

**Public Notice of Application for
Water Quality Certification for the
Brightline West Cajon Pass Project**

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program
Date Posted: April 21, 2023

Affected Counties: San Bernardino

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

State Water Resources Control Board (State Water Board) staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **Staff will consider all comments submitted in writing and received at this office during a 21-day comment period that begins on the first date of issuance of this notice (April 21, 2023) and ends at 5:00 p.m. on the last day of the comment period (May 12, 2023).** To submit comments, or if you have questions, please contact the State Water Board staff person listed below.

State Water Resources Control Board Contact:

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State Water Resources Control Board
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Note: No regulatory decision on the application is implied or intended in this public notice.

Project Name: Brightline West Cajon Pass Project

(Reg. Meas. ID: 452342 and SWRCB ID: SB22062IN)

Background: On April 18, 2023, DesertXpress Enterprises, LLC submitted an application for Clean Water Act Section 401 water quality certification for Brightline West Cajon Pass Project (Project).

Project Description: The purpose of the Project is to provide reliable and safe passenger rail transportation between the Los Angeles metropolitan region and the High Desert of San Bernardino County. The Project includes the construction and operation of a fully grade-separated, dedicated, passenger-only high-speed rail system between the Apple Valley Station immediately south of the Dale Evans Parkway Interchange in Apple Valley, California, and the Rancho Cucamonga station at the current site of the Metrolink Rancho Cucamonga Station. The Project would be constructed within Interstate 15 (I-15) right-of-way for 48 miles and within existing transportation corridor for the last mile into the Rancho Cucamonga station. The northern extent of the project in Apple Valley, California will tie into the Brightline West Victor Valley High-Speed Rail Passenger Project which is currently under construction and not included for review as part of the Project application. The Project would be powered by overhead electric catenary and require construction of one new traction power substation (TPSS) in the Hesperia area.

Trains are expected to operate daily on 45-minute headways between Victor Valley and Rancho Cucamonga. Service would be coordinated with existing and planned Metrolink service at the Rancho Cucamonga station to provide a convenient connection between the high-speed rail (HSR) and commuter rail systems. The Project would also be constructed and operated under a lease agreement with the California Department of Transportation (Caltrans) for use of the I-15 right-of-way and the station at Hesperia.

The Project application reports both temporary and permanent impacts to waters of the state as shown in Table 1. All waters of the state that are proposed to be impacted by the Project are also waters of the United States. All temporarily impacted waters of the state and surrounding areas will be rehabilitated to pre-project conditions upon completion of the Project. Compensatory mitigation for permanent impacts is proposed through the Mojave River Watershed Mitigation Bank.

The Project was evaluated by the Surface Transportation Board (STB) which determined the project is preempted from State regulations pursuant to Public Resources Code, Division 13, Section 21080(b)(10), which provides that CEQA does not apply to “[a] project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities”. Thus, the Project is not required to undergo a CEQA analysis and will require a Notice of Exemption to be filed with the State Clearinghouse.

Table 1: Total Project Fill/Excavation Temporary and Permanent Impacts to Waters of the State

Aquatic Resource type	Wetland	Stream Channel
Acres of temporary impact	0.71	12.62
Linear feet of temporary impact	324	2,684
Acres of permanent impact	.021	2.39
Linear feet of permanent impact	62	40,695

A Certification or Denial will be prepared by the State Water Board for the Brightline West Cajon Pass Project in response to this application.

Applicant: DesertXpress Enterprises, LLC
Applicant Contact: Adrian Share
Telephone: (407) 496-5483
Email: ashare@brightlinewest.com

Date of Application Submittal: April 18, 2023

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, enroll in the State Water Board's 401 Program e-mail notification service.

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By subscribing to this list, you will receive notices for all current 401 applications, including the Project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the subscription program, contact the Water Board staff person named in the notice to express your interest in receiving notices by other means. You can update your subscription(s), modify your email address, or unsubscribe at any time on your [Subscriber Preferences Page](#).

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