

Findley M. Upton Family Trust

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ENTERED

Office of Proceedings

April 11, 2013

Part of Public Record

April 10, 2013

Ms. Cynthia Brown

Chief, Section of Administration

Office of Proceedings

Surface Transportation Board (STB)

395 E Street, S.W.

Washington, D C. 20423-0111

Re: California High Speed Rail Project, Your Reference Number – FD35724

Dear Ms Brown

Enclosed with this letter are pictures of some of the many magnificent creatures (primarily birds) whose home is a unique environmental retreat on our property. This retreat is threatened with destruction by the California High Speed Rail Project. This retreat has been in existence for over 40 years. It was planted with every type of tree, and has not been farmed during that time. The local raptor center has utilized our retreat to release injured raptors once they are nursed back to health.

Currently, the California High Speed Rail Project has a 'preferred route' bisecting this retreat. Although the criteria for the Project recommends using existing transportation corridors and avoiding impacts of this nature, the consulting engineers devised a route along a so called road 12 & 1/4 that does NOT exist. It destroys this unique habitat along with devastating many farms along this fantasy road. Regrettably, the CHSRA Board adopted this 'preferred route' in April of 2012.

Recently, the CHSRA has changed consulting engineers from this area, and is in the process of selecting new alternatives. Unfortunately, one of these alternatives includes a route currently programmed to come within 600 to 800 feet of the retreat. Since the hunting radius and other activities of some of the species such as hawks extend well beyond 600 to 800 feet, it is obvious that a 220 MPH train will not be compatible with this retreat.

Despite our continued involvement in the environmental process and the 'open house' discussions with CHSRA representatives, we do not feel our legitimate concerns have been addressed. We strongly urge you to review the California high Speed Rail Project and NOT grant an exemption from STB oversight.

Please include us in any notices concerning this situation. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kole Upton", with a long horizontal line extending to the right from the end of the signature.

Kole Upton, Trustee,

Findley M. Upton Family Trust

Enclosed: Upton Wildlife Retreat Pictures



Upton Wildlife Retreat

All pictures taken at the retreat or on the ranch's property where the retreat is located.
Chowchilla, CA

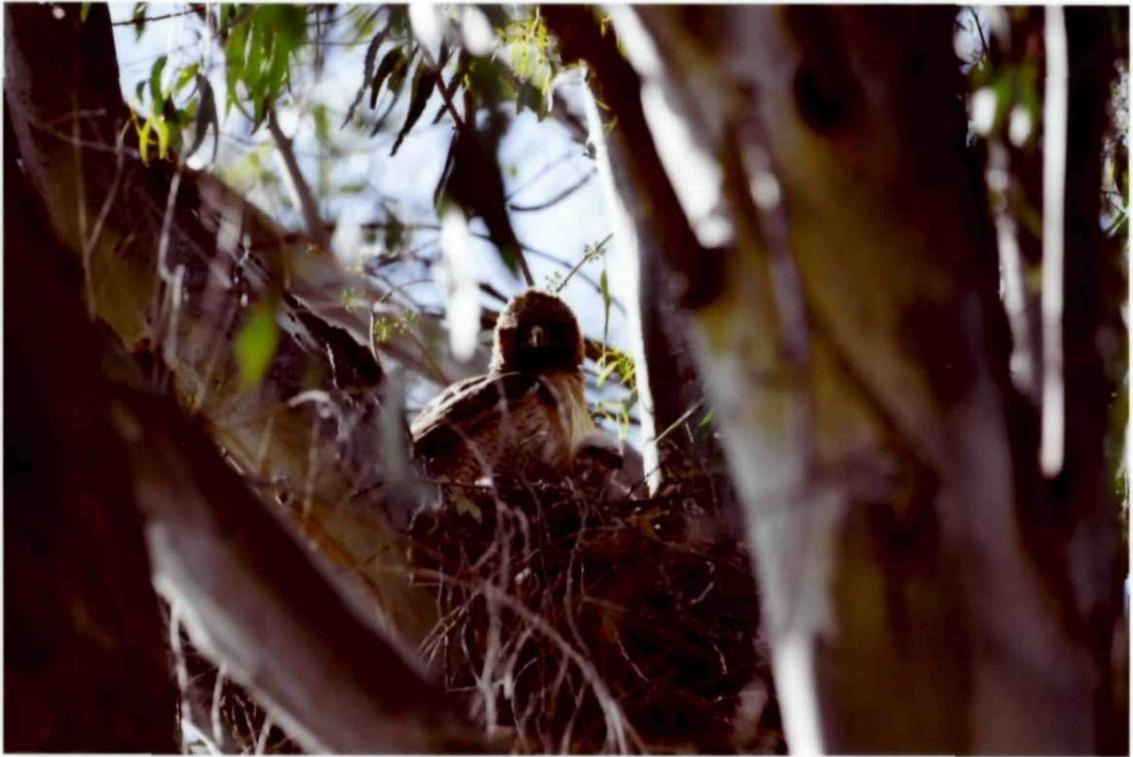
14 Acres of land set aside over 40 years ago for wildlife to thrive in a safe and unbothered environment.

This photograph was taken over 30 years ago of a nest found with 3 young Red Tail Hawks. Having 3 babies is not common for Red Tails. Red Tail Hawk's clutch size depends almost exclusively on the availability of food in the adult's habitat. Red Tails mate for life and return to the same nest each season.



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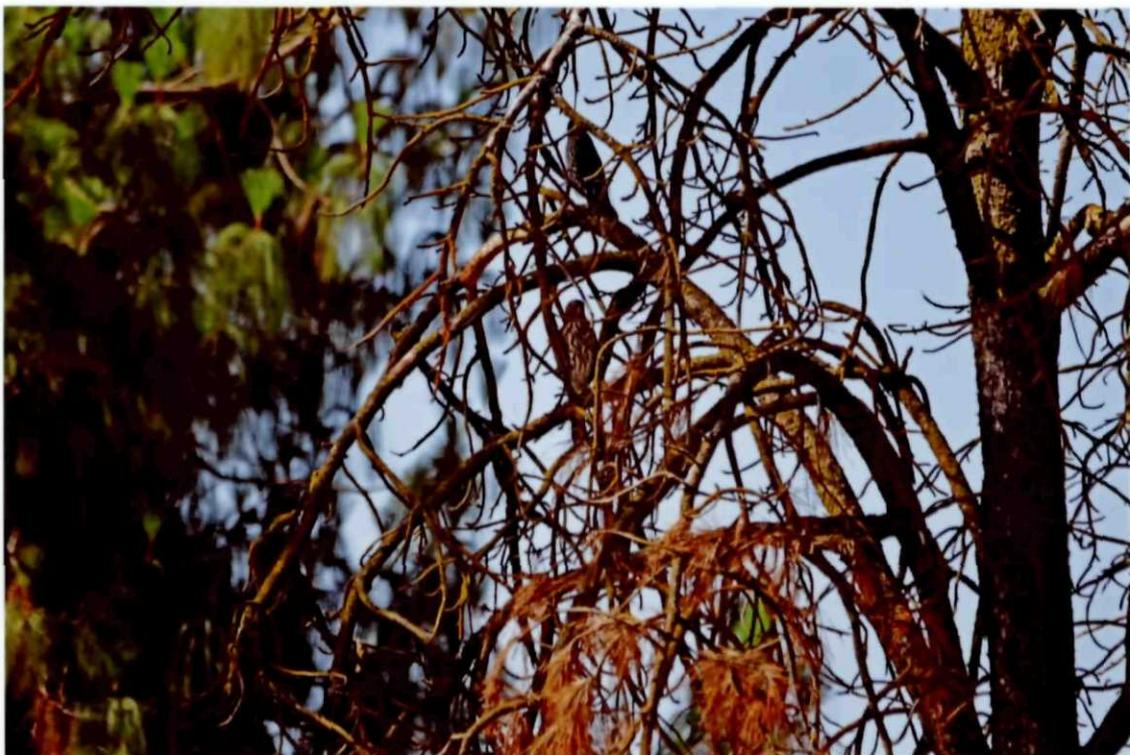
Female Red Tail with newly hatched baby



Few days later her clutch of 3



Female Red Tail with 3 fledglings ready to leave the nest



2 immature Coopers Hawks



Male and Female Red Shoulder Hawk



Female Red Shoulder nesting



Male and Female Red tail in nest



Female Great Horn Owl nesting



Mass mix of Red Tail, Swainson and Ferruginous Hawks in harvest alfalfa field



Mass sometimes 50-100 in numbers



Female Swainson Hawk and her first baby to appear



2 baby Swainson Hawks



Pair of Barn Owls



4 Baby Barn Owls learning to fly



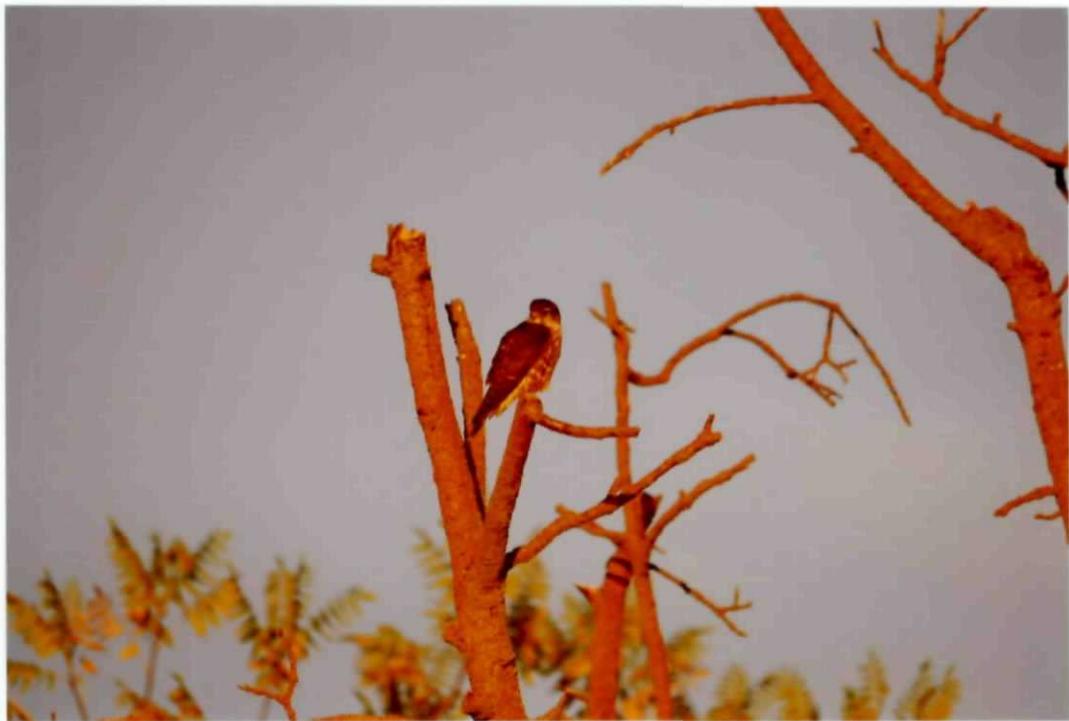
Burrowing Owl



Burrowing Owl guarding the burrow



Male and Female White Tailed Kites



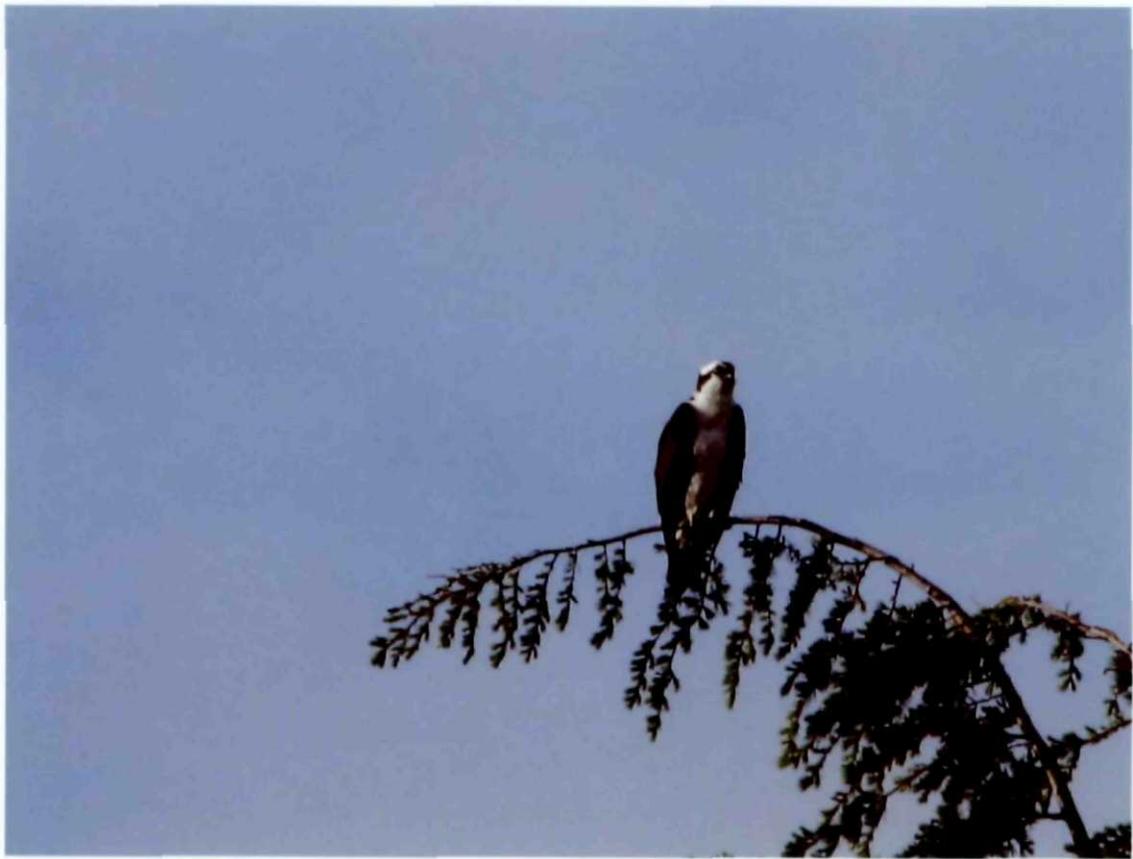
Merlin- Smallest species of falcon in the Northern Hemisphere



Female Sharp Shinned Hawk- One of the most secretive of all hawks in their nesting.



Male Sharp Shinned Hawk



Osprey



Female Northern Harrier

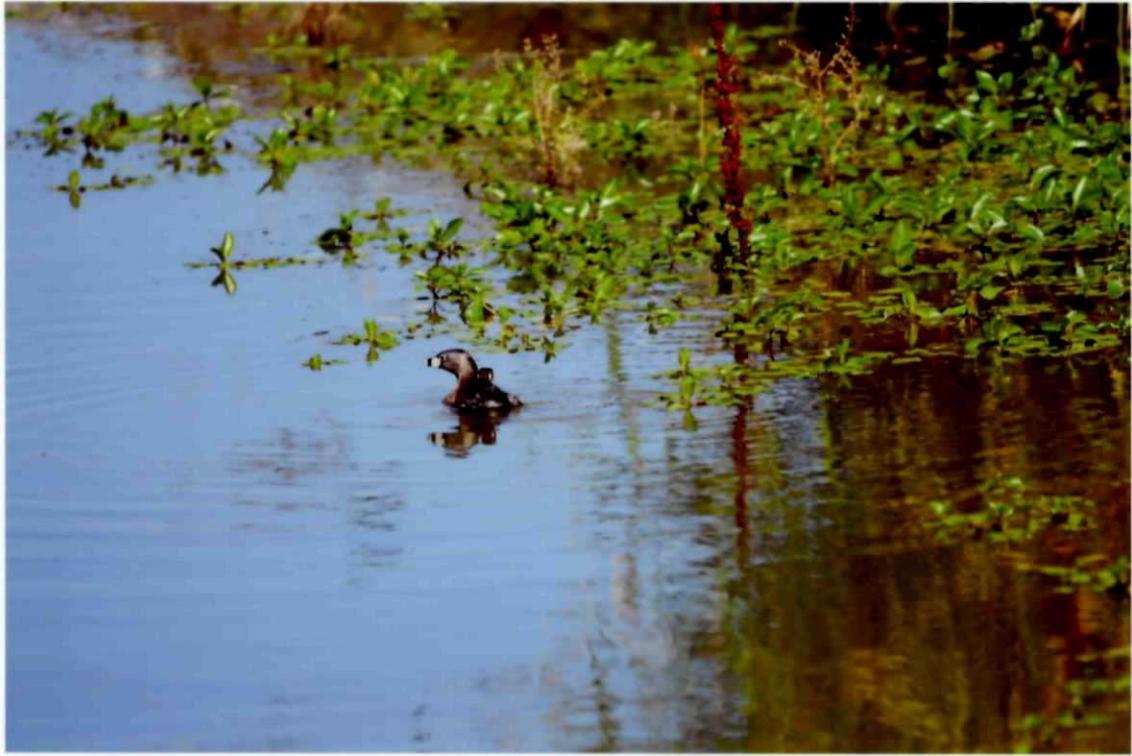
Male Northern Harrier



Female King Fisher



Male King Fisher



Female Pied-billed Grebe with baby on her back



Pied-billed Grebe baby



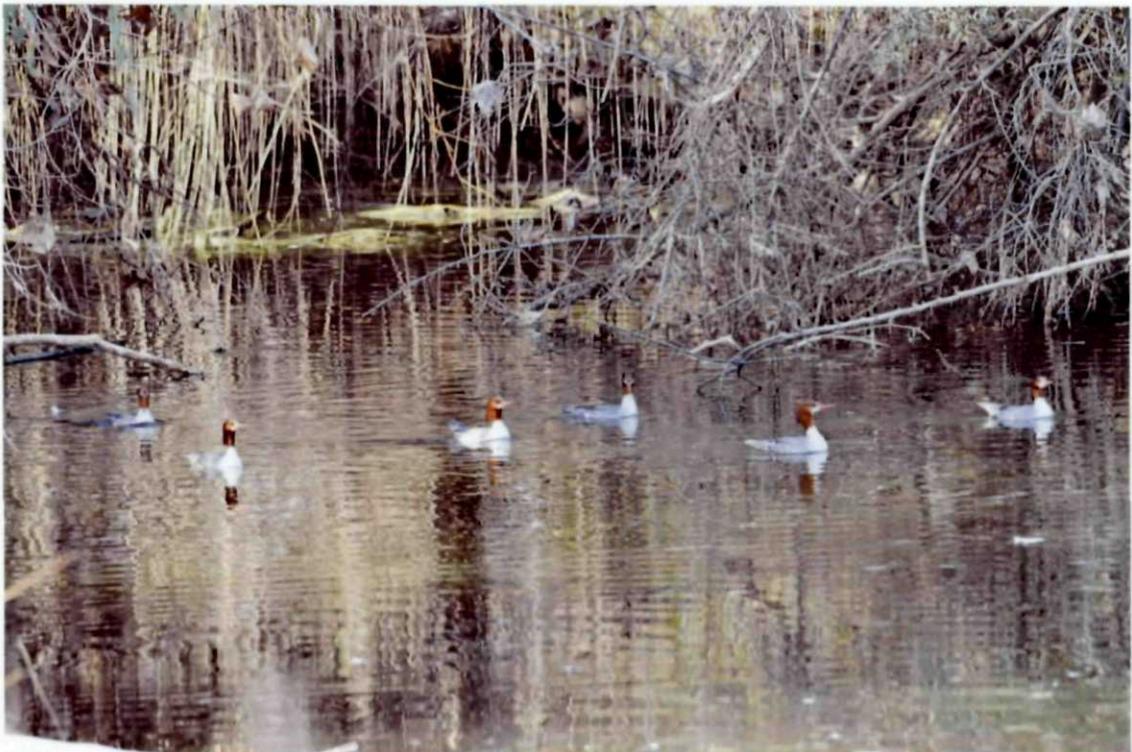
Adult Night Heron and 2 immature Night Heron



Double Crested Cormorant



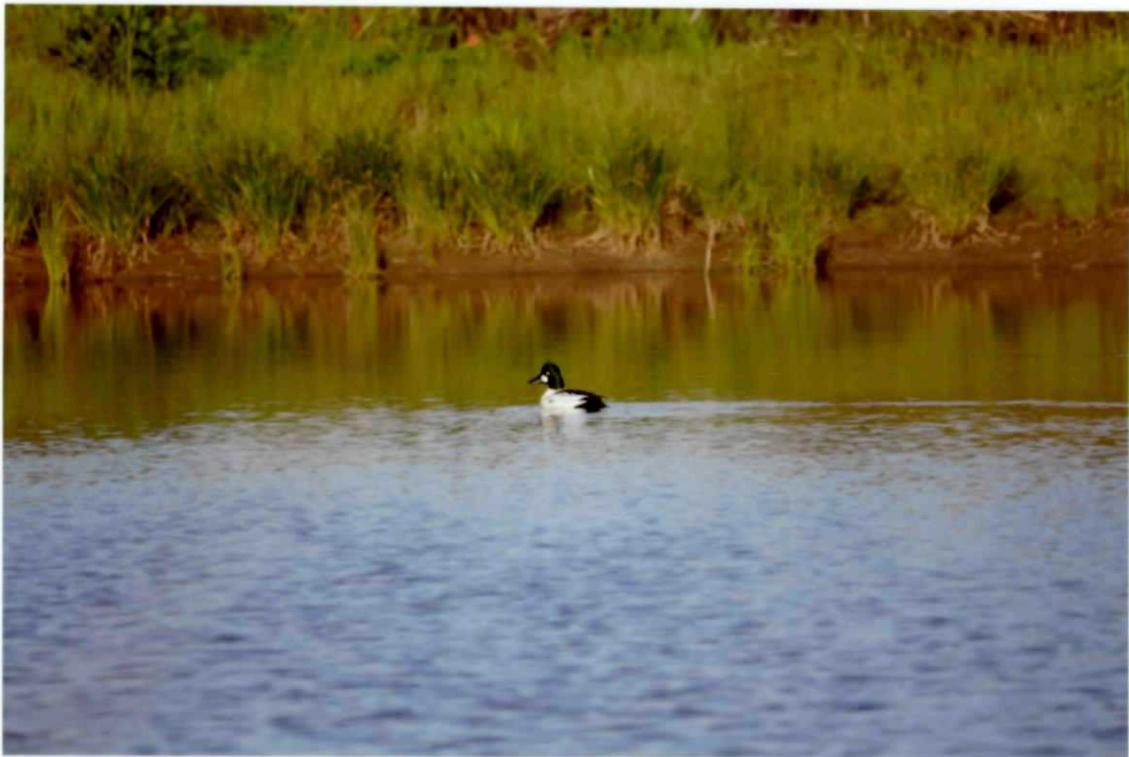
Female duck with her babies



Mergansers



Green Heron



Goldeneye



Sandhill Cranes



White Faced Ibis