



**California High-Speed Rail**  
**BRIEFING: AUGUST 18-19 2021, BOARD MEETING**  
**AGENDA ITEMS #6, #7 AND #8**

**TO:** Board Chair Richards and Board Members

**FROM:** LaDonna DiCamillo, Southern California Regional Director  
Serge Stanich, Director of Environmental Services  
Rick Simon, Director of Projects for Central Valley/Southern California

**DATE:** August 18, 2021

**RE:** Consider certifying the Bakersfield to Palmdale Final EIR/EIS and taking actions as required by CEQA and NEPA for Selecting the Preferred Alternative for the Bakersfield to Palmdale Project Section

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**Summary**

Staff recommends that the California High-Speed Rail Authority (Authority) Board of Directors (Board) take three actions at this Board meeting:

- Certify the Bakersfield to Palmdale Project Section Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) as described in more detail in this memorandum (Agenda Item #6)
- Approve the Bakersfield to Palmdale Project Section Preferred Alternative (Alternative 2 with the Refined César E. Chávez National Monument [CCNM] Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility and Palmdale Station), including associated facilities (see Attachment A for map), and approve the related California Environmental Quality Act (CEQA) Findings of Fact, Statement of Overriding Considerations (SOC), and Mitigation Monitoring and Enforcement Plan (MMEP) (Agenda Item #7).
- Direct the Authority Chief Executive Officer (CEO) to issue the federal Record of Decision (ROD) under the Authority's National Environmental Policy Act (NEPA) Assignment responsibilities, identifying Alternative 2 with the Refined CCNM Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility and Palmdale Station as the Selected Alternative for the Bakersfield to Palmdale Project Section, documenting compliance with other related federal environmental laws, and including mitigation measures as identified in the MMEP (Agenda Item #8).

**Structure of the Meeting**

The August 18-19 Board meeting is structured as a two-day meeting to ensure adequate time for thorough consideration of the Bakersfield to Palmdale Project Section Final EIR/EIS.

On August 18, consistent with the Authority's typical practice, public comment will be taken at the start of the Board meeting on all agenda and non-agenda items, with the exception of the Bakersfield to Palmdale Project Section agenda items (items 2, 5, 6, 7, and 8). Staff will then give a presentation to the Board about the Bakersfield to Palmdale Project Section Final EIR/EIS and proposed decisions. (Agenda Item #2) Public comment on all Bakersfield to Palmdale agenda items will be taken after the staff presentation. After

hearing the staff presentation and public comment, the Board will then have an opportunity to identify any issues or questions it would like staff to address the following day.

After the Board addresses Agenda Items 3 and 4, the meeting then will recess until the following day.

On August 19, staff will present a summary of public comments received the prior day, issues and questions identified by the Board the prior day, and staff's responses to Board questions and issues raised in public comments. (Agenda Item#5) The Board will then deliberate about the Final EIR/EIS and consider certifying the Final EIR/EIS, as noted above. (Agenda Item #6) If the Board certifies the Final EIR/EIS, the Board will then deliberate about the Bakersfield to Palmdale Preferred Alternative and will consider approving it; adopting the associated CEQA Findings of Fact, SOC, and MMEP (Agenda Item#7); and directing the CEO to issue the NEPA ROD (Agenda Item #8).

## **Background**

The Bakersfield to Palmdale Project Section is part of Phase 1 of the statewide California High-Speed Rail System between San Francisco and Los Angeles/Anaheim. The Bakersfield to Palmdale Project Section would connect to the already-approved portions of the high-speed rail system between Merced and Bakersfield, extending high-speed rail from the southern Central Valley to the Antelope Valley in Southern California. The Bakersfield to Palmdale Project Section would close the passenger rail "gap" that currently exists between Bakersfield and the Antelope Valley and would provide intermodal connections with Metrolink commuter rail and various bus lines at the Palmdale Station. The Project Section would also connect the California High Speed Rail System with the planned Brightline West (formerly Desert Xpress High-Speed Rail, XpressWest, and Virgin Trains) line to Las Vegas.

The Authority is the project sponsor and owner and is the lead agency under both CEQA and NEPA. Previous NEPA documents and approvals were completed in collaboration with the Federal Railroad Administration (FRA) as the NEPA lead agency. On July 23, 2019, the State of California and the FRA finalized the National Environmental Policy Act Assignment Memorandum of Understanding (MOU). This MOU assigns to the Authority most responsibilities formerly held by the FRA regarding the California High-Speed Rail System federal environmental review and approval process. The MOU empowers the Authority to perform NEPA review and authorization for all ongoing and new environmental documents that are being developed for the remaining project sections of the California High-Speed Rail System, as well as for other passenger rail projects that directly connect to the high-speed rail system, including documents that are not final for distribution as of the publication date of the memorandum.

## **Prior Board Action**

The Board previously certified environmental analysis for the Fresno to Bakersfield Locally Generated Alternative contained in the Fresno to Bakersfield Project Section Final Supplemental EIR and approved the Bakersfield F Street Station pursuant to CEQA (Resolution # HSRA 18-16, Resolution # HSRA 18-17). Following NEPA Assignment in 2019, the CEO issued a combined Final Supplemental EIS/Supplemental Record of Decision approving the Bakersfield F Street Station pursuant to federal laws. In taking this action, the Authority Board also reserved making a decision on the alignment from south of the F Street Station to Oswell Street in Bakersfield to its future action on the Bakersfield to Palmdale Project Section.

At the October 16, 2018, Authority Board meeting, the Authority Board concurred with Authority staff that Alternative 2 with the César E. Chávez National Monument Design Option (CCNM Design Option) is the Authority's Preferred Alternative for the Bakersfield to Palmdale Project Section. Through ongoing Section 106 consultation for Nuestra Señora Reina de la Paz (La Paz) after the Authority Board's action on October 16, 2018, the Authority developed the Refined CCNM Design Option, which is also analyzed in the EIR/EIS. Because the Refined CCNM Design Option avoids adverse effects at La Paz, Alternative 2 with the Refined CCNM Design Option is the Authority's Preferred Alternative for the Bakersfield to Palmdale Project Section. This refinement to the Authority's Preferred Alternative is consistent with Resolution #HSRA 18-18, wherein the Authority Board directed Authority staff to "continue to consult and collaborate with the Cesar Chavez Foundation, and other consulting parties, regarding the CCNM Design Option."

## **Discussion**

The Authority circulated the Draft EIR/EIS for the Bakersfield to Palmdale Project Section for public review and comment between February 28, 2020, and April 28, 2020. The Draft EIR/EIS evaluates impacts and

proposes mitigation for four end-to-end alternatives for the high-speed rail alignment from immediately south of the Bakersfield F Street Station to the Palmdale Station. Analysis of the portion of the alignment from the Bakersfield Station to Oswell Street in Bakersfield was included in the Fresno to Bakersfield Project Section EIR/EIS documents and was summarized and incorporated by reference in the Bakersfield to Palmdale Project Section EIR/EIS. Consistent with prior Board direction, the Draft EIR/EIS identified the Preferred Alternative/CEQA Proposed Project as Alternative 2 with the CCNM Design Option (Resolution # HSRA18-18). Consistent with Board authorization on minor revisions to the Preferred Alternative (Resolution # HSRA19-09), the CEO approved a revision of the Preferred Alternative to be Alternative 2 with the Refined CCNM Design Option for the Draft EIR/EIS.

The Draft EIR/EIS consists of:

- **Volume 1:**
  - Introductory text about the Bakersfield to Palmdale Project Section and the environmental process, including the project purpose and need and objectives.
  - Detailed description of the Bakersfield to Palmdale Project Section, and all related and supporting high-speed rail facilities, such as stations, maintenance facilities, and electrification infrastructure.
  - Detailed environmental impacts and mitigation analysis of the Bakersfield to Palmdale Project Section alternatives across numerous environmental resource areas, including, for example, biological resources, noise and vibration, aesthetics and visual resources, air quality and global climate change, cultural resources, and cumulative effects.
  - Detailed Section 4(f) and environmental justice analyses.
  - Summary of public and agency outreach efforts.
- **Volume 2:**
  - Technical appendices supporting Volume 1.
- **Volume 3:**
  - Preliminary design drawings and alignment plans/map upon which the environmental analysis is based.

During the Draft EIR/EIS environmental review process, approximately 720 individual comments (contained in 130 submissions) were received from the public, tribal representatives, and government agencies both in writing and in verbal comments during public testimony. The purpose of the public review process is for the public and interested agencies to review the analysis and provide comment and feedback about environmental impacts, alternatives, and mitigation. Key comments on the Draft EIR/EIS addressed, but were not limited to, the following topics: alternatives, consistency with other plans, engineering design, funding, mitigation, mineral resources, noise and vibration, rights-of-way, sensitive habitats and species, Section 4(f), and wildlife crossings.

The Authority circulated a Revised Draft EIR/Supplemental Draft EIS for public review and comment from February 26, 2021 to April 12, 2021. The Revised Draft EIR/Supplemental Draft EIS was limited to new information about the monarch butterfly and the Southern California and Central Coast mountain lion as candidate species under the federal and state endangered species acts, and new mitigation measures to address impacts to wildlife resulting from lighting during construction and project operation. Approximately 300 individual comments (contained in 120 submissions) were received in writing from the public and government agencies during the Revised Draft EIR/Supplemental Draft EIS review process.

Key comments on the Revised Draft EIR/Supplemental Draft EIS addressed impacts to the City of Tehachapi (noise, visual, property value, residential and business displacements, and wildlife impacts), impacts to wildlife and habitat (mountain lion, monarch butterfly, other listed species, and mitigation to reduce impacts), and wildlife crossings (consideration of protection of mountain lion populations and comments on the use of the permeability model for the Draft EIR/EIS analysis).

On June 25, 2021, the Authority issued the Final EIR/EIS and posted it on the Authority's website at <https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/bakersfield-to-palmdale-draft-environmental-impact-report-environmental-impact-statement/>. The Authority provided broad public notice of the availability of the Final EIR/EIS on the Authority's website, in newspapers

of general circulation in the project area, direct mailings to property owners and tenants near the project, direct mailings to commenters on the Draft EIR/EIS and Revised Draft EIR/Supplemental Draft EIS, email notification to persons who had subscribed to the project mailing list. In addition, notice was published in the *Federal Register*. The Final EIR/EIS is considered a “full” final because it consists of the same Volumes 1 through 3 as the Draft EIR/EIS, each with text revisions as detailed below. The Final EIR/EIS also includes a fourth volume (Volume 4), which includes reproductions of the original written comments and the Authority’s responses to the comments received during the public review periods for the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS. In addition, this volume provides the Authority’s Standard Responses that address the most frequently raised issues. Standard Responses are provided in Chapter 17 and are also included in Attachment D to this memorandum.

In the Final EIR/EIS, each resource section or chapter contains a summary of the revisions that have been made to that section or chapter since the circulation of the Draft EIR/EIS. A vertical line in the page margins indicates substantive changes to the EIR/EIS.

Authority staff provided the Board with a complete copy of the Final EIR/EIS for its review in late June. Elements of the Final EIR/EIS in paper form are also included with this memorandum for the Board’s convenience (see Attachments B and D).

CEQA does not require public review and comment for a Final EIR. Instead, CEQA requires that the proposed response to any comment received from a state or local public agency be provided to that public agency at least 10 days prior to Board certification of the Final EIR. The Authority satisfied that requirement by mailing a letter and USB flash drive containing the Final EIR/EIS, including responses to comments received during the Draft EIR/EIS and Revised Draft EIR/Supplemental Draft EIS review periods, to state and local public agencies that provided comments approximately 60 days before the proposed certification on August 19, 2021. The Final EIR/EIS was also made available to the general public on the Authority website on June 25, 2021.

NEPA requires that a Final EIS be made publicly available at least 30 days prior to the NEPA lead agency issuing a ROD. The Authority satisfied this requirement by issuing the Final EIR/EIS more than 30 days in advance of proposed consideration of a ROD.

Therefore, as part of this action, staff proposes the Board approve the Preferred Alternative (Alternative 2 with the Refined CCM Design Option, the Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station) from immediately south of the already approved F Street Station in Bakersfield to and including the Palmdale Station to a point approximately 1 mile south of the Palmdale Station at Spruce Court (Attachment A, Map).

## **Requested Actions**

### **CEQA**

The purpose of CEQA is to ensure the public and government decision makers are informed, through CEQA documents, of the potential environmental consequences of a proposed government action. Public comment on draft EIRs helps provide information and feedback on the proposed action to decision makers.

The first step at the approval stage of the proposed project under CEQA (Item #6 on the Agenda) is for the Board to certify, if it so chooses, that the Bakersfield to Palmdale Project Section Final EIR/EIS is adequate as an informational document for the Board about the environmental consequences of the proposed project. That certification takes the form of the draft Resolution #HSRA 21-05 attached to this memorandum, which states that the Final EIR/EIS has been completed in compliance with CEQA and presented to the Board, that the Board has reviewed and considered the information in it, and that the Final EIR/EIS reflects the Authority’s independent judgment and analysis. Certification of the Final EIR/EIS is a prerequisite to approving the proposed project (here, the proposed project is the Preferred Alternative), but certification by itself does not approve the project.

The second and distinct step under CEQA (Item #7 on the Agenda) is for the Board to consider whether to approve the Preferred Alternative considering the environmental consequences disclosed in the Final EIR/EIS. That approval takes the form of draft Resolution #HSRA 21-06 attached to this memorandum. This step also involves making written acknowledgments (called “Findings of Fact”) about the environmental consequences as stated in the Final EIR/EIS that will flow from the approval and requiring feasible mitigation to minimize those consequences. For environmental consequences that cannot be mitigated to a less than

significant level under CEQA, this step also involves making written conclusions that the benefits of implementing the project outweigh the unmitigated consequences (called “Statement of Overriding Considerations” or “SOC”). Drafts of the Findings of Fact, the SOC, and a mitigation monitoring chart (called an MMEP<sup>1</sup>) are included in Exhibits B and C of the draft CEQA approval Resolution HSRA# 21-06.

## **NEPA**

The purpose of NEPA is to ensure agencies consider the significant environmental consequences of their proposed actions and inform the public about the decision making.

Pursuant to the Authority’s NEPA Assignment, the Board will also take a third action to consider whether to direct the Authority CEO to issue a Record of Decision (ROD) (Item #8 on the Agenda). A Draft ROD is included as part of the materials provided prior to this meeting. Under NEPA and the NEPA Assignment MOU, the Draft ROD indicates selection of the Preferred Alternative<sup>2</sup>—Alternative 2 with the Refined CCNM Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station—as the alternative that best serves the purpose and need for the Bakersfield to Palmdale Project Section and minimizes economic, social, and environmental impacts. The Draft ROD also documents a number of federal decisions on the project, including required determinations under several federal laws, including, but not limited to Section 4(f) of the Department of Transportation Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. This direction to issue a ROD takes the form of draft Resolution HSRA# 21-07, included herein as Attachment G.

The Final EIR/EIS has undergone extensive preparation efforts, including thorough consideration of the comments received on the Draft EIR/EIS and Revised Draft EIR/Supplemental Draft EIS. Staff recommends that the Final EIR/EIS is an adequate informational document in compliance with CEQA, NEPA, and other pertinent federal and state regulations. As explained in Chapter 8 of the Final EIR/EIS, the Preferred Alternative is an appropriate approval choice because, compared to the other alternatives considered in the Final EIR/EIS, the Preferred Alternative would result in fewer impacts to Section 4(f) properties, downtown areas, schools, environmental justice communities, Bureau of Land Management parcels, and mining activities (by avoiding future mining areas on land owned by the CalPortland Cement Company) than other Bakersfield to Palmdale Build Alternatives. The Preferred Alternative would involve less complex construction because it does not require relocation of State Route 58 in Edison and thereby reduces the duration of construction-related impacts compared to the other Bakersfield to Palmdale Build Alternatives, reduces the length of tunnel construction, and has the fewest number of grade separations with local roadways. While the Preferred Alternative will result in a permanent use of elements of the Big Creek Hydroelectric System Historic District, the Preferred Alternative will have only *de minimis* effects to remaining 4(f) protected resources, Weill Park, the Pacific Crest Trail, and a Lancaster residence. The officials with jurisdiction have concurred with these *de minimis* findings.

## **Legal Approval**

The Office of Chief Counsel has verified that the Board is legally authorized to take the actions requested in these Agenda items. Attorneys under the direction of the Chief Counsel have been involved in the development of the Final EIR/EIS and the certification and approval documents presented in the attachments to this briefing. Legal counsel is not aware of any outstanding issues from a NEPA or CEQA perspective in the Bakersfield to Palmdale Project Section decision documents that would prevent consideration and action by the Board. Furthermore, as to the draft ROD document, legal counsel concludes that it is legally sufficient as required by NEPA, the NEPA Assignment MOU (and associated application), and the FRA Procedures for Considering Environmental Impacts.

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<sup>1</sup> The Mitigation Monitoring and Enforcement Plan (MMEP) is consistent with the CEQA requirements for mitigation monitoring and reporting as set forth in Section 15097 of the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3).

<sup>2</sup> The draft ROD uses the term “Selected Alternative” to refer to the Preferred Alternative.

## **Budget and Fiscal Impact**

### **Budget and Fiscal Impact (Construction)**

Construction costs for the Bakersfield to Palmdale Project Section are outside the scope of the 2020 Program Baseline approved by the Authority's Board on June 25, 2020, and therefore do not affect the currently authorized capital outlay budget.

### **2021-22 Fiscal Year Budget Impact**

<b>Contract Name</b>	<b>Contract Number</b>	<b>FY Budget</b>	<b>Budget Change</b>	<b>Funding Source</b>
N/A	N/A	N/A	N/A	N/A

### **Total Program Budget Impact**

<b>Contract Name</b>	<b>Contract Number</b>	<b>Contract Budget</b>	<b>Budget Change</b>	<b>Funding Source</b>
N/A	N/A	N/A	N/A	N/A

### **Capital Cost Estimate**

The estimated capital cost of the Preferred Alternative (Alternative 2 with the Refined CCNM Design Option) for the Bakersfield to Palmdale section is \$19.7 billion in 2020 dollars (2020\$). This alignment is generally consistent with the alignment identified as part of the statewide Phase 1 high-speed rail program in the 2020 Business Plan for the Bakersfield to Palmdale Project Section. However, there are some scope items such as the Bakersfield and Palmdale Stations that the 2020 Business Plan includes under adjacent sections for cost. Other adjustments to reconcile to the 2020 Business Plan include value engineering and certain post-ROD engineering and other excluded costs. The scope changes at CCNM also add costs relative to the assumptions for the Business Plan base estimate. Adjusting the Bakersfield to Palmdale EIR/EIS cost of \$19.7 billion to remove these duplicated scope items and other adjustments brings the EIR/EIS within the 2020 Business Plan cost range of \$12.6 billion to \$18.9 billion in year-of-expenditure dollars (YOES). Using the 2020 Business Plan scope and YOES results in a cost of \$17.3 billion without the Refined CCNM Design Option and \$18.2 billion with the Refined CCNM Design Option.

<b>Environmental Document Cost</b>	<b>2020\$ (in billions)</b>
Environmental Document Cost (in 2020 dollars)	19.7
<u>Adjustments to Reconcile to 2020 Business Plan</u>	
Bakersfield Station (in Bakersfield LGA Section)	-0.4
Palmdale Station & Subsection (in Palmdale-Burbank Section)	-1.2
Post-ROD Engineering, other Excluded Costs	-0.7
Value Engineering	-0.9
César E. Chávez National Monument added Scope	-0.8
<b>Adjusted Total for 2020 Business Plan Scope in 2020\$</b>	<b>15.7</b>

<b>2020 Business Plan Cost Reconciliation</b>	<b>YOES (in billions)</b>
2020 Business Plan conversion of \$15.7 2020\$ to YOES	17.3
Added Scope at César E. Chávez National Monument in YOES	0.9
<b>YOE Cost Estimate with Refined CCNM Design Option</b>	<b>18.2</b>
<b>Cost Range in 2020 Business Plan</b>	<b>12.6-18.9</b>

## Reviewer Information

Reviewer Name and Title	Signature Verifying Budget Analysis
Brian Annis, Chief Financial Officer	Original signed August 12, 2021
Reviewer Name and Title	Signature Verifying Legal Analysis
Alicia Fowler, Chief Counsel	Original signed August 12, 2021

## Recommendations

Staff recommends that the Board adopt the attached draft resolutions #HSRA 21-05, #HSRA 21-06, and #HSRA 21-07:

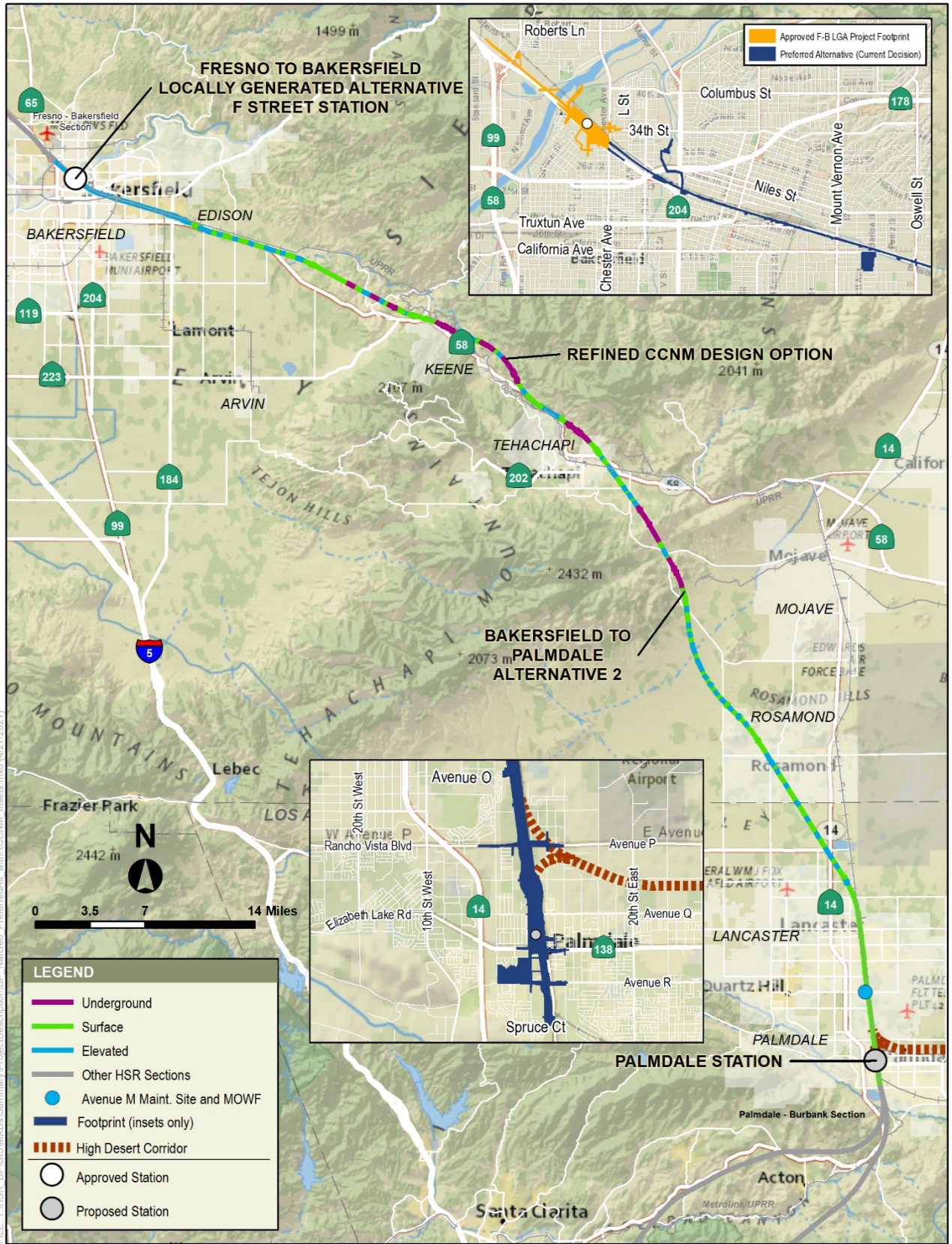
1. #HSRA 21-05 (Attachment E) certifies the completeness and adequacy of the Bakersfield to Palmdale Project Section Final EIR/EIS for compliance with CEQA.
2. #HSRA 21-06 (Attachment F) approves the Bakersfield to Palmdale Preferred Alternative—Alternative 2 with Refined CCNM Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station—and associated facilities; adopts the drafts of the CEQA Findings of Fact, SOC, and MMEP, and directs staff to file a CEQA Notice of Determination with the State Clearinghouse.
3. #HSRA 21-07 (Attachment G) directs the Authority CEO to issue the federal ROD under the Authority's NEPA Assignment responsibilities, identifying Alternative 2 with the Refined CCNM Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility, and Palmdale Station—and associated facilities as the Selected Alternative and documenting compliance with other related federal environmental and resource protection laws, and including mitigation measures as identified in the MMEP.

## Attachments

- Attachment A: Map of the Preferred Alternative
- Attachment B: Printed Summary of the Bakersfield to Palmdale Project Section Final EIR/EIS
- Attachment C: Printed Copy of Standard Responses to Most Frequently Raised Comments
- Attachment D: Draft Resolution #HSRA 21-05
- Attachment E: Draft Resolution #HSRA 21-06
  - Exhibit A – Map of the Preferred Alternative
  - Exhibit B – Draft CEQA Findings of Fact and Statement of Overriding Considerations
  - Exhibit C – Draft Mitigation Monitoring and Enforcement Plan
- Attachment F: Draft Resolution #HSRA 21-07
  - Exhibit A – Draft Record of Decision for the Bakersfield to Palmdale Project Section

**ATTACHMENT A: MAP OF THE PREFERRED ALTERNATIVE**





**Bakersfield to Palmdale Project Section Preferred Alternative**