Appendix A: Notice of Preparation Materials

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NOTICE OF PREPARATION

OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

AND PUBLIC SCOPING PERIOD FOR THE

SACRAMENTO TO ROSEVILLE THIRD MAIN TRACK PROJECT

Date: June 28, 2023

To: Governor's Office of Planning and Research/State Clearinghouse Unit, Responsible Agencies, Trustee Agencies, and Interested Parties

From: Capitol Corridor Joint Powers Authority

Lead Agency: Capitol Corridor Joint Powers Authority
300 Lakeside Drive, 14th Floor East
Oakland, CA 94612

Contact: Jim Allison, Manager of Planning
(510) 464-6994
jima@capitolcorridor.org

Project Title: Sacramento to Roseville Third Main Track

Subject: Notice of Preparation of a Supplemental Environmental Impact Report in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15082(a) and Notice of Public Scoping Meeting

INTRODUCTION

Notice is hereby given that the Capitol Corridor Joint Powers Authority (CCJPA), as California Environmental Quality Act (CEQA) Lead Agency, will prepare a Supplemental Environmental Impact Report (SEIR) for the Sacramento to Roseville Third Main Track (Project or SR3T Project) and will hold a public scoping meeting to receive comments on the scope of the SEIR, as detailed below. This Notice of Preparation (NOP)/Notice of Public Scoping Meeting (Notice) is also available online at https://ceqanet.opr.ca.gov/Project/2014072005. CCJPA, as the Project proponent and CEQA Lead Agency for the Project, has determined that an SEIR must be prepared for the Project prior to making any final decision regarding whether to approve the Project, in accordance with CEQA.

This Notice of Preparation (NOP) includes a brief description of the revised Project and the environmental topics to be addressed in the SEIR. The proposed Project would constitute a change to the previously approved SR3T Project. Therefore, the SEIR will evaluate whether any new or substantially more severe impacts on the environment would result from the project changes, compared to the environmental impacts disclosed in the previously certified SR3T Project EIR. The SEIR also will incorporate the applicable mitigation measures that were identified in the previously certified EIR. CCJPA has issued this Notice to Responsible Agencies, Trustee Agencies, federal agencies, transportation planning agencies, agencies with transportation facilities that may be affected, and other interested

parties. Responsible Agencies are those public agencies that have a role in approving or carrying out the proposed Project.

PUBLIC REVIEW AND SCOPING

A 30-day public scoping comment period will begin on June 28 and end on July 28, 2023. During this scoping comment period, CCJPA encourages you to learn more about and provide your input into the scope of the Project and environmental review.

Online Public Scoping Meeting

For your convenience, and to allow participation in a safe environment while social distancing, CCJPA will host an online SEIR Scoping Meeting/Public Workshop. The purpose of the meeting is to solicit input on the scope and content of the environmental analysis that will be included in the Supplement to the EIR. The date and time of the virtual meeting is:

Wednesday, July 12th at 6 p.m.

Zoom Link: https://us06web.zoom.us/j/85103127845?pwd=N2hZV3F3azNTT25oblhvblV3WDlIQT09
Zoom Passcode: 622495

Public Comment Submittal

We value your input and look forward to hearing from you. For your convenience, we have a number of ways for you to provide comments at any time during the 30-day comment period ending on **July 28, 2023**. Written comments or questions concerning the proposed Project should be directly mailed or emailed to the CCJPA's Project Manager at the following addresses:

- Direct Mail:

  Jim Allison, Manager of Planning

  Capitol Corridor Joint Powers Authority

  300 Lakeside Drive, 14th Floor East

  Oakland, CA 92612

- Email: jima@capitolcorridor.org

For the deaf, hard of hearing, or speech impaired, (TDD) users may contact the California Relay Service TTY and/or Voice Line at 1-800-735-2929, or 711.

If you are an authorized representative of a Responsible Agency or a Trustee Agency, the CCJPA needs to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed Project. Your agency will need to use the SEIR when considering whether to permit or otherwise approve the Project. Comments received from State of California agencies should address:

1) whether the agency will be a Responsible Agency or a Trustee Agency for the Project; and

2) if the agency is a Responsible Agency, the significant environmental issues and reasonable alternatives and mitigation measures which the Responsible Agency will need to have explored in the analysis.

We will also need the name, address, telephone number, and email address of the contact person for your agency.

PROJECT LOCATION AND OVERVIEW

The original SR3T Project is located in Sacramento County and Placer County between the existing Sacramento Valley Station and the existing City of Roseville Station (see Figures 1 and 2). The SR3T Project proposed the construction and operation of approximately 17.8 miles of new main track within the existing rail corridor and identified the following improvements:

- Minor reconfiguration of the City of Roseville Station to accommodate increased Capitol Corridor service in the future.
- Grading and installation of new subgrade and drainage
- Placement of new rail and ties
- Special track work with turnouts, crossovers and associated switches and equipment
- New wayside track signals
- Eleven replaced railroad bridges, including a new bridge across the American River in Sacramento

Based on a preliminary review of the proposed modifications to the original project, it has been determined that a SEIR would need to be prepared for CEQA compliance. The Final EIR for the SR3T Project was certified on November 18, 2015. This supplement to the certified EIR will contain only the information necessary to make the previously certified EIR adequate for the Project as revised, would be given the same notice and public review as was given to the original draft EIR as per 14 CCR § 15087, and would be circulated by itself without re-circulating the previous draft or final EIR. Subsequent to that original CEQA certification, CCJPA is seeking to accommodate changes in project design associated with the SR3T Project. The SR3T Project SEIR would cover two project components:

- *Elvas Railroad Bridge Crossings:* Supplemental analysis for up to three railroad bridge crossings across SR-51 to accommodate changes in project design associated with the SR-51 and SR3T Project (Figure 3).
- *Passenger Train Layover Facility:* The original SR3T EIR contemplated a passenger train layover facility adjacent to Old Town Roseville, located along the west leg of the Union Pacific (UP) wye track connecting the UP Roseville Subdivision with the UP Valley Subdivision. Subsequent to certification of the Final EIR for the SR3T Project, supplemental analysis would be conducted for a revised location of the proposed passenger train layover facility (Figure 4).

PROBABLE ENVIRONMENTAL EFFECTS AND REQUIRED APPROVALS

As discussed in CEQA Guidelines Section 15163, a lead agency may choose to prepare a Supplement to an EIR when only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The Supplement to the EIR need contain only the

information necessary to make the previous EIR adequate for the project as revised. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the Supplemental EIR. Therefore, the CCJPA Board will ultimately consider the SEIR in combination with the previously certified EIR for the SR3T Project, which was certified in November 2015.

The SEIR will update the environmental setting and utilize project-specific information to determine if there are changed circumstances that lead to identification of significant impacts that were not identified in the previously certified EIR. The analysis will, in part, determine if the impacts and mitigation measures already identified in the previously certified EIR adequately address project-specific impacts. If conditions identified in CEQA Guidelines Section 15162 occur (e.g., new or more severe significant impacts than previously analyzed), mitigation measures will be developed or modified to address the impacts.

INFORMATION

Documents relating to the Project are available for review online at:
https://www.capitolcorridor.org/sac-roseville-third-track/

http://sactoroseville3rdtrack.com/

Jim Allison, Manager of Planning

Capitol Corridor Joint Powers Authority

Attachments:

Figure 1. Regional Map

Figure 2. Previously Certified Project Overview Location Map

Figure 3. Elvas Railroad Bridge Crossings Location Map

Figure 4. Passenger Train Layover Facility Location Map

Figure 1. Regional Map

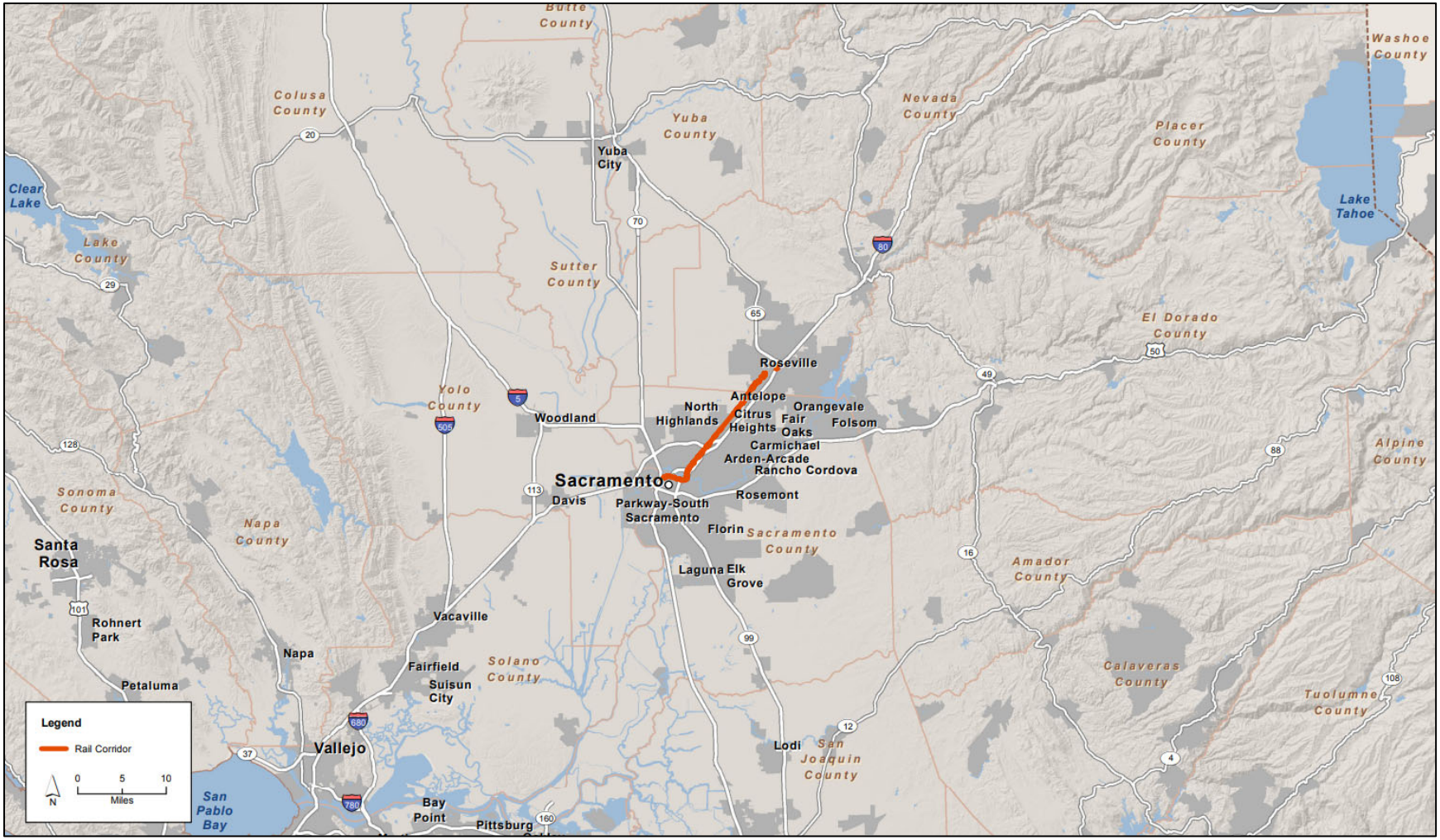

Figure 2. Previously Certified Project Overview Location Map

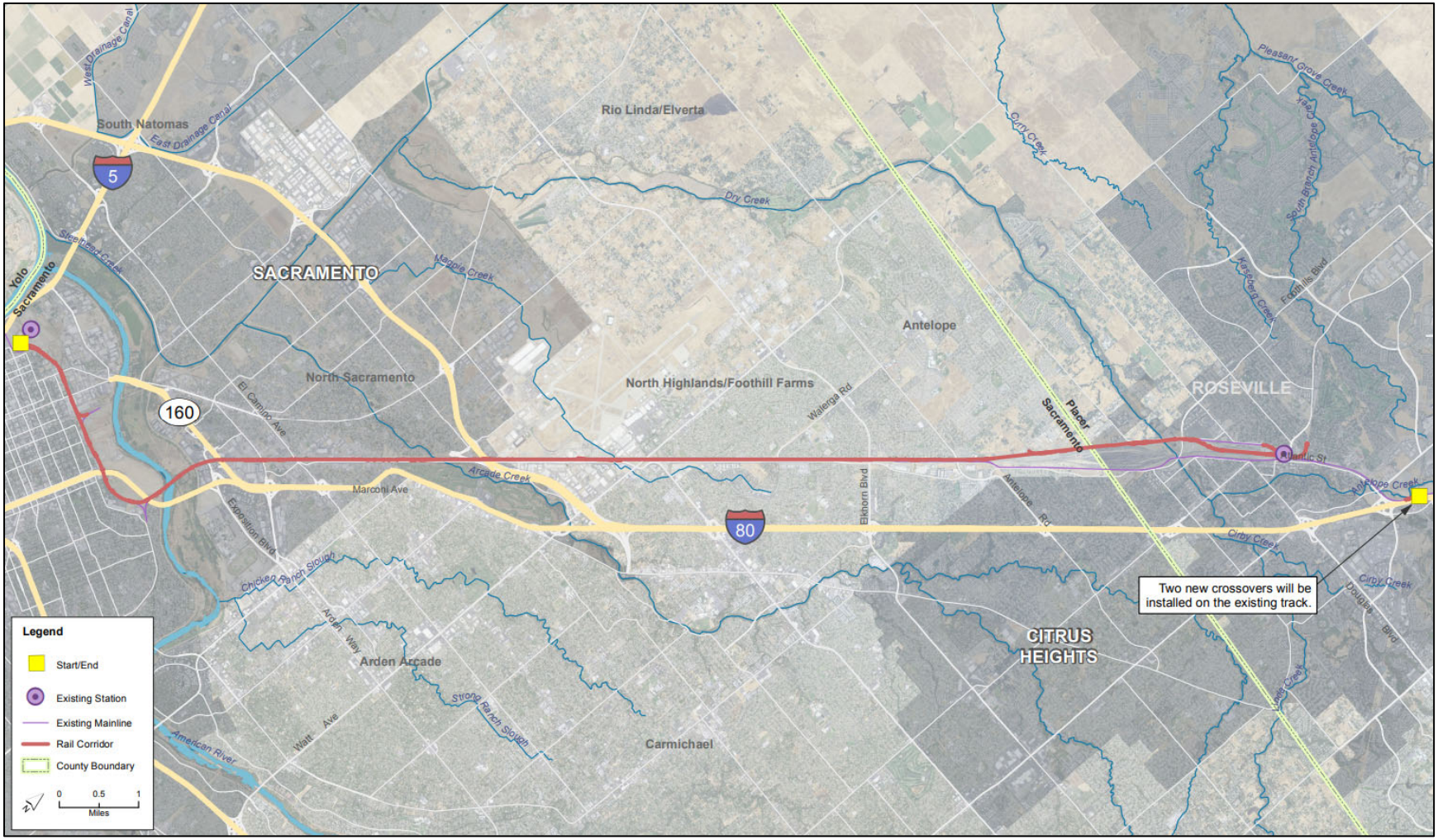

Figure 3. Elvas Railroad Bridge Crossings Location Map

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AMENDED NOTICE OF PREPARATION

OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

AND PUBLIC SCOPING PERIOD FOR THE

SACRAMENTO TO ROSEVILLE THIRD MAIN TRACK PROJECT

Date: July 18, 2023

To: Governor's Office of Planning and Research/State Clearinghouse Unit, Responsible Agencies, Trustee Agencies, and Interested Parties

From: Capitol Corridor Joint Powers Authority

Lead Agency: Capitol Corridor Joint Powers Authority
2150 Webster Street, 3rd Floor
Oakland, CA 94612

Contact: Jim Allison, Manager of Planning
(510) 464-6994
jima@capitolcorridor.org

Project Title: Sacramento to Roseville Third Main Track

Subject: Notice of Preparation of a Supplemental Environmental Impact Report in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15082(a) and Notice of Public Scoping Meeting

Original Date of Public Notice: June 28, 2023

Amended Date of Public Notice: July 18, 2023

This amended notice provides a revised Public Scoping Meeting Date.

INTRODUCTION

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environmental impacts disclosed in the previously certified SR3T Project EIR. The SEIR also will incorporate the applicable mitigation measures that were identified in the previously certified EIR. CCJPA has issued this Notice to Responsible Agencies, Trustee Agencies, federal agencies, transportation planning agencies, agencies with transportation facilities that may be affected, and other interested parties. Responsible Agencies are those public agencies that have a role in approving or carrying out the proposed Project.

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Monday, July 24th from 6 p.m. to 7 p.m.

Zoom Link: bit.ly/CCJPA_SR3T_SEIR2
Zoom Passcode: 953679

Public Comment Submittal

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1) whether the agency will be a Responsible Agency or a Trustee Agency for the Project; and

2) if the agency is a Responsible Agency, the significant environmental issues and reasonable alternatives and mitigation measures which the Responsible Agency will need to have explored in the analysis.

We will also need the name, address, telephone number, and email address of the contact person for your agency.

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Jim Allison, Manager of Planning

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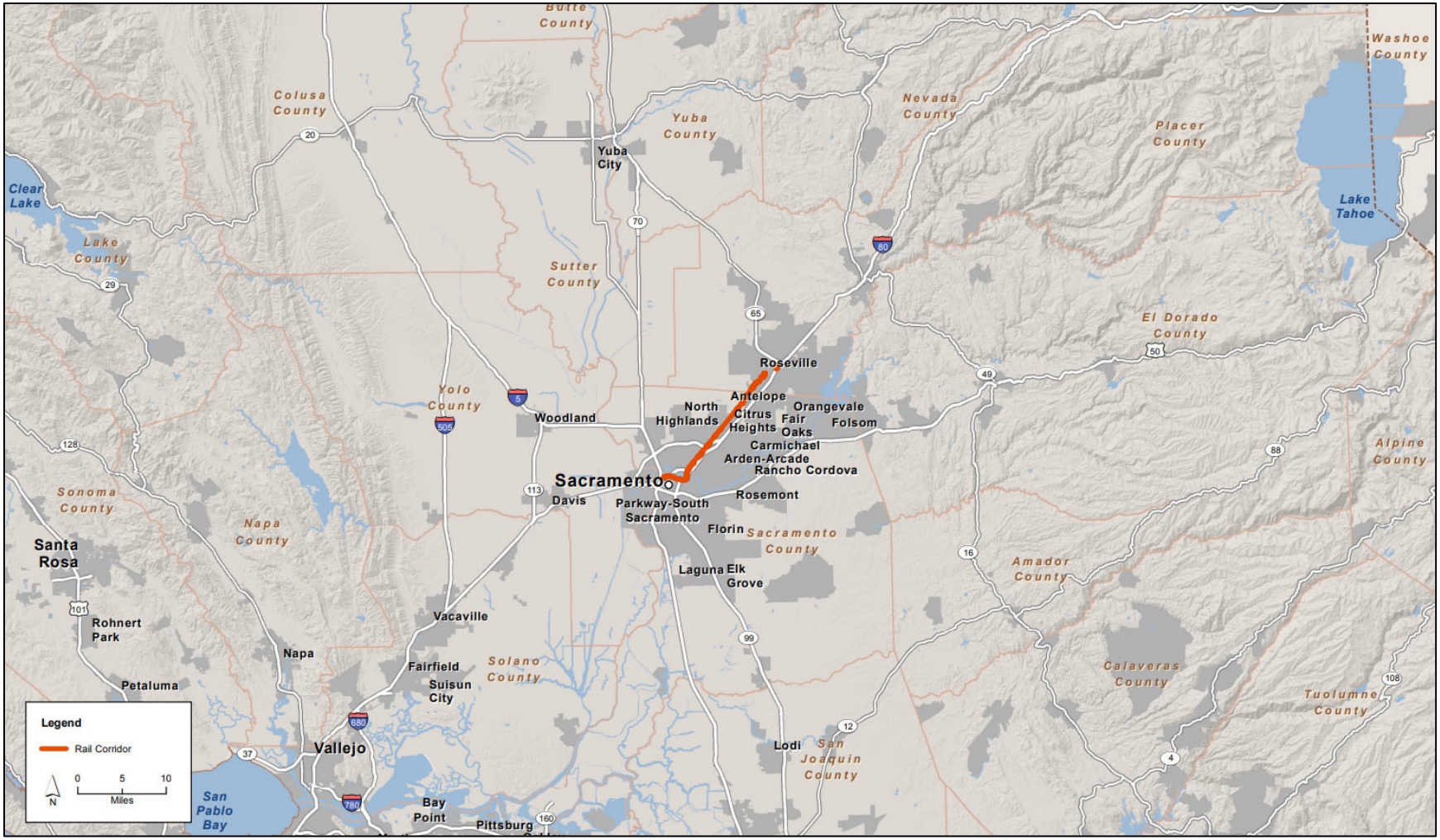

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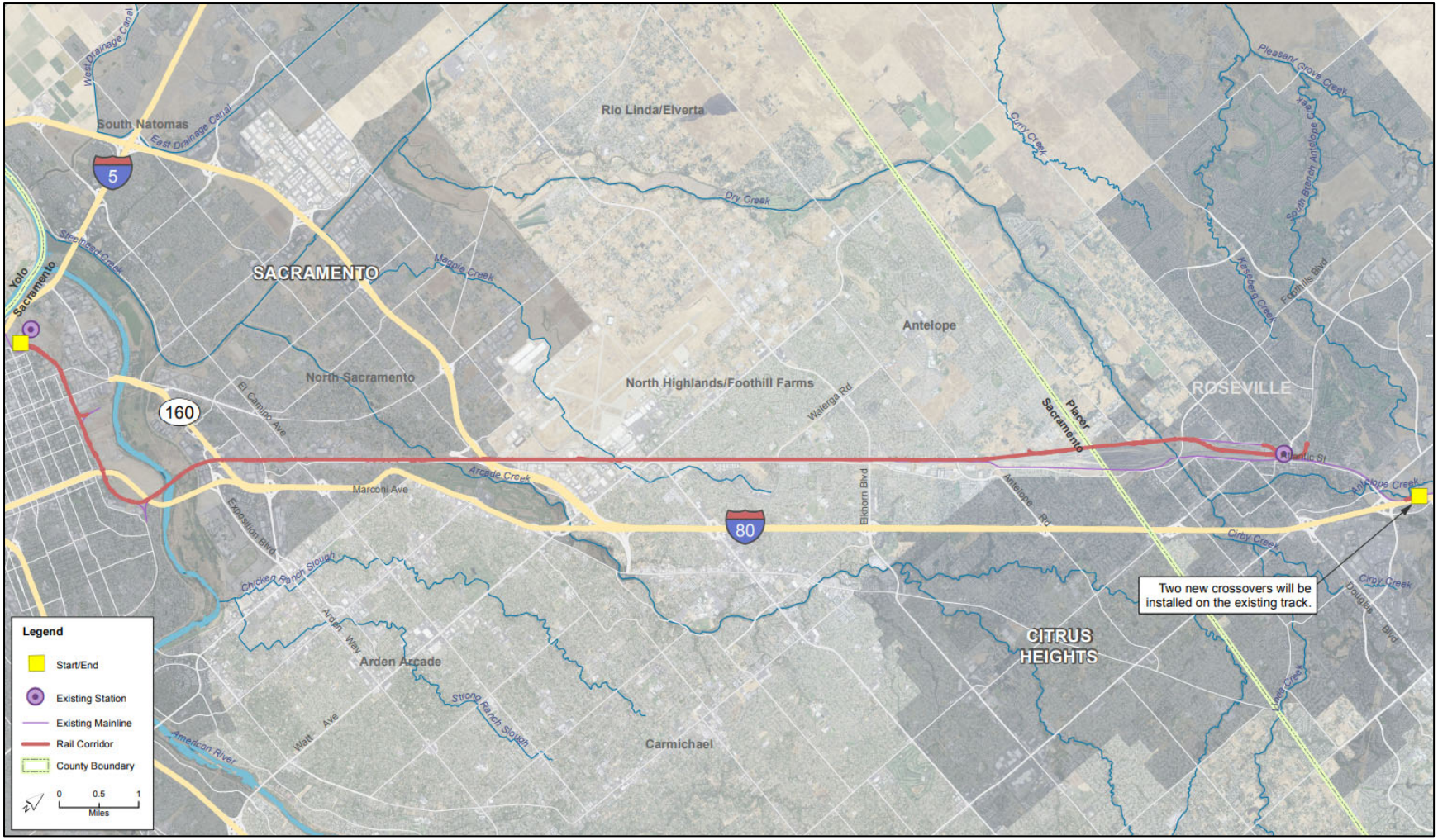

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Figure 4. Passenger Train Layover Facility Location Map

06-30-2023 – Native American Heritage Commission

STATE OF CALIFORNIA — Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

June 30, 2023

Jim Allison
Capitol Corridor Joint Powers Authority (CCJPA)
300 Lakeside Dr, 14th Floor East
Oakland, CA 94612

Re: 2014072005, Sacramento to Roseville Third Main Track Project, Sacramento and Placer Counties

Dear Mr. Allison:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

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SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Page 4 of 5

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@nahc.ca.gov

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

Page 5 of 5

07-10-2023 – A. Bravo

From: Alyssa Bravo <alyssabravo615@gmail.com>
Date: Monday, July 10, 2023 at 6:40 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: Comment on Seir for the SR3T project

Hi my name is Alyssa bravo. I'm a resident of Roseville CA that lives behind the Amtrak station. My house, 227 Church Street, it backs up to the small parking lot in the Amtrak station 201 Pacific Street in Roseville 95678-2242. My comment is what will be the impact to my Roseville Heights neighborhood and residents if there is anything to be done. Will there be impacts like construction? Road closures to this area?
Thank you.

07-12-2023 – Rail Passenger Association of California and Nevada

RailPAC
Rail Passenger Association
of California and Nevada

P.O. Box 22344
San Francisco CA 94122

www.railpac.org

Jim Allison, Manager of Planning
Capitol Corridor Joint Powers Association
300 Lakeside Drive, 14th Floor East
Oakland, CA 94612

July 12, 2023

Subject: Support for Sacramento to Roseville Third Main Track Project and Project Supplemental Environmental Impact Report

Dear Mr. Allison,

I am writing on behalf of members of the Rail Passenger Association of California and Nevada (RailPAC) living, working and traveling in the greater Sacramento and Bay Area of California. RailPAC is an all-volunteer statewide organization advocating for improvement of commuter and intercity passenger rail service and for expanded public transportation in California and Nevada.

RailPAC fully supports Capitol Corridor's Sacramento to Roseville Third Main Track Project, SCH number 2014072005, which will give the needed capacity to increase passenger train service between Roseville and Sacramento, Oakland, San Francisco, San Jose and intermediate cities. We also support the Supplemental Environmental Impact Report, dated June 28, 2023, covering relatively minor changes to the project design.

Sincerely,

Doug Kerr

Doug Kerr, Vice-President North
Rail Passenger Association of California and Nevada

07-13-2023 – J. Legnitto

From: jlegnitto@aol.com <jlegnitto@aol.com>
Sent: Thursday, July 13, 2023 8:41 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: Capitol Corridor Public Comments

Good Morning Mr. Allison:

I'm writing because I own the home on the corner of Atlantic Street and Doyle Street in Roseville which has been in my family for over 100 years.

Yesterday at 6pm Pacific Time, I attempted to view the Capitol Corridor Public Workshop on Zoom on both my laptop and my mobile phone. However, all I got through 6:30 PM was the waiting to start the meeting message. Since I live in New York, perhaps this was a network traffic issue.

Could you please tell me whether the meeting was taped and can be viewed online or whether there will be a transcript of it made available to the public?

Since my home is located directly across the street from the main railroad crossing at Atlantic Street and Yosemite Street in Roseville, I also have these questions:

1. At the above location, will the third main track be built on the Atlantic Street side or on the Tahoe Avenue side of the railroad at Yosemite Street?

2. Are there currently proposed alternate locations for the revised location of the passenger train layover facility in Roseville? If not, when will those locations be made public? And will there be a separate public comment period at that time?

3. How many parking spaces will there be at the passenger train layover facility? And will all day parking for commuters be available there?

Thank you for your assistance.

Jan Legnitto

07-18-2023 – Sacramento County Regional Parks

From: Maret. Mary <maretm@saccounty.gov>
Sent: Tuesday, July 18, 2023 11:49 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: RE: Notice regarding Supplemental EIR for Sacramento to Roseville 3rd Track - replacement Zoom meeting

Thank you for the update. I am surprised that the 30 day comment period has not been extended past July 28th. Will that date be extended due to the late meeting? I was going to use the meeting to get more information to inform my comments.

Mary Maret

From: James Allison <JimA@capitolcorridor.org>
Sent: Tuesday, July 18, 2023 10:59 AM
Cc: kelly.czechowski@hdrinc.com; Berger, Buzz <buzz.berger@hdrinc.com>
Subject: Notice regarding Supplemental EIR for Sacramento to Roseville 3rd Track - replacement Zoom meeting

To all:

Each of you (on the bcc email line) emailed me about the missed opportunity when our Zoom hosting failed for the Supplemental EIR noticing and NOP for the Sacramento to Roseville 3rd Track Project Supplemental EIR.

The attached PDF documents each contain link details (or QR codes) for the replacement meeting scheduled for July 24, 6-7 PM.

We look forward to having the meeting work this time and apologize again for the technical snafu that prevented that from happening previously.

Thank you for your email feedback and we will be ready to host on this occasion.

Jim Allison | Manager of Planning
Pronouns: He | Him | His
Capitol Corridor Joint Powers Authority
2150 Webster St, 3rd Floor | Oakland, CA 94612
(510) 464-6994 | jima@capitolcorridor.org or jalliso@bart.gov

07-25-2023 – J. Legnitto

From: jlegnitto@aol.com <jlegnitto@aol.com>
Sent: Tuesday, July 25, 2023 9:37 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: Capitol Corridors Project Zoom Meeting Follow-up Questions

Good Morning Mr. Allison:

I have a number of questions as a result of last night's Zoom call Q&A.

The first and second postcards sent by your office indicated that supplemental analysis would be conducted for a revised location of the proposed passenger train layover facility. Yesterday, if I heard you correctly, you indicated that location had already been selected. When did that happen and was there a public comment period before that decision was made? Where can I find the supplemental analysis that was done for the alternate location? And what is the number of parking spaces that the passenger layover facility will have?

I wasn't clear about the location of the documents that you mentioned that you would be posting this week. If it's the Atlantic Street map that you displayed last night, where can I find that? Due to its size and color, it was difficult to read.

Could you direct me to or provide a copy of the environmental impact report on the effects of releasing diesel fumes from the train maintenance installation?

You also mentioned that the timeframe for this project was long. What is the projected date when the project will be operational?

Finally, is the July 28th deadline for submitting comments 11:59 PM on that date?

Thank you.

Jan Legnitto

07-25-2023 – D. Pell

From: Derek Pell <derek.j.pell@gmail.com>
Sent: Tuesday, July 25, 2023 1:14 PM
To: James Allison <JimA@capitolcorridor.org>
Subject: SR3T Supplemental EIR Scoping

Good Afternoon Mr. Allison,

Thank you for hosting the workshop last night on the scoping of the supplemental EIR for the SR3T project. Regarding my comments on the impacts to the at-grade Tiger Way and Yosemite St crossings, something that could be beneficial to the assessment would be maybe the estimated speed at which trains would be crossing the roads.

UPRR trains can be quite disruptive currently primarily due to their long lengths, slow speeds, and proclivity to stop on the tracks blocking the crossings. Presumably, the operation of the passenger trains would require much shorter crossing closures.

Something to consider would be if there is adequate track length in the layover facility for trains to cross the roads at a reasonable speed.

I also appreciate your comments on electrification and would be interested in speaking with you and learning more about that.

Thank you very much,

Derek Pell

07-26-2023 – County of Sacramento Department of Regional Parks

Ann Edwards
County Executive

County of Sacramento

Dave Defanti
Deputy County Executive
Community Services Agency

Regional Parks
Liz Bellas - Director

July 26, 2023

Capitol Corridor Joint Powers Authority
Attention: Jim Allison
300 Lakeside Drive, 14th Floor East
Oakland, CA 94612

RE: County of Sacramento Department of Regional Parks Comments on the Notice of Preparation of a Supplemental Environmental Impact Report for the Sacramento to Roseville Third Track Project

Dear Mr. Allison:

Thank you for providing Sacramento County Department of Regional Parks (Regional Parks) the opportunity to provide comments on the proposed project's Notice of Preparation of a Supplemental Environmental Impact Report (Document). Our concerns are related to impacts to the American River Parkway (Parkway) by the Elvas Railroad Bridge Crossings.

The Parkway from Nimbus Dam to the confluence with the Sacramento River is designated as a Wild and Scenic River by both the State and Federal Wild and Scenic Rivers Acts (WSRA) in 1972 and 1981, respectively. The management and protection of the wild and scenic river values, specifically focused on recreation and fisheries, is outlined in the American River Parkway Plan (ARPP), as adopted by the State of California under the Urban American River Parkway Preservation Act. In accordance with the ARPP, management of the Parkway and administration of the ARPP is the principal responsibility of the Sacramento County Department of Regional Parks. Therefore, projects within the American River Parkway must be reviewed by Regional Parks for consistency with the ARPP as part of the approval process, which is also outlined in the ARPP.

As a responsible agency under the State and Federal Wild and Scenic Rivers Act, Regional Parks requests specificity of significant environmental impacts within the Parkway, with specific mitigations outlined in the Supplemental Impact Report. This request is consistent with the following policies of the ARPP:

Terrestrial Resource Policies

3.1 Any development of facilities within the Parkway, including but not limited to buildings, roads, turfed areas, trails, bridges, tunnels, pipelines, overhead electrical lines, levees and parking areas, shall be designed and located such that any impact upon native vegetation is minimized and appropriate mitigation measures are incorporated into the project.

3.1.1 Parkway facilities are those necessary for the operations, management, and permitted uses within the Parkway.

3.1.2 Development of non-Parkway facilities must have a compelling regional need, meet all applicable statutory requirements and provide mitigation and enhancements to the Parkway's natural, recreational, or interpretive resources.

Bridges

8.18 If new bridge crossings are constructed, they shall be designed and located in such a manner as to minimize negative impact to the Parkway environment, aesthetic values, and natural resources. Any additional bridge crossings should be located within Developed Recreation or Limited Recreation areas.

8.18.1 The Downtown-Natomas-Airport (DNA-RT) light rail project alignment, as approved by the Regional Transit Board of Directors in December 2003, is recognized by this Plan.

8.19 Bridge crossings should incorporate river themes and the Parkway context into its design and use muted, earth toned colors.

8.20 If new automobile bridges are considered, expanding existing bridge capacity is preferred to constructing new bridges. If after careful study of all other alternatives, another crossing is required, a map amendment to the locally-adopted area plan(s) shall be required.

8.21 If new automobile bridges are to be constructed over the American River or existing automobile bridges enlarged, these facilities should provide a path for bicycles and pedestrians that is separated from vehicle lanes and include viewing platforms where appropriate.

8.22 New bridges for bikes, pedestrians, and equestrians may be considered when there is a need to improve Parkway connectivity, circulation and access, and shall require a map amendment to the locally-adopted area plan(s).

The Document should describe any permanent property acquisitions from the American River Parkway. This loss of recreational property should include a specific mitigation:

- Add appropriate bridge infrastructure, as needed, to allow connection of the Two Rivers Trail. Adding bridge safety features that will allow the paved trail to be built under the railroad bridge will connect two sections of the Two Rivers Trail. As of now, Phase I and Phase II of the Two Rivers Trail are awkwardly separated by a short unpaved segment associated with the existing railroad bridge.

The Document should also describe impacts associated with any proposed detours from the recreational trails on the American River Parkway and should specifically describe how safe access to trails will be maintained as mitigation. Detours routed outside of the Parkway should be disclosed as a project impact. Regional Parks requests the following be included as mitigation for any recreational impacts described in the Document:

- If the paved trail requires closures, these should be limited to nighttime hours, and that the paved trail be re-opened for morning and daytime commuters.

- Daytime closure of the paved trails require a 14 day advance notice to trail users, via signage at the detour locations, and coordinated with Regional Parks.
- At least one Parkway paved or unpaved trail undercrossing be available, at all times, for walkers, equestrians, and others who should not be detoured through long detours onto the city streets.

If you have any questions please contact Mary Maret at (916) 875-4918 or maretm@saccounty.gov.

Sincerely,

Liz Bellas

Digitally signed by Liz Bellas
DN: cn=Liz Bellas, o=Regional Parks, ou=Regional Parks, email=bellase@saccounty.net, c=US
Date: 2023.07.26 09:21:19 -07'00'

Liz Bellas

07-26-2023 –Sacramento Municipal Utility District

Powering forward. Together.

SMUD

Sent Via E-Mail

July 26, 2023

Jim Allison, Manager of Planning
Capitol Corridor Joint Powers Authority
300 Lakeside Drive, 14th Floor East Oakland, CA 92612
jima@capitolcorridor.org

Subject: **Sacramento to Roseville Third Main Track Project / NOP / 2014072005**

Dear Mr. Allison:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) for the Sacramento to Roseville Third Main Track Project (Project, SCH 2014072005).

As a Responsible Agency, SMUD's review of projects include supporting the goals of our 2030 Zero Carbon Plan. This plan is a flexible road map to eliminate greenhouse gas emissions from our electricity production by 2030, which is the most ambitious goal of any large utility in the United States, while maintaining reliable and affordable service. This ambitious goal puts the Sacramento region on the map as an example to follow and a region where innovative, climate-friendly businesses want to be. As a community-owned, not-for-profit utility, our customers and community are at the heart of all we do. By pursuing zero carbon, we're helping create a cleaner and healthier region for all.

It is our desire that the Project will acknowledge any impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
  - https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services
  - https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area

SMUD HQ | 6201 S Street | P.O. Box 15830 | Sacramento, CA 95852-1830 | 1.888.742.7683 | smud.org

Please see the attached for a list of locations where there is potential for specific SMUD lines to be impacted by the project. SMUD would like to see consideration of our facilities incorporated into the project description.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD, and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this Project. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.6676, or by email at rob.ferrera@smud.org.

Sincerely,

Rob Ferrera
Environmental Services Specialist
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

cc: Entitlements

Attachment

Project Name: Sacramento to Roseville 3rd Track

Project Location: Various

Existing Facilities and Service Arrangements[1]:

- SMUD has existing underground (UG) 21 kV infrastructure and facilities along the south side of the existing tracks from Interstate 5 to 6th Street.
- SMUD has existing UG 115 kV infrastructure and facilities crossing the tracks at 7th Street.
- SMUD has existing UG 21 kV infrastructure and facilities cross the tracks at 7th Street.
- SMUD has an existing overhead (OH) 21 kV circuit crossing the tracks at 14th Street.
- SMUD has existing UG 21 kV infrastructure and facilities crossing the tracks at approximately 18th Street.
- SMUD has existing OH 21 kV circuits along the south side of the tracks from 19th Street to 20th Streets.
- SMUD has an existing OH 21 kV circuit crossing the tracks at 20th Streets.
- SMUD has existing UG 115 kV infrastructure and facilities crossing the tracks at 20th Street.
- SMUD has existing UG 21 kV infrastructure and facilities crossing the tracks at 21st Street.
- SMUD has an existing OH 21 kV circuit crossing the tracks at 29th Street.
- SMUD has an existing OH 21 kV circuit crossing the tracks at Alhambra Blvd.
- SMUD has existing OH 21 kV circuits along the south side of the tracks from Alhambra Blvd to 32nd Street.
- SMUD has existing UG 21 kV infrastructure and facilities along the south side of the tracks from 33rd Street o McKinley Village Way.
- SMUD has an existing UG 21 kV crossing the tracks along the west side of McKinley Village Way.
- SMUD has existing OH 21 kV circuits along the south side of the tracks from McKinley Village Way to C Street.
- SMUD has an existing OH 21 kV crossing the tracks at C St.

[1] The listed existing facilities are estimated and based on the proximity to the existing tracks only and may not contain all potential conflicts without more detailed construction information for the third track.

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- SMUD has existing OH 21 kV circuits along the west side of the tracks at Business 80.
- SMUD has existing OH 115 kV and 230 kV transmission circuits cross the tracks just north of the American River
- SMUD has existing UG 12kV crossing I80, running parallel to Tribute Road
- SMUD has existing UG 12kV crossing the tracks along Exposition Blvd
- SMUD has existing OH 12kV crossing the tracks from Fee Drive on the east of the tracks to the west of the tracks along Leisure Lane
- SMUD has existing OH 12kV running northeast along the east side of the tracks for about 750' from Fee Drive
- SMUD has existing OH 12kV and 69 kV and secondary crossing the tracks about 150' north of Arden Way
- SMUD has existing OH and UG 12kV and secondary crossing the tracks from Silica Avenue to Dixieanne Avenue
- SMUD has existing OH 12kV and 69kV crossing the tracks about 175' north from El Camino Avenue
- SMUD has existing OH 12kV and 69kV running northeast along the east side of the tracks for about 0.3 miles from El Camino Ave and Auburn Blvd intersection
- SMUD has existing OH secondary at the corner of Auburn Blvd and Glenrose Avenue
- SMUD has existing OH 69kV running along the east side of the tracks, parallel to Roseville Road, for about 3 miles from the corner of Juliesse Avenue and Auburn Blvd to the corner of Winona Way and Roseville Road
- SMUD has existing OH secondary at the corner of Auburn Blvd and Plover Street
- SMUD has existing OH 12kV running northeast along the east side of the tracks, parallel to Roseville Road, for about 1.2 miles from the corner of Auburn Blvd and Marconi Circle
- SMUD has existing OH 12kV and 69kV crossing the tracks from Marconi Circle to Kathleen Avenue
- SMUD has existing OH 69kV running southwest along the west side of the tracks for about 3.8 miles from Foothill Substation
- SMUD has existing OH 12kV and secondary crossing the tracks from Roseville Rd to Craigmont Street
- SMUD has existing OH 69 kV crossing the tracks from Roseville Rd to the corner or Ripley Street and South Avenue
- SMUD has existing OH 12kV and 69 kV and secondary crossing the tracks from Roseville Rd to Harris Avenue
- SMUD has existing OH secondary running along the east side of the tracks for about 385', crossing I80

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- SMUD has existing OH secondary running along the east side of the tracks for about 0.6 miles, from the end of Harris Avenue to the corner of Roseville Road and Orange Grove Avenue
- SMUD has existing OH 69kV crossing the tracks from McClellan Gas Turbine to the corner of Roseville Road and Winona Way
- SMUD has existing UG 12kV and OH 69kV crossing the tracks from McClellan-Haggin Substation to the corner of Roseville Road and Watt Ave
- SMUD has existing OH secondary running along the west side of the tracks for about 0.7 miles from Dudley Blvd to Watt Avenue
- SMUD has existing OH 12kV and 69 kV and secondary crossing the tracks, running parallel of Watt Avenue
- SMUD has existing OH secondary running along the west side of the tracks for about 610' in between Airbase Drive and Watt Avenue
- SMUD has existing OH secondary running along the west side of the tracks for about 0.5 miles, behind Poplar Blvd
- SMUD has existing OH 12kV running along the west side of the tracks for about 370', behind Poplar Blvd
- SMUD has existing OH 12 kV and 69 kV crossing the tracks from Palm Avenue to A Street
- SMUD has existing OH 12 kV and secondary running on the west side of the tracks for about 0.43 miles behind Santa Fe Way
- SMUD has existing OH 69 kV crossing the tracks from the west side of the tracks to around the corner of Oakhollow Drive and Roseville Road
- SMUD has existing OH 12kV and secondary running along the west side of the tracks from Gilman-Cornelia Substation for about 450'
- SMUD has existing OH 12 kV and secondary crossing the tracks running parallel along Walerga Rd on both the north and south side of Walerga Rd
- SMUD has existing UG 12kV running along the east side of the tracks for about 0.35 miles from Walerga Rd and Roseville Rd intersection to behind the corner of Stagecoach Drive and Marshall Drive
- SMUD has existing OH 69kV crossing the tracks about 380' south of Elkhorn Blvd and about 760' north of Elkhorn Blvd, exiting Foothill Substation
- SMUD has existing UG 12kV crossing the tracks about 170' north from Elkhorn Blvd
- SMUD has existing OH 12 kV and 69kV and secondary crossing the tracks perpendicularly from behind 5149 Ladefonos Ct
- SMUD has existing OH 12kV and secondary running along the west side of the tracks starting about 170' from Antelope Road and going for about 410', then crossing the tracks, continuing along the east side of the tracks for about 0.3 miles
- SMUD has existing OH 12kV and 69 kV and secondary crossing the tracks from Old Antelope North Rd/Poker Lane

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Future Facilities and/or Impacts[2]:

- SMUD has future construction planned that will add an additional OH 21 kV crossing the tracks at 14th Street.

[2] The future facilities are SUBJECT TO CHANGE.

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07-26-2023 –E. Wehr

From: Ellen Wehr <eltrescott@hotmail.com>
Date: Wednesday, July 26, 2023 at 7:53 PM
To: James Allison <JimA@capitolcorridor.org>
Subject: Scoping Comments on SR3T SEIR

Hello,
There is not much, if any, relevant information provided in the scoping notice regarding the proposed changes to the Sacramento to Roseville Third Main Track Project. I also just noticed on your website that the meeting date listed on the public mailer was also rescheduled.

Please be sure to include me on your distribution list for the Supplemental EIR, as soon as it is released for public comment.

Thank you,
Ellen Wehr
[please redact the following private contact information if publishing]
eltrescott@hotmail.com
2014 C Street

Sent from Outlook

07-26-2023 –California Department of Fish and Wildlife

DocuSign Envelope ID: 69F6BCFC-3017-4001-BB5B-95212B9DF41D

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 26, 2023

Jim Allison
Manager of Planning
Capitol Corridor Joint Powers Authority
300 Lakeside Drive, 14th Floor East
Oakland, CA 92612
jima@capitolcorridor.org

Subject: Sacramento to Roseville Third Main Track- DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH# 2014072005

Dear Jim Allison:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) from Capitol Corridor Joint Powers Authority for the Sacramento to Roseville Third Main Track (Project) in Sacramento and Placer counties pursuant the California Environmental Quality Act (CEQA) statute and guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental

1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in Sacramento County and Placer County between the existing Sacramento Valley Station and the existing City of Roseville Station.

The Project consists of the construction and operation of approximately 17.8 miles of new main track within the existing rail corridor and identifies multiple improvements including minor reconfiguration of the City of Roseville Station to accommodate increased Capitol Corridor service in the future, grading and installation of new subgrade and drainage, placement of new rail and ties, special track work with turnouts, crossovers and associated switches and equipment, new wayside track signals, and eleven replaced railroad bridges, including a new bridge across the American River in Sacramento.

The SEIR contains only information necessary to make the previously circulated EIR adequate for the Project as revised. The Project SEIR covers two project components. The Elvas Railroad Bridge Crossings and Passenger Train Layover Facility. Supplemental analysis of the Elvas Railroad Bridge Crossings addresses three railroad bridge crossings across State Route 51 (SR-51) to accommodate changes in project design associated with the SR-51 and Project. Additionally, the original Project EIR contemplated a passenger train layover facility adjacent to Old Town Roseville, located along the west leg of the Union Pacific (UP) wye track connecting the UP Roseville Subdivision with the UP Valley Subdivision. Supplemental analysis of the Passenger Train Layover Facility details a revised location for the proposed passenger train layover facility.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the Capitol Corridor Joint Powers Authority in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming SEIR address the following:

Project Description

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the SEIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the SEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends the SEIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to

CNDDB to document survey results. Online forms can be obtained and submitted at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

Please note that CDFW's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § § 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the Capitol Corridor Joint Powers Authority rely on survey and monitoring protocols and guidelines available at: www.wildlife.ca.gov/Conservation/Survey-Protocols. Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.

4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see www.wildlife.ca.gov/Conservation/Plants).

5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The SEIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the SEIR:

1. The SEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The SEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context.

2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The SEIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).

4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The SEIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The SEIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

Mitigation Measures for Project Impacts to Biological Resources

The SEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: White-tailed kite (*Elanus leucurus*), Fully protected species may not be taken or possessed at any time. Project activities described in the SEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends the SEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Capitol Corridor Joint Powers Authority include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

2. *Species of Special Concern*: Several Species of Special Concern (SSC) have the potential to occur within or adjacent to the Project area, including, but not limited to: western spadefoot (*Spea hammondii*), and western pond turtle (*Emys marmorata*). Project activities described in the SEIR should be designed to avoid any SSC that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the SEIR fully analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends the Capitol Corridor Joint Powers Authority include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce impacts to SSC.

3. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The SEIR should include

measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.

4. *Native Wildlife Nursey Sites:* CDFW recommends the SEIR fully analyze potential adverse impacts to native wildlife nursey sites, including but not limited to bat maternity roosts. Based on review of Project materials, aerial photography, and observation of the site from public roadways, the Project site contains potential nursery site habitat for structure and tree roosting bats and is near potential foraging habitat. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends that the SEIR fully identify the Project's potential impacts to native wildlife nursery sites, and include appropriate avoidance, minimization and mitigation measures to reduce impacts or mitigate any potential significant impacts to bat nursery sites.

5. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the SEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

   The SEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

6. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the

mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-.

7. *Nesting Birds:* Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that is it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

   Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the SEIR.

CDFW recommends the SEIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The SEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g., Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

8. *Moving out of Harm's Way:* The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the Capitol Corridor Joint Powers Authority should state in the SEIR a requirement for a qualified biologist with the proper handling permits, will be retained to be onsite prior to and during all ground- and habitat-disturbing activities. Furthermore, the SEIR should describe that the qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The SEIR should also describe qualified biologist qualifications and authorities to stop work to prevent direct mortality of special-status species. CDFW recommends fish and wildlife species be allowed to move out of harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.

9. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful. Therefore, the SEIR should describe additional mitigation measures utilizing habitat restoration, conservation, and/or preservation, in addition to avoidance and minimization measures, if it is determined that there may be impacts to rare, threatened, or endangered species.

The SEIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the SEIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(b) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the SEIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project.

State-listed species with the potential to occur in the area include, but are not limited to: tricolored blackbird (*Agelaius tricolor*) and Swainson's hawk (*Buteo swainsoni*).

The SEIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the SEIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

Native Plant Protection Act

The Native Plant Protection Act (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Lake and Streambed Alteration Program

The SEIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including utilities, access and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined the Project will result in significant impacts to these resources the SEIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake or Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the SEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS. More information about LSA Notifications, paper forms and fees may be found at https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.

2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography and observation of the site from public roadways, portions of the Project site are adjacent to the American River, Dry Creek and their associated riparian habitats. CDFW recommends the SEIR fully identify the Project's potential impacts to the stream and/or its associated vegetation and wetlands.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Capitol Corridor Joint Powers Authority and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the Notice of Preparation of the SEIR for the Sacramento to Roseville Third Main Track and recommends that the Capitol Corridor Joint Powers Authority address CDFW's comments and concerns in the forthcoming SEIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Ben Huffer, Environmental Scientist at (916) 216-6253 or Benjamin.huffer@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Tanya Sheya
1ABC45303752499...

Tanya Sheya
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Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. http://vegetation.cnps.org/

07-28-2023 – Central Valley Regional Water Quality Control Board

CALIFORNIA Water Boards

Gavin Newsom, Governor
Yana Garcia, Secretary for Environmental Protection

Central Valley Regional Water Quality Control Board

28 July 2023

Jim Allison
Capitol Corridor Joint Powers Authority
300 Lakeside Drive, 14th Floor East
Oakland, CA 94612
jima@capitolcorridor.org

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SACRAMENTO TO ROSEVILLE THIRD MAIN TRACK PROJECT, SCH#2014072005, PLACER AND SACRAMENTO COUNTIES

Pursuant to the State Clearinghouse's 28 June 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Sacramento to Roseville Third Main Track Project, located in Placer and Sacramento Counties.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations
All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit
Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the

State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources

Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

07-28-2023 – J. Legnitto

From: jlegnitto@aol.com <jlegnitto@aol.com>
Date: Friday, July 28, 2023 at 3:44 PM
To: James Allison <JimA@capitolcorridor.org>
Subject: Comments on Sacramento to Roseville Third Main Track Project

Good afternoon Mr. Allison:

Based on what I've read about the Sacramento to Roseville Third Main Track Project and your answers to my questions, I have several concerns which I hope that you and your team will consider as plans for the project move forward.

TRAFFIC AND TRAFFIC SAFETY Many times a day, traffic is backed up on Atlantic Street between Yosemite Street and Tiger Way. This often occurs due to commuter traffic and school traffic from Adelante High School and Roseville High School coupled with delays in crossing those two streets due to train traffic. There's also frequent speeding between the two stoplights along that stretch of Atlantic Street. Consequently, it's often difficult for residents in this area to safely merge into vehicle traffic on Atlantic Street. Between July 21, 2021 and July 21, 2023, the Roseville Police Department reported 10 accidents there -- seven at the Yosemite Street intersection and three at the Tiger Way intersection. My question is whether the impact of the Third Main Track Project on the traffic problems at those locations has been studied. And what the project proposes to prevent them from becoming worse while it is under construction and after it becomes operational.

PARKING Over the past decade, parking for residents who live on and off Atlantic Street between Yosemite Street and Tiger Way has become a critical issue. Due to the increase in commercial and residential development there, as well as the parking shortage created by two high schools, residents in this neighborhood are frequently unable to find parking places in front of their own homes. Last year, when the City of Roseville asked for comments on its Atlantic Street Corridor Specific Plan, there was so much feedback from owners about the parking crisis that the City decided not to revise its parking standards in this area. My questions are whether the project has studied how much additional parking will be needed during the construction phase of the Third Main Track Project. And, once the project is operational, whether the 22 parking spaces for the alternate passenger layover facility will be adequate to accommodate commuters' vehicles without spilling over into the residential neighborhood of Enwood along Atlantic Street.

DIESEL FUMES I understand that the diesel fumes are effectively the same in the old location as in the new location. What we're concerned about in our neighborhood is any installation that adds more diesel fumes to the air that we breathe. During the Zoom presentation for the project, you mentioned that diesel powered trains idling for maintenance at the new location would produce diesel fumes for 10 minutes before shutting down. It's the experience of residents who live along Atlantic Street between Yosemite Street and Tiger Way that we are already exposed to unhealthy levels of diesel fumes day from idling trains due to the large volume of train traffic there both day and night. During a recent three month stay in Roseville, I could smell diesel fumes in my home in the middle of the night with all the windows closed. My question is what is being done to study the health effects of diesel fume emissions at the new location.

Thank you for your consideration of these issues.

Sincerely,

Jan Legnitto

07-28-2023 – Sacramento Metropolitan Air Quality Management District

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

July 28, 2023

Jim Allison, Manager of Planning
Capitol Corridor Joint Powers Authority
300 Lakeside Drive, 14th Floor East
Oakland, CA 92612

Subject: **Sacramento to Roseville Third Main Track**
State Clearinghouse # 2014072005

Dear Jim Allison:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the Notice of Preparation (NOP) for a Supplemental Environmental Impact Report (SEIR) for the Sacramento to Roseville Third Main Track Project, which focuses on further improvements to the existing project to add 17.8 miles of new main track to the rail corridor between Sacramento and Roseville. Further improvements include design changes to the railroad bridge crossings in the vicinity of Elvas Avenue in Sacramento County, and a revised location for the passenger train layover facility near Roseville.

Please reference Sac Metro Air District's guidance on reviewing projects under CEQA, The Guide to Air Quality Assessment in Sacramento County (CEQA Guide), in preparing the SEIR. Following are recommendations for use of the CEQA Guide in the SEIR's analysis of criteria pollutant and greenhouse gas (GHG) emissions.

Criteria Pollutant Analysis
If CEQA analysis demonstrates that the change in Sacramento County project emissions, over the original 2015 project EIR, will exceed applicable Sac Metro Air District thresholds of significance for federal and state ambient air quality standards for pollutants (criteria pollutants), we recommend mitigating associated impacts using methods referenced in the CEQA Guide's chapter on Construction-Generated Criteria Air Pollutant and Precursor Emissions and the CEQA Guide's chapter on Operational Criteria Air Pollutant and Precursor Emissions. Additionally, projects must implement Sac Metro Air District Basic Construction Emission Control Practices as best management practices in order to use Sac Metro Air District's non-zero particulate matter thresholds of significance. These are also helpful to ensure compliance with Sac Metro Air District's Rule 403, Fugitive Dust.

Climate Change Analysis
If CEQA analysis demonstrates that the change in project emissions of GHGs in Sacramento County will exceed applicable Sac Metro Air District thresholds of significance we recommend mitigating associated impacts using mitigation methods referenced in the CEQA Guide's chapter on GHG Emissions.

777 12th Street, Ste. 300 • Sacramento, CA 95814
Tel: 279-207-1122 • Toll Free: 800-880-9025
AirQuality.org

Conclusion
Thank you for your attention to our comments. If you have questions about them, please contact me at mwright@airquality.org or 279-207-1122.

Sincerely,

Molly Wright

Molly Wright, AICP
Air Quality Planner / Analyst

c: Paul Philley, AICP, Program Supervisor, Sac Metro Air District

08-08-2023 – R. Dodd

From: Randy D <randy5550@outlook.com>
Date: Tuesday, August 8, 2023 at 7:38 PM
To: James Allison <JimA@capitolcorridor.org>
Subject: mail list

Hey Jim.

I believe I am on the mail list for the Sac to Roseville third track project.

Can you please remove me from the postal mailings for that?

Randy Dodd
1860 Sierra Gardens Dr Unit 651
Roseville CA 95661

thanks.

08-09-2023 – M. Pennington-Hoyt

From: mary penningtonhoyt <marypenningtonhoyt@gmail.com>
Sent: Wednesday, August 9, 2023 9:08 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: Sacramento to Roseville Third Track Project phase 1-02

Greetings!

I jointly own the house with my parents located at 6304 Longdale Drive North Highlands California. They informed me of the future light rail project behind their property and I have been reviewing the project documentation online.

Can you help me to understand the timelines of the project as well as any potential to assist with noise mitigation given the additional train traffic that will be forthcoming? In addition the drawings show a proposed mt3 and a future MT line. What is the difference? The proposed is right next to their property line.

My parents are seniors and just don't have the capability to understand zoom meetings and how to access qr codes etc. Is there a way for them to obtain hard copies of the documents?

Appreciate your guidance on this matter as they have obvious concerns here along with their neighbors.

Thank you

Mary Pennington-Hoyt

08-14-2023 – San Joaquin Regional Transit District

From: Erica Smith <esmith@sjRTD.com>
Date: Monday, August 14, 2023 at 3:35 PM
To: James Allison <JimA@capitolcorridor.org>
Subject: Updated Mailing Address for RTD

Jim:

I received a postcard addressed to our CEO at our former PO BOX.

Our updated mailing address is in my signature below.

We received the postcard after the meeting on 7/24.

Thank you,

Erica Smith
Executive and Board Support Specialist
San Joaquin Regional Transit District (RTD)
421 E. Weber Ave., Stockton, CA 95202
(209) 467-6619
esmith@sjRTD.com
www.sjRTD.com

Connect with us:

08-15-2023 – M. Vaba

From: Mikayla Vaba <mikayla.vaba@opr.ca.gov>
Sent: Tuesday, August 15, 2023 9:26 AM
To: James Allison <JimA@capitolcorridor.org>
Subject: Public Notice

Hello,

Our office has received your mailed Public Notice for the following project: ***Sacramento to Roseville Third Main Track Project, SCH# 2014072005***

Please note that we no long accept mailed hard copies of Public Notices. Future notices can be sent to us through email at state.clearinghouse@opr.ca.gov.

Our staff confirmed that the above-mentioned project was uploaded to CEQAnet, and that the Public Notice was included online. There is no need to send this notice through email, as it has already been uploaded to the correct project in CEQAnet.

We appreciate your understanding. Please reach out to us with any questions.

Mikayla Vaba
State Clearinghouse
(916) 445-0613
mikayla.vaba@opr.ca.gov