purchased at the following ratios:

- **0.5 credits per acre (0.5:1) for permanent impact to Moderate functioning SBKR restricted work areas, and**
- **1.0 credit per acre (1:1) for permanent impact to High functioning SBKR restricted work areas.**

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat, new "Mitigation Measure BIO-53" is to be added as follows:

To offset permanent impacts to suitable SBKR habitat, Brightline West will purchase conservation credits. Not less than 60 calendar days prior to construction groundbreaking within any identified SBKR restricted work area, Brightline West will submit proof of payment or proof of escrow account payable, either payable to a

Brightline West Cajon Pass High Speed Rail Project

Service-approved conservation bank to establish an endowment sufficient to compensate permanent impacts at the ratios given above.

In Section 4.5.6.5 San Bernardino Merriam's Kangaroo Rat, new "Mitigation Measure BIO-54" is to be added as follows:

Brightline West will submit a SBKR Final Report to PSFWO within 60 calendar days of the completed Project. The SBKR Final Report will include results of trapping within SBKR restricted work areas and a status report of SBKR relocated, including numbers and status of soft release.

In Section 4.5.6.7 Desert Tortoise "Mitigation Measure BIO-38" is to be removed.

~~Desert tortoise is not likely to occur within the construction area; thus, preconstruction surveys are not required at this time. If desert tortoise sign, burrows, or individuals are determined to be, or possibly be, present in areas of ground disturbance, then Brightline West or their contractor will notify USFWS immediately.~~

~~In any situation where a desert tortoise places itself in danger (e.g., it enters a work area), Brightline West will take immediate action to protect the animal and contact USFWS for additional guidance. The construction contractor will immediately cease work in the vicinity that could injure or kill the animal. Brightline West will observe the animal until it is moved with USFWS approval from harm's way.~~

In Section 4.5.6.7 Desert Tortoise "Mitigation Measure BIO-39" is to be removed.

~~Where culverts are used, Brightline West will design and install desert tortoise suitable culverts. Box culverts must be at least 3 feet on a side, and pipe culverts must be at least 3 feet in diameter. Box culverts are recommended over pipe culverts because desert tortoises are less likely to use box culverts as burrows. If a new culvert is to be tied to an existing culvert under I 15, Brightline West, with approval from USFWS, may forego these specifications if they are incompatible with the existing culverts.~~

In Section 4.5.6.7 Desert Tortoise "Mitigation Measure BIO-40" is to be removed.

~~The contractor and or Brightline West will notify the Project's point of contact at the Carlsbad Office of USFWS by telephone or electronic mail within 3 days of desert tortoise injury or death. The notification must include the date, time, and location of the carcass; a photograph; cause of death, if known; and any other pertinent information. The circumstances surrounding the incident will be reviewed with USFWS to determine whether additional protective measures are required for the Project. Project activities may continue during the review, provided that the proposed protective measures have been, and continue to be, fully implemented.~~

In Section 4.5.6.7 Desert Tortoise "Mitigation Measure BIO-41" is to be removed.

~~Construction crew members will refer all issues regarding the desert tortoise to the USFWS.~~

In Section 4.5.6.7 Desert Tortoise "Mitigation Measure BIO-42" is to be removed.

~~Placement and construction of rock-slope protections will require the interstitial spaces within rock-slope protection to be filled with substrate to prevent trapping of desert tortoises.~~

In Section 4.5.6.8 ESA-Listed Plant Species Protection "Mitigation Measure BIO-43" is revised to be Section 4.5.6.6 ESA-Listed Plant Species Protection "Mitigation Measure BIO-55".

In Section 4.5.6.8 ESA-Listed Plant Species Protection “Mitigation Measure BIO-44” is revised to be Section 4.5.6.6 ESA-Listed Plant Species Protection “Mitigation Measure BIO-56”.

In Section 4.5.6.8 ESA-Listed Plant Species Protection “Mitigation Measure BIO-45” is revised to be Section 4.5.6.6 ESA-Listed Plant Species Protection “Mitigation Measure BIO-57”.

In Section 4.5.6.9 Monarch Butterfly “Mitigation Measure BIO-46” is to be removed.

~~Pollinator plants and milkweed species supporting monarch butterflies must be included in plans for restoration and landscape areas.~~

In Section 4.5.6.10 Nesting Migratory Birds “Mitigation Measure BIO-47” is to be removed.

~~In areas of suitable nesting habitats at the Mojave River, Lytle Creek, Cajon Wash, Cajon Canyon, and Cajon Summit, initial ground and vegetation disturbance during construction will be scheduled to avoid migratory bird nesting season, from March 1 to July 15, to avoid take under the MBTA. Appendix B of the Threatened and Endangered Species Technical Report (Attachment F) provides detailed information on which species and when migratory birds species will be present.~~

AESTHETIC AND DESIGN QUALITY

FRA notes corrections to the discussion of aesthetic and design quality related to (1) environmental consequences and (2) avoidance, minimization, and mitigation measures.

ENVIRONMENTAL CONSEQUENCES

In 4.7.5.2, Build Alternatives, the following revisions are made to the simulation of KOP-6:

Brightline West Cajon Pass High Speed Rail Project

Existing Condition, KOP-6



Rating

Vividness: High
Intactness: Average
Unity: High
Visual Quality: High

Visual Simulation, Build Alternative, KOP-6



Rating

Vividness: Average
Intactness: Average
Unity: Low
Visual Quality: Average



Figure 11. Key Observation Point 6, Cajon Pass/San Bernardino National Forest

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.7.6, Avoidance, Minimization, and Mitigation Measures, the following revisions are made to the introductory paragraph:

As explained in Section 4.7.5.2, the Build Alternative will generally be consistent with the existing visual environment. The following industry standards and BMPs will be incorporated by Brightline West into the Project to minimize changes to the visual environment and to maximize the Project’s compatibility with the existing visual environment. **Brightline West will coordinate with Caltrans as part of the PALM.**

In Section 4.7.6, Avoidance, Minimization, and Mitigation Measures, in the EA, the following revisions are made to the last paragraph of the “Construction” subsection to address comments by the City of Rancho Cucamonga:

Visual screening, such as fences, will be erected along construction and staging areas as appropriate. Landscaping and native vegetation that is cleared for TCAs (including staging and access) will be replaced. Disturbed areas within Caltrans right-of-way, **as well as city owned and private properties,** will be regraded to soften their contours and will be replanted as directed by Caltrans and within six months of the completion of construction.

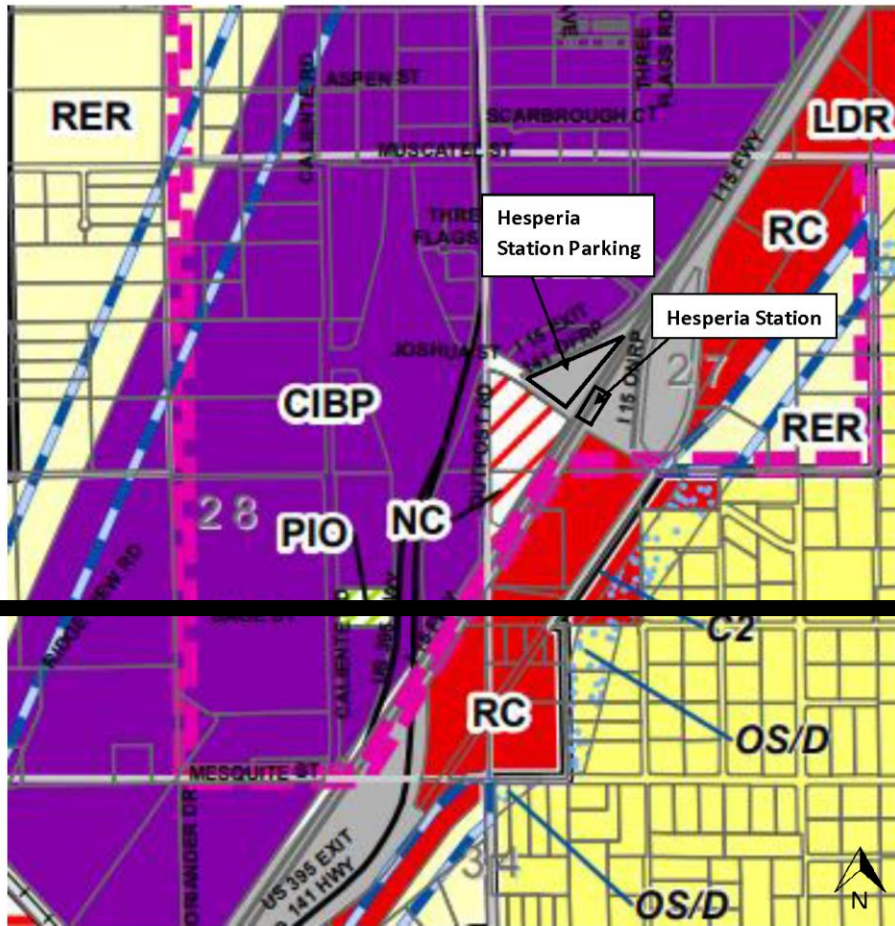
LAND USE AND COMMUNITY FACILITIES


FRA notes corrections to the discussion of land use and community facilities related to environmental consequences.

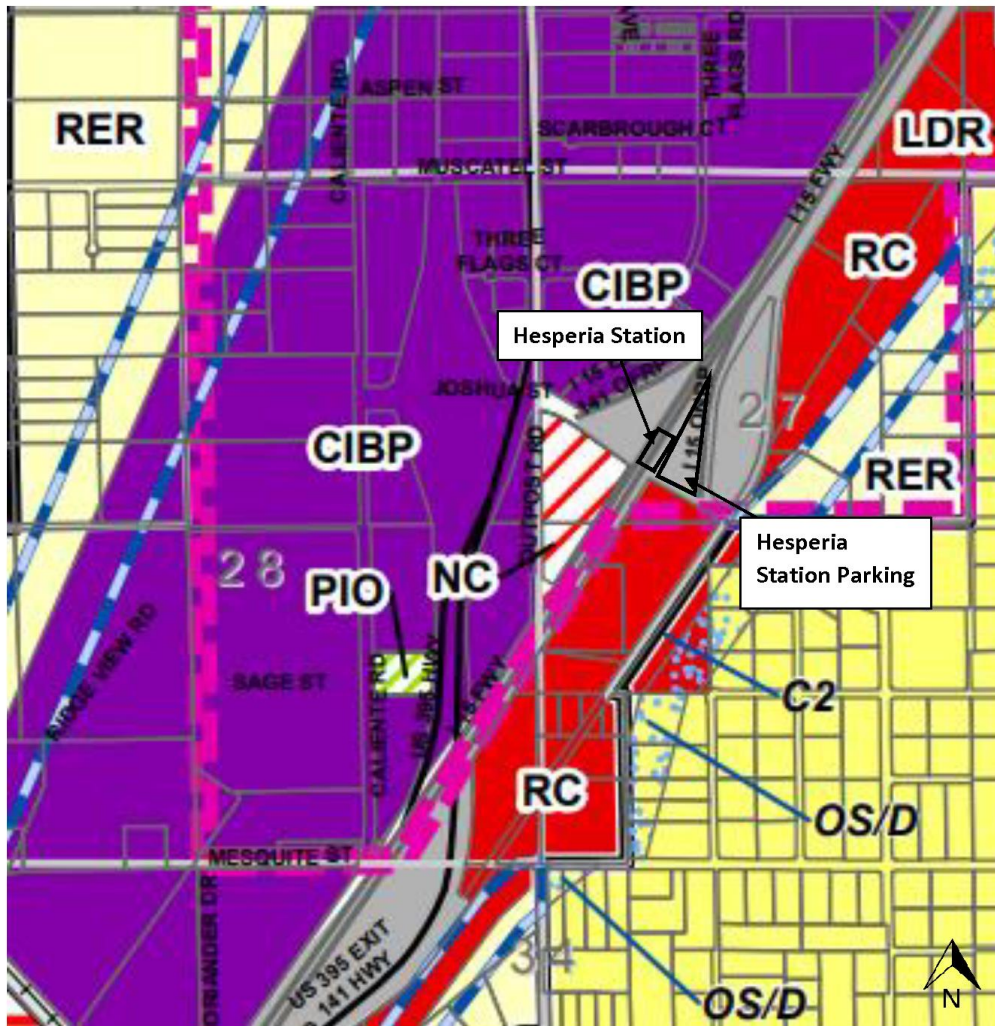
ENVIRONMENTAL CONSEQUENCES

In Section 4.8.4, Affected Environment, the following revisions are made to Figure 12:

Brightline West Cajon Pass High Speed Rail Project



| | |
|---|--|
| <p>Legend (Hesperia General Plan Land Use Designations)</p> <ul style="list-style-type: none"> RER - Rural Estate Residential RC - Regional Commercial CIBP - Com/Ind Business Park NC - Neighborhood Commercial Open Space/Development LDR - Low Density Residential Oak Hills Community Plan | <p align="center">Proposed Hesperia Station Land Use Map Brightline West Cajon Pass High-Speed Rail Victor Valley to Rancho Cucamonga, San Bernardino County, California</p> <p align="center">  </p> |
|---|--|



Legend (Hesperia General Plan Land Use Designations)

- RER - Rural Estate Residential
- RC - Regional Commercial
- CIBP - Com/Ind Business Park
- NC - Neighborhood Commercial
- Open Space/Development
- LDR - Low Density Residential
- Oak Hills Community Plan

Proposed Hesperia Station Land Use Map
 Brightline West Cajon Pass High-Speed Rail Victor Valley to Rancho Cucamonga, San Bernardino County, California



Brightline West Cajon Pass High Speed Rail Project

In Section 4.8.5.2, Build Alternative, the following revisions are made to the third paragraph of “Construction of Build Alternative”, to address comments from the City of Rancho Cucamonga:

~~In the City of Rancho Cucamonga, a traction power substation will be located next to I-15 on City-owned property, designated in the Victoria Community Plan as “Regional Related Office/Commercial.” Within this designation, “public utility exchange and substations” are a permitted use subject to a Conditional Use Permit. A Two traction power paralleling stations, one in Hesperia and one in Rancho Cucamonga, will be sited within the Caltrans right-of-way in the limit of disturbance between the northbound and southbound lanes of I-15. ~~in an~~ This area is currently used for loading sand into dump trucks during snowy weather, just north of the San Bernardino National Forest. The Hesperia Main Street and Freeway Corridor Specific Plan (Hesperia 2020) provides for general commercial land uses east of the freeway and designates the land west of the freeway as rural, which allows for a combination of residential, animal keeping, and other uses, including public utilities. Therefore, these substations will be consistent with existing land use patterns.~~

HAZARDOUS MATERIALS

FRA notes corrections to the discussion of hazardous materials related to demolition and removal of buildings during construction, and text corrections related to avoidance, minimization, and mitigation measures.

ENVIRONMENTAL CONSEQUENCES

In Section 4.10.5.2, Build Alternatives, the following revisions are made in “Construction of the Build Alternative” to address the City of Rancho Cucamonga’s comment:

Construction of the Project may result in the release of hazardous materials within the study area through disturbance of identified hazardous materials sites and using hazardous materials, either of which may result in impacts on human health. Project construction ~~may~~would not require demolition and/or removal of buildings near the Rancho Cucamonga station, ~~but may require demolition and/or removal of and~~ other structures such as existing highway overpass/underpasses and bridges, soil disturbance, and removal of existing paving.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.10.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure HAZ-1”:

Brightline West will prepare a HMMP prior to application for permits for demolition, grading, or construction, as required by the State of California. The HMMP will be utilized during all phases of construction and will address underground storage tank (UST) decommissioning, field screening, materials testing methods, mitigation and contaminant management requirements, and health and safety requirements.

Prior to any construction activities, ~~an accurate contact list will be developed by~~ Brightline West will develop an accurate contact list that includes telephone numbers for regulatory agencies, Health and Safety personnel, the National Response Center, and cleanup contractors with whom there is a pre-established agreement for response. The list will also include all appropriate Federal, State, and local agencies that must be contacted when a discharge or discovery occurs. These agencies may include:

- Lahontan and Santa Ana RWQCBs
- Department of Toxic Substances Control
- City toxics management divisions
- San Bernardino County Department of Environmental Health

Brightline West will also ~~The OSFM will also require prepare preparation~~ and implementation of a HMMP for the ~~OSFM Project~~. **During** Project operation, **Brightline West** will ~~require ensure the~~ safe handling, use, storage, and disposal of hazardous materials in accordance with the HMMP.

Brightline West will monitor ~~Disturbed soil will be monitored~~ for visual evidence of contamination (staining or discoloration). Soil will be monitored for the presence of volatile organic compounds using appropriate field instruments. If the monitoring procedures indicate the possible presence of contaminated soil, **Brightline West will develop and implement** a plan ~~will be implemented~~ that identifies procedures for segregation, sampling, and chemical analysis of the soil. Contaminated soil will be profiled for disposal and will be transported with appropriate hazardous or non-hazardous waste manifests by a properly certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the type of waste indicated by the profiling process.

In the event that construction activities or soil removal processes generate any contaminated groundwater that must be disposed of outside of the dewatering/NPDES process, **Brightline West will ensure** the groundwater ~~is will be~~ profiled, manifested, hauled, and disposed of in the same manner **as hazardous materials**.

~~Construction contractor(s) will have a~~ **Brightline West will develop a** well-developed hazardous material program, **prior to construction, in place** and will use non-hazardous substances in routine construction and maintenance activities when available. **Brightline West** ~~Construction contractors~~ will dispose of all hazardous or solid wastes and debris encountered or generated during construction and demolition activities.

Brightline West ~~The construction contractor~~ will maintain copies of the required **Occupational Safety and Health Administration (OSHA)** Safety Data Sheets for each hazardous chemical and will ensure that the copies are readily accessible during each work shift.

In Section 4.10.6, Avoidance, Minimization, and Mitigation Measures, the following text corrections have been made to “Mitigation Measure HAZ-2”:

Brightline West will prepare a HMMP prior to ~~application applying~~ for **operation** permits, **consistent with applicable requirements in as required by** the State of California. **Brightline West will update** ~~The operational HMMP, as necessary, will be updated by Brightline West~~ and will address **Underground Storage Tank** decommissioning, field screening, materials testing methods, mitigation and contaminant management requirements, and health and safety requirements.

TRANSPORTATION

FRA notes corrections to the discussion of transportation related to (1) regulatory setting, (2) active transportation, and (3) Rancho Cucamonga station parking.

REGULATORY SETTING

In Section 4.12.1, Regulatory Setting, the following revisions to the “City of Rancho Cucamonga Traffic Impact Analysis Guidelines” description are made to address comments from the City of Rancho Cucamonga:

- **City of Rancho Cucamonga Traffic Impact Analysis Guidelines:** These guidelines describe the elements required for preparing traffic impact analyses consistent with the

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San Bernardino County CMP. **Level of Service D is required at all locations in the City of Rancho Cucamonga.**

ENVIRONMENTAL CONSEQUENCES

In Section 4.8.5.2, Build Alternative, the following revisions to the second paragraph of “Construction of Build Alternatives” are made to address comments from the City of Rancho Cucamonga:

Access to I-15 and local roads will be maintained or in some cases improved; the Project will require some interchange reconstruction, and where applicable on- and off-ramps may be rebuilt to provide better access to local roadways. Interchange reconstruction within the City of Hesperia will occur at I-15 interchanges, within Caltrans right-of-way, between the Stoddard Wells Road southbound on- and off- ramp and Rancho Road. Reconstruction and I-15 freeway and interchange ramp modifications will also occur within the Caltrans right-of-way ~~within the City of Rancho Cucamonga~~ at SR-210, Beech Avenue, Duncan Canyon Road, and Glen Helen Parkway. Because interchange reconstruction will take place within the Caltrans right-of-way along the I-15, which is an existing transportation corridor, reconstruction will not require the conversion of land planned for non-transportation uses. **The Project would maintain bicycle access on I-15, as well as any other existing bicycle and pedestrian access, by including detours where necessary during construction.**

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.12.6.4, Parking, the following revisions are made to the “Rancho Cucamonga Station” to address comments from the City of Rancho Cucamonga:

Commencing with the opening of the Project and annually thereafter, Brightline West will prepare a parking demand management plan, **in coordination with the City**, that includes that following:

- Monitoring parking occupancy (occupied spaces as a share of total spaces) at the Rancho Cucamonga station with sufficient detail to identify the hour during which the peak occupancy occurs each day and the percentage of parking spaces occupied by vehicles with Metrolink and Brightline West parking permits during that hour.
- Forecasts of parking demand for the next five years.
- Measures that Brightline West will implement to accommodate anticipated parking demand, which may include one or more of the following elements:
 - Providing discounted fares for Brightline West passengers who arrive at the station by rail or bus transit
 - Directly subsidizing SCRRA or bus transit operators to provide reduced transit fares for Brightline West passengers
 - Directly subsidizing bus transit operators to provide additional transit service to the station during the peak weekday arrival and departure times of Brightline West passengers.
 - Directly subsidizing SCRRA or bus transit operators to provide additional transit service to the station on Sunday afternoons, as the lack of Sunday service to return home may discourage passengers from using transit to access the station on other days
 - **The Project Applicant will be required to enter into voluntary parking agreements with public and private property owners to** ~~Providing~~ provide off-site parking at existing underutilized parking facilities within 5 miles of the station, ~~including~~ **include** provide a free shuttle for passengers who park at an off-site parking facility, and

- identifying any additional off-site parking facilities that are anticipated to be required within the next five years based on ridership forecasts.
- Implementing a differential charge for on-site and off-site parking to match the demand for each type of parking to the supply.
 - Working with the City of Rancho Cucamonga to institute a neighborhood parking protection plan for existing or future neighborhoods near the stations, including parking polices such as a residential permit parking program and/or time limits to encourage turnover
 - **Providing additional funding for more frequent service for the Omnitrans' West Valley Connector and/or providing funding for a local City circulator using the City's offsite parking structures**
 - ~~Expanding existing parking facilities or constructing additional parking facilities on City-owned property adjacent to the station~~

WATER QUALITY

FRA notes corrections to the discussion of water quality mitigation measures within avoidance, minimization and mitigation measures.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-1 to address comments from the city of Rancho Cucamonga:

Mitigation Measure WQ-1: ~~Brightline West Construction activities will begin with the will~~ installation of erosion control BMPs, as outlined in the Caltrans Construction Site BMPs Manual (Caltrans 2017) ~~by the contractor~~. In the final construction plans, Brightline West the contractor will specify BMPs for grading and erosion control that are necessary to reduce erosion and sedimentation. ~~Brightline West will select Those~~ BMPs will be selected to achieve maximum sediment removal ~~using and represent~~ the best available technology ~~that is economically achievable~~. Brightline West will implement Sstandard erosion control measures, such as management, and structural and vegetative controls, ~~will be implemented~~ for all construction activities that expose soil. Brightline West may use A phased approach ~~may be used~~ during the installation of the permanent erosion and sediment control measures, ~~which will allow the Project~~ to limit the extent of water quality monitoring needed during construction phases, consistent with applicable law.

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-2:

Mitigation Measure WQ-2: Brightline West will comply with the statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), ~~which will require the property owner to and, as applicable,~~ file a Notice of Intent to discharge stormwater and to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). ~~Implementing the requirements in the NPDES CGP will reduce or eliminate construction-related water quality impacts~~. Brightline West will ensure that construction activities comply with the conditions in the CGP, including implementing the which will require preparation of a SWPPP by the contractor, implementation of BMPs identified in the SWPPP, and monitoring to ensure that impacts on water quality are avoided, minimized, or mitigated.

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In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-3:

Mitigation Measure WQ-3: Brightline West will implement ~~the SWPPP, as described in Mitigation Measure WQ-2, will be implemented by the contractor~~ to reduce the likelihood that stormwater will carry any spilled contaminants to water channels. ~~Implementation of the SWPPP along with the following mitigation measures will reduce construction-related impacts.~~

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-4 to address comments from the city of Rancho Cucamonga:

Mitigation Measure WQ-4: Brightline West will develop a Spill Prevention, Control, and Countermeasures (SPCC) plan to prevent accidental releases of chemicals that are stored on site and measures to use in the case of a spill. The BMPs described in the SPCC Plan will apply to construction activities and operation activities. ~~Brightline West The contractor~~ will implement appropriate hazardous material management practices identified in the SPCC Plan to reduce the potential for chemical spills or release of contaminants, including any non-stormwater discharge to drainage channels. If a spill occurs, Brightline West will implement cleanup, containment, and response measures outlined in the SPCC Plan. Brightline West will immediately notify the Caltrans Resident Engineer, Caltrans Construction Stormwater Coordinator, and the California Regional Water Quality Control board if a spill occurs. Brightline West will ensure that the phone numbers and emergency contact information of the appropriate parties are up to date at all times. Rancho Cucamonga Fire Protection District (RCFPD) is the emergency response agency for hazardous materials in the City of Rancho Cucamonga. San Bernardino County Fire Hazardous Materials (HAZMAT) Division is the emergency response agency for hazardous materials in the City of Hesperia.

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-5:

Mitigation Measure WQ-5: During Project design, Brightline West will locate Temporary Construction Areas to avoid key water features, such as the Mojave River, Cajon Wash, and California Aqueduct, and will avoid other water resources, ~~to the greatest extent where possible. Brightline West and the contractor will look to~~ use existing paved areas as staging areas, to the greatest extent possible, to minimize ~~disturbed~~ soil and groundwater disturbance.

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures WQ-6:

Mitigation Measure WQ-6: During Project construction, ~~the contractor~~ Brightline West will obtain water from existing, commercially available water sources. Brightline West will not develop new groundwater wells or surface impoundments, unless authorized under applicable law ~~without Federal and State approval, as appropriate and legally required.~~

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures WQ-7 to address comments from the city of Rancho Cucamonga:

Mitigation Measure WQ-7: To protect water quality, ~~Brightline West the contractor~~ will install permanent water quality treatment devices in accordance with the statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) NPDES permit obtained for the Project at the Hesperia station, Rancho Cucamonga station, and the longitudinal rail alignment. Examples of water quality BMPs for water quality may include vegetated swales, traction sand traps, or settling basins to help remove sediments and nutrients. Brightline West will ensure implemented ~~Such~~ BMPs are ~~will be~~ sized properly and designed by a registered professional engineer to prevent and will not allow untreated stormwater runoff from entering to reach the Mojave River, the California Aqueduct, or any washes along the alignment.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures WQ-8:

Mitigation Measure WQ-8: Where necessary, Brightline West will redesign and resize the existing drainage features to accommodate the potential increase in runoff along the rail alignment. ~~T~~**Brightline West will design** the rail alignment ~~to~~**will** connect with and mirror the existing culverts along the I-15 highway, ~~to the greatest extent where~~ possible. To determine the adequate size of drainage facilities, the total increase in impervious surface of the final design of the facilities will be included in a Rational Method (a way of calculating flow intensity) calculation to determine the increase in peak storm discharges resulting from the Project. ~~The~~**Brightline West will use** ~~t~~The 100-year, 24-hour storm event ~~will be used~~ to determine the appropriate size of drainage facilities needed for the Project. **Brightline West will design** ~~S~~stormwater treatment ~~will be designed in accordance~~ with the Caltrans Project Planning and Design Guide.

SAFETY

FRA notes corrections to the discussion of safety related to regulatory settings to ensure the applicability of (1) National Fire Protection Association Standard 130, (2) City of Rancho Cucamonga Technical Development Codes, (3) Rancho Cucamonga Fire Protection Districts Fire Standards, and (4) wildfire risk.

REGULATORY SETTING

In Section 4.14.1.3, National Fire Protection Association Standard 130, the following revisions are made:

National Fire Protection Association (NFPA) Standard 130, “Safety Standard for Fixed Guideway Transit and Passenger Rail Systems, Tier 3 Guidance,” specifies the latest fire protection and life safety requirements for underground, surface, and elevated fixed-guideway transit and passenger rail systems.

The following text has been added to Section 4.14.1 as Section 4.14.1.6 and Section 4.14.1.7 to address comments from the City of Rancho Cucamonga:

City of Rancho Cucamonga Technical Development Codes

The City of Rancho Cucamonga Technical Development Codes set forth design standards and guidelines relating to safety, including but not limited to:

C. Access and Circulation. Site design must provide safe and efficient paths of travel for vehicles and pedestrians and reduce conflicts between pedestrian and vehicles.

I. Fire Safety. Areas designated as high fire hazard areas must provide vegetation management and landscaping in accordance with the fire district’s codes and standards (Ord. No. 1000 § 4, 2022).

Rancho Cucamonga Fire Protection Districts Fire Standards

The City of Rancho Cucamonga Fire Protection District set forth fire standards pursuant to Ordinance FD57 and 2019 California Fire Code. Standards applicable to the project include but are not limited to the following:

- **3-3 General Storage**
- **3-4 Waste Handling and Recycling**
- **3-5 Weed and Fire Hazard Abatement**

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- **4-5 Emergency Guides**
- **5-1 Fire Apparatus Access Roads – Fire Lane**
- **5-10 Fire Protection Water Supply Systems**
- **5-11 Site Plan Content**
- **9-3 Alarm and Supervision Systems**
- **9-5 Fire Sprinkler Systems**
- **9-6 Fire Extinguishing Systems**
- **33-3 Fire Prevention and Site Safety During Construction**
- **57-1 Hazardous Materials Tank Abandonment and Removal**

ENVIRONMENTAL CONSEQUENCES

In Section 4.14.5.2, Construction of the Build Alternative, the following revisions are made to the “Wildfire Risk” subsection to address the City of Rancho Cucamonga’s comment:

The Project will traverse State FHSZs and Federal very high fire hazard zones throughout rural portions of the study area, as depicted in Figure 17 through Figure 20. Project construction could temporarily increase fire risks in the FHSZs due to the storage and use of flammable or combustible materials, operation of vehicles and heavy machinery, or other factors resulting from increased human activity. The type of activities needed to construct the Project are similar to other transportation projects within the area and will not introduce unique wildfire hazards. In California, approximately 10 to 15 percent of wildfires occur naturally, and 85 to 90 percent of wildfires are caused by human activities and negligence (such as unattended campfires, use of fireworks, and arson), in contrast to planned construction activities (Frontline Wildfire Defense, 2022). Project right-of-way and facility vegetation control programs will conform to CAL FIRE guidelines for defensible space to reduce fire hazards. The proposed passenger stations and power substation will not be located within FHSZs, and other ancillary features including electrical infrastructure will be co-located near existing infrastructure of a similar nature and located in disturbed areas where possible, in order to minimize wildfire risks. **Additionally, the project would be compatible with the San Bernardino National Forest Ignition Reduction project which would reduce hazardous fuels along the I-15 corridor in order to reduce wildlife starts and risks.**

In Section 4.14.5.3, Operation of the Build Alternative, the following revisions are made to the “Wildfire Risk” subsection to address the City of Rancho Cucamonga’s comment:

Wildfires can disrupt transportation, communications, power and gas services, and water supply, and lead to a deterioration of air quality, and loss of property, crops, resources, animals and people. If damaged, electrical facilities associated with the Project could create sparking or arcing, which could increase fire risks. The Project will pass through FHSZs with a high risk of wildfire as shown Figure 17 and Figure 18. **The project would be compatible with the San Bernardino National Forest Ignition Reduction project which would reduce hazardous fuels along the I-15 corridor in order to reduce wildlife starts and risks.** The Hesperia and Rancho Cucamonga stations and power substation in Segment 1 will not be located within FHSZs. The proposed location of the rail alignment and overhead catenary wire system within the existing I-15 median will reduce the likelihood that the Project could ignite wildfires, as the electrical infrastructure used to power the train sets will be generally isolated from brush or other natural materials by the I-15 travel lanes.

GEOLOGY, SOILS, SEISMICITY, AND PALEONTOLOGY

FRA notes corrections to the discussion of geology, soils, seismicity, and paleontology mitigation measures within avoidance, minimization and mitigation measures.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

In Section 4.13.6.1, Construction, the following revisions are made to Mitigation Measures GEO-1:

Mitigation Measure GEO-1: To further evaluate the potential for ground fissures, **Brightline West will employ** a qualified geologist ~~to~~**will** conduct surface reconnaissance and prepare an evaluation during the design phase of the Project. This evaluation will include visual observation of the earth units, manmade features and geomorphology, and review of geologic maps to evaluate the surface conditions relative to Project features. Recommendations of the evaluation will be incorporated into ~~the~~ **final design of the Project** and construction plans.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-2:

Mitigation Measure GEO-2: **Brightline West will employ Aa** qualified geologist ~~to~~**will** perform a site specific, detailed evaluation, which includes surface reconnaissance and subsurface assessment. Recommendations of this evaluation will be incorporated ~~into the~~ **final design of the Project documents**. This evaluation will be performed prior to construction so that, in the event a fault-rupture hazard exists, the recommendations of the geologist can be implemented in the final ~~Project~~ design **of the Project**.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-3:

Mitigation Measure GEO-3: **Brightline West will employ Aa** qualified geologist ~~to~~**will** perform a site-specific evaluation of the potential ground shaking hazard. The evaluation will be performed during design development and prior to construction so that appropriate structural design and mitigation techniques can be incorporated into the **final** design of the Project. Evaluation techniques will include drilling of exploratory borings, laboratory testing of soils, computer software analysis to develop seismic design parameters for use by the Project structural engineer. Recommendations of this evaluation that avoid or minimize impacts related to seismic ground shaking will be incorporated into the **final** design **of the Project documents**. Structural elements of the rail system will be designed to resist or accommodate appropriate site-specific ground motions and to conform to the current seismic design standards. Implementation of an earthquake early warning system will also be included as part of the Project.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-4:

Mitigation Measure GEO-4: **Brightline West will employ Aa** qualified geotechnical engineer ~~to~~**will** perform a site-specific evaluation of the potential liquefaction hazard during design development and prior to construction. This evaluation will assess the liquefaction and dynamic settlement characteristics of the on-site soils and will include drilling of exploratory borings, evaluation of groundwater depths, and laboratory testing of soils. Recommendations of this evaluation that avoid or minimize impacts related to liquefaction will be incorporated into ~~the~~ **final design of the Project documents**.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-5:

Mitigation Measure GEO-5: ~~During the design phase of the Project, a~~**Brightline West will employ a** qualified geologist ~~to~~**will** perform site-specific geotechnical evaluations to assess the settlement potential of the on-site natural soils and undocumented fill. Surface reconnaissance and subsurface evaluation will be performed which addresses the potential settlement hazards. The evaluations will include drilling of exploratory borings and laboratory testing of soils, in addition to surface reconnaissance to evaluate site conditions. Recommendations of the

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geotechnical evaluation will be incorporated into the final design of the Project~~implemented prior to design and construction.~~

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-6:

Mitigation Measure GEO-6: Brightline West will employ a qualified geologist to perform subsurface evaluation prior to design and construction. Evaluation of corrosive soil potential will be accomplished by testing and analysis of soils at design depths. Laboratory tests will be conducted on the soils prior to construction and the results will be reviewed by a qualified corrosion engineer. The qualified corrosion engineer will prepare an improvement plan which will include corrosion protection measures suitable to the Project elements. The improvement plan will include corrosivity tests to evaluate the corrosivity of the subsurface soils. Recommendations of the improvement plan will be ~~implemented prior to design and construction~~incorporated into the final design of the Project.

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-7:

Mitigation Measure GEO-7: ~~During the Project design a~~Brightline West will employ a qualified geologist ~~to~~will perform, a site-specific subsurface evaluation, including laboratory testing, to evaluate the extent of which expansive soils are present along the alignment. Where expansive soil conditions are found and will be detrimental to proposed improvements, measures recommended by the geologist will be incorporated into the final design of the Project~~implemented in Project design.~~

In Section 4.13.6.2, Operation, the following revisions are made to Mitigation Measures GEO-8:

Mitigation Measure GEO-8: To further evaluate the potential for landslides and surficial slope failures along the proposed segments, Brightline West will employ a qualified geotechnical engineer ~~to~~will perform a surface reconnaissance and subsurface evaluation during Project design. Surface reconnaissance will include visual observation of the earth units and geomorphology and review of geologic maps to evaluate the condition of slopes relative to the alignment. Subsurface exploration will be performed as recommended by the qualified geotechnical engineer to evaluate the potential for landslides and surficial slope failures. If necessary, subsurface evaluation will include the excavation and detailed logging of exploratory trenches, test pits and/or borings as recommended by the qualified geotechnical engineer. Slope stability computer analyses will be performed to address the stability of slopes, as where recommended by the qualified geotechnical engineer. Measures recommended in the evaluation will be ~~implemented prior to Project design and construction~~incorporated into the final design of the Project.