

United States Senate

November 1, 2021

The Honorable Gavin Newsom
California State Capitol
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom,

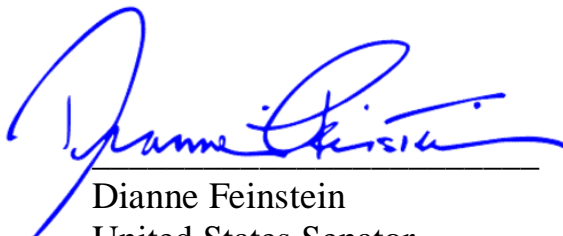
It has come to our attention that Brightline High Speed Rail's proposed *Brightline West* project route from Las Vegas, Nevada to Victorville, California does not account for essential wildlife corridors for some of the desert's state and federally-protected species, including big horn sheep and mountain lions. To resolve these unnecessary impacts to our desert, we ask you to direct Caltrans to use its existing authorities and oversight of the project's right-of-way, to require Brightline to include no less than three wildlife corridor overpasses in its design, and to construct these structures as part of its upcoming rail construction.

Brightline's current project design has high-speed trains running 170 miles along the existing Interstate 15 highway, flanked by six foot concrete walls topped by chain link fences. An Oregon State University scientific study found that this project design would prevent bighorn sheep, desert tortoise, mountain lions, and the Mojave ground squirrel from crossing the highway into their habitat range. All of these animals are endangered or candidates for an endangered listing under the federal *Endangered Species Act* and California's *Endangered Species Act*.

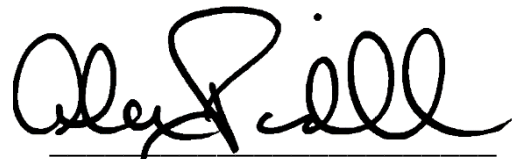
These protected animals, as well as bobcats, mule deer, and other terrestrial animals depend on movement across the I-15 corridor to maintain their population viability. Caltrans and the California Department of Fish and Wildlife documented these threats in their June 2021 recommendations to Brightline and urged the design and construction of three Designated Wildlife Overpasses to allow wildlife to travel safely across the highway. Despite these recommendations and repeated stakeholder engagement, Brightline has not committed to build wildlife crossings even though it will seek tax-exempt private activity bonds for this \$8 billion project, with expected revenue of nearly \$1 billion.

We agree that Brightline will be “offering millions of travelers a green way to travel,” as stated in their marketing material. To accomplish this, the project must heed the recommendations of scientists, regulators, wildlife advocates, and California’s own Department of Transportation. We urge you and the Department to ensure that this private venture is a careful steward of public resources and wildlife. We continue to value your partnership in protecting the California desert and its biodiversity. Please do not hesitate to contact us or have your staff reach out to ours with any questions.

Sincerely,



Dianne Feinstein
United States Senator



Alex Padilla
United States Senator

DF/as/fh

CC: Toks Omishakin, Director, California Department of Transportation
Charlton Bonham, Director, California Department of Fish and Wildlife

Attachment: 1/21/21 Department of Fish and Wildlife Letter to California
Department of Transportation



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 21, 2021

Toks Omishakin, Director
California Department of Transportation
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Sacramento, CA 94273-0001

BRIGHTLINE WEST HIGH-SPEED RAIL PROJECT

Dear Mr. Omishakin:

Let me start with a thank you. With your leadership and that of your team, our two departments have come a long way in building a lasting, collaborative partnership. The recent convening of our executive teams illustrates that we have much more in common than we have differences. I am excited and hopeful for future collaboration. I know when we work together that your transportation goals and our wildlife conservation goals can complement each other proving the sum of these goals creates the better outcome for California.

A notable example of this partnership is the shared effort to implementing the AB 1282 Permitting Transportation Task Force actions. The list of successes is solid and growing – from developing permitting efficiencies and implementing recommendations of the Lean-6 Sigma analysis, to high-level regular engagement to manage complicated problems and resolve communication issues around permitting and outstanding mitigation, and strategizing on ways to support safe wildlife crossing over Highway 101 in Liberty Canyon and Highway 17 in Santa Cruz.

I see another opportunity emerging for utilizing the partnership between the California Department of Fish and Wildlife and Department of Transportation to set another national example. Working with the private sector, project proponent, and other leaders in the non-governmental conservation organization space, I think we can bring creativity and problem solving to the Brightline West high-speed rail project and its potential impacts to wildlife connectivity and biodiversity.

As you know, the Brightline West project follows Interstate 15 (I-15) from the Victor Valley area to Las Vegas, Nevada. While this project has been in the planning and design phase for the last decade, the California Department of Fish and Wildlife (CDFW) understands this project may move sooner rather than later to begin project implementation and construction. As recently as this week

Toks Omishakin, Director
California Department of Transportation
January 21, 2021
Page 2

local media reports indicate Brightline West executives are discussing a second-quarter 2021 groundbreaking date.

Over the last couple of months CDFW staff have begun discussions with your staff and Brightline West to identify and express our concerns about the project's impacts to wildlife connectivity. CDFW sees this project as an opportunity to remediate long standing habitat fragmentation issues that have resulted from the large I-15 corridor. We understand the public value of climate smart transportation. We believe that through existing authorities we can ensure that this project is designed and constructed in a manner that is in line with California's desire to preserve biodiversity and create climate-friendlier transportation opportunities for Californians.

Our specific concern is the possibility of a permanent additional barrier along the entire corridor precluding wildlife crossing. We understand the current design may include that a 6-foot concrete barrier, topped by chain link fence, be constructed on either side of the rail line. This will affect desert bighorn sheep and other wildlife from crossing in these areas and prevent critical gene flow. It will also create a new risk for mountain lions when connectivity between habitats and wildlife corridors are essential for species.

Desert bighorn sheep are designated as a Fully Projected Mammal under state law and mountain lions are a candidate for listing as threatened under the California Endangered Species Act. In addition, during project planning and design, the desert tortoise was listed as threatened in California and in October 2020 was upgraded to endangered status. There are numerous culverts and undercrossing now that can be used by smaller sensitive species including desert tortoise, but CDFW is concerned that as the infrastructure is built it may render some or all of them nonfunctional.

I see a way to harmonize transportation and wildlife conservation goals, assist your team and Brightline West in project development, and be true to the state's Biodiversity Initiative and Executive Order. California is one of the planets 36 'biodiversity hotspots' which describes places on earth where exceptional concentrations of biodiversity are facing significant threats, including climate change and habitat loss and fragmentation.

Toks Omishakin, Director
California Department of Transportation
January 21, 2021
Page 3

A good next step would be a discussion that includes leadership of CDFW, Caltrans, and Brightline West. I am confident a solution exists. I stand ready to join such a discussion. Thanks for your time in consideration of this request.

Sincerely,



Charlton H. Bonham
Director

cc: Philip J. Stolarski, Chief
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