



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto CA 94306

Tel 650 493-5540

Fax 650 494-7640

e-mail: marsh@refuge.org

October 26, 2007

Mr. Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814
Fax#: 916-322-0827

Subject: Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS

The Citizens Committee to Complete the Refuge, consisting of 2,000 members, has an ongoing history of interest in wetland protection, wetland restoration and wetland acquisition. As such, the Committee has taken an active interest in Clean Water Act regulations, policies, implementation and enforcement. We have established a record of providing information regarding possible CWA violations to both the Corps and EPA. We regularly respond to Corps public notices, and inform the public of important local CWA issues. These actions demonstrate our ongoing commitment to wetland issues, toward protecting the public interest in wetlands, and in Section 404 of the CWA. We also respond to CEQA Negative Declarations and Environmental Impact Reports (EIRs). All of these actions demonstrate our ongoing commitment to wetland issues, towards protecting the public interest in wetlands, in Section 404 and 401 of the CWA, and CEQA.

We are submitting comments to urge you to drop consideration of the proposed Pacheco Pass alignment due to significant and substantial impacts to valuable and pristine open space resources, wetlands, and listed and sensitive species habitat. In addition, the proposed alignment would have a tremendous growth inducing impact on undeveloped regions of the Pacheco Pass area encouraging urban sprawl in areas away from existing development.

An alternative that has been suggested for the Bay Area is the Altamont Pass alignment; of prime concern to our organization would be the portion of the alignment that would pass through the Don Edwards San Francisco Bay National Wildlife Refuge, but we would also be concerned about the possible fragmentation or disruption of any San Joaquin kit fox habitat and corridors.

Of the alternatives that have been proposed for the portion of the alignment that passes through the refuge crossing the south end of San Francisco Bay, we would support the Kiesling tunnel alternative, which proposes tunneling under the refuge and the bay. We would still have concerns regarding the approaches to the tunnel on either side of the bay and in particular any impacts that would occur on the eastern and western sides of the bay that are adjacent to areas that have been included in the Congressionally approved refuge expansion boundary:

- existing salt ponds and crystallizers in Fremont and Newark,
- Area 4 in Newark (site of the former Whistling Wings and Pintail duck clubs,

- the wetlands mitigation areas in Fremont for the Pacific Commons development and the Warm Springs unit of the refuge, and
- Ravenswood saltpond complex, Ravenswood Triangle and Carnduff & Kavanaugh lands on the western side of San Francisco Bay.

Therefore it is important if this alternative is to be considered, that information regarding the direct and indirect nature, physical extent, duration of any impacts in these areas be fully identified and assessed. We would also have concerns regarding any noise or vibration impacts on existing neighborhoods along this alignment.

Another alignment that has been suggested and warrants further review is a high bridge alternative. Under this alternative, rather than retaining the existing approach fills (embankments) the current bridge alignment would be completely reconstructed, rather than merely rehabilitated, and the portion of the rail crossing refuge lands would be on piles rather than earthen fill. This would allow the restoration of tidal flows across refuge lands in the vicinity of the rail line. If this alternative is studied further it would be important to assess and propose mitigation for the following types of impacts in addition to those listed above:

- Construction impacts through direct physical alteration of the habitat – how would this be minimized? If a bridge alternative was selected could construction be conducted from the span rather than disturbing the adjacent marsh?
- Duration and timing of construction activities and potential impacts on listed and rare species?
- The alignment through the refuge is within prehistoric/early historic inner Dumbarton Marsh fragment. Ground disturbance could and would likely increase invasion of non-natives, especially *Salsola*, hybrid *Spartina*, *Lepidium* (in the area above MHHW), etc. how would this be prevented?
- How long would the disturbance last? Would there be any permanent impacts, e.g. access roads, etc?
- Indirect impacts associated with construction including, noise, vibration, human disturbance, etc.
- What kind of emergency access would be necessary for a bridge alignment, e.g. what happens in the event of a derailment within the refuge?
- Shade impacts on existing marsh vegetation?
- Maintenance? Cleaning rails? Where does the material cleaned from the rails go and how would introduction into the marsh be prevented?

CCCR appreciates the opportunity to provide comments. We urge you to abandon the Pacheco Pass alignment as the preferred alternative; the adverse impacts of the alignment are significant and cannot be mitigated. If the Altamont Pass alignment is considered further, we support the Kiesling tunnel alternative with as long as the areas mentioned above are not adversely impacted.

Sincerely,

Florence M. LaRiviere

Chairperson