



CALIFORNIA High-Speed Rail Authority

California High-Speed Rail Authority Board meeting minutes August 18-19, 2021

Webcast

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The meeting of the California High-Speed Rail Authority (Authority) Board convened on August 18 - 19, 2021, via webinar due to Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-25-20 and the Guidance for Gatherings issued by the California Department of Public Health. The minutes were prepared in the order items were presented during the meeting.

August 18, 2021 11:00 a.m.

Members Present:

- Mr. Tom Richards, Chair
- Ms. Nancy Miller, Vice-Chair
- Mr. Ernest Camacho
- Mr. Henry Perea
- Ms. Lynn Schenk
- Ms. Martha Escutia
- Mr. James Ghielmetti
- Mr. Andre Boutros
- Mr. Anthony Williams
- The Honorable Dr. Joaquin Arambula, Ex Officio Member

Members Absent:

- N/A

Public Comment

An opportunity for public comment was made at the outset of the meeting.

Agenda Item #2 – Staff Presentation on the Bakersfield to Palmdale Project Section Final EIR/EIS and Proposed Selection of the Preferred Alternative (Alternative 2 with the Refined César E. Chávez Design Option, Avenue M Maintenance Site and Maintenance of Way Facility, and Palmdale Station) and Related Decisions

Director of Environmental Services for the Authority, Serge Stanich, and the Southern California and Central Valley Director of Projects for the Authority, Rick Simon, provided a presentation on the Bakersfield to Palmdale Project Section Final EIR/EIS and Proposed Selection of the Preferred Alternative (Alternative 2 with the Refined César E. Chávez Design Option, Avenue M Maintenance Site and Maintenance of Way Facility, and Palmdale Station) and Related Decisions to the Board. No questions were asked during this agenda item.

Agenda Item #1 – Consider Approving the July 15, 2021, Board Meeting Minutes

The July 15, 2021, meeting minutes were moved for approval by Director Camacho, seconded by Director Schenk and approved (9-0).

Public Comment

An opportunity for public comment on agenda items 2,5,6,7 and 8 was offered. Comments and recommended changes were given by the Public and the Board.

Director Escutia asked what is being done to minimize impacts to Edison School. Can you tell me what were the impacts that Edison School is going to suffer and what mitigations is going to be happening?

Mr. Simon: we don't have a direct impact on the property. It's noise and visual because of our proximity to the school as we go through that area, and that's why we went with the Alternative 2 which is on the other side of the freeway from the school. We were trying to get as far away as we could to minimize those impacts.

Director Escutia asked how many familiar in total will be displaced from Northeast Bakersfield, Edison, Lancaster, and Palmdale, those are the four EJ communities that you have identified.

Mr. Stanich: We have total distributed along the alignment approximately 591 residences and 596 businesses, the majority of which are in Lancaster and Palmdale and we have a detailed breakdown to that. So in our presentation tomorrow we will have the detailed breakdown and will describe how displacements or relocations occur throughout the alignment.

Director Escutia: How do you responding letters as well as some comment from some of The Nature Conservancies claiming that we do not do enough to mitigate and protect the animals and the biodiversity, you know, nature of California?

Mr. Stanich: We agree with the concern that this is a highly sensitive area that needs to be protected. And we have set out from the very outset to do our very best to identify migration corridors and to develop an analysis where the alignment could affect that. So there has never been any question that the Tehachapi Mountain Range is a critical movement corridor for a number of wildlife species, but we do take exception with some of the characterizations. There are some references that almost 75 percent of it is at grade, which is an impenetrable barrier, but that is actually interspersed with sections that are in tunnel, on viaduct, and with wildlife crossings. And so, it creates a dramatic improvement to the permeability of the overall alignment we believe that in fairness to the resources we identified potentially significant impacts with this project, and that incorporated the improvements with the crossing structures to mitigate that.

Agenda Item #3 – CEO Report

Chief Executive Officer for the Authority, Mr. Kelly, provided a report on the California High-Speed Rail Project Updates. The following questions were asked by the Board and answered by Mr. Kelly.

Agenda Item #4– Finance and Audit Committee Report

Finance & Audit Committee Chairman Tom Richards provided a brief status report on the Committee's work.

Meeting Adjourned

Chair Richards announced at 2:20 p.m. that the Board would adjourn until 10:00 a.m. on August 19, 2021.

August 19, 2021
10:00 A.M.

Members Present:

- Mr. Tom Richards, Chair
- Ms. Nancy Miller, Vice-Chair
- Mr. Ernest Camacho
- Mr. Henry Perea
- Ms. Lynn Schenk
- Ms. Martha Escutia
- Mr. James Ghielmetti
- Mr. Andre Boutros
- Mr. Anthony Williams
- The Honorable Dr. Joaquin Arambula, Ex Officio Member

Members Absent:

N/A

Agenda Item #5– Brief Staff Response to Public Comment following Staff Presentation on Bakersfield to Palmdale Final Supplemental EIR/EIS and Proposed Decisions

Director of Environmental Services for the Authority, Serge Stanich, Southern California and Central Valley Director of Projects for the Authority, Rick Simon, and Relocation Advisory Assistance and Planning, Karen Eddlemann, provided a presentation on the public and staff recommended edits on the Bakersfield to Palmdale Project Section Final EIR/EIS and Proposed Selection of the Preferred Alternative (Alternative 2 with the Refined César E. Chávez Design Option, Avenue M Maintenance Site and Maintenance of Way Facility, and Palmdale Station) and Related Decisions to the Board. The following questions were asked by the Board and answered by staff.

Director Schenk asked if there are any unresolved issues, any points of contention with any individual, either homeowners or renters, and how are we dealing with them. How are we helping small business relocate, and are we helping with advertisement?

Ms. Eddlemann: as for unresolved issues with residential tenants I sit on the Relocation Appeals Board. We don't have any pending appeals, as far as I know, from any residential occupants. And maybe in part that's because the relocation assistance we offer residents is very robust. The Relocation Law in 1970 really was written to address the needs of residential occupants and, in particular, low-income occupants. I haven't heard of any unresolved issues, I checked with the appeals secretary today. For small business relocation, there are tools to help. It's about listening and seeing what we can do. We can bring in specialists to help them plan and think about it. We can give them additional money to reestablish and fix up the place they're moving to. We can try really hard to find great places for them. There is also another component that is not under relocation law under California state law about loss of goodwill. So sometimes if it might impact the business to move, there is a tool that we can use to say here's some additional assistance to help you advertise and help you get the word out and help you maybe reach out to the community and make sure that they know you're here.

Director Williams asked that the data on the EJ communities that have been impacted be continuously monitored and reported back the Board and included in the record of data.

Director Perea asked if the analysis in the report were based on the dual track or single-track impacts? Or does that make a difference in this analysis?

Rick Simon: The design is based on double track. This section is analyzed as being double track.

Director Camacho and Director Escutia both asked about visual and vibration mitigation measures.

Ms. Wu Morri responded that in general it means that if a property is affected by vibration, we can offer to compensate that property owner for the mitigation of the effect of the vibration on their property. So, we would propose a payment and it would then the payment would be in exchange for a servitude which identifies that this particular property is affected by vibration.

Director Escutia asked if all of these potential solutions be on the table, are going to be available to the impacted population?

Mr. Stanich: Yes, mitigations are all included in the environmental document as commitments that are then binding in the mitigation, monitoring, and enforcement plan. So, when you vote on this and provide the resolutions that include directions to the CEO and the Authority staff is the direction to us to implement these measures.

Director Perea asked Ms. Aitchison when the AG's Office reviews documents like this what role does the AG's Office play in this process?

Ms. Aitchison answered that they are serving in an advice role. I'm not speaking on behalf of the Attorney General Mr. Bonta. This is in my role as advisor to the High-Speed Rail Authority

Director Escutia asked if for CEQA and NEPA purposes, what level of information do we need right now with regard to environmental impacts? What's the bare minimum in order for this resolution to pass muster under CEQA and NEPA requirements with regard to environmental impacts?

Ms. Aitchison: The CEQA guidelines are actually very helpful. These are the guidelines that the Office of Planning and Research adopts for purposes of helping CEQA lead agencies, as the Authority is, comply with the law and prepare adequate EIRs. So, within the CEQA guidelines, Section 15151 states: An EIR should be prepared, and I'm quoting here, with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.

Director Escutia asked if adequacy is the standard, as measured today, what happens in the future if our adequacy of today turns out to be inadequate tomorrow? What are our remedies, what can we do?

Ms. Aitchison: Within the CEQA process, once an environmental document is completed and a project is approved, the typical scenario is no more environmental review is required unless very specific circumstances occur. And those circumstances can be if there is a major change to the project or if there is a new significant impact that wasn't previously identified. When those things are arising, particularly in the context of a new discretionary decision, here the Board will act or is proposed to act today, but you don't end your involvement with this project section. You will be actively involved in making decisions related to issuing an RFP, obtaining a contractor. Those are what in legal speak we call discretionary decisions. Of this at any point on that continuum circumstances change, the Authority in its role as CEQA lead agency is obligated to sort of stop and check and determine if further environmental review is needed.

Agenda Item #6– Consider certifying Bakersfield to Palmdale Section Final Supplemental EIR/EIS under the California Environmental Quality Act

Chief Counsel for the Authority, Alicia Fowler, and Deputy Attorney General for the California Department of Justice, Danae Aitchison, presented resolution 21-05 to the Board. No Questions were asked by the Board. The motion was moved for approval by Director Perea, seconded by Director Schenk and approved (8-1).

Agenda Item #7– Consider Approving the Preferred Alternative (Alternative 2 with the Refined César E. Chávez National Monument Design Option, Avenue M Maintenance Site and Maintenance-of-Way Facility and Palmdale Station) including associated facilities, and the related California Environmental Quality Act

Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Enforcement Plan for the Bakersfield to Palmdale Project Section

Chief Counsel for the Authority, Alicia Fowler, and Deputy Attorney General for the California Department of Justice, Danae Aitchison, presented resolution 21-06 to the Board. The motion was moved for approval by Director Williams, seconded by Director Perea, and approved (8-1).

The Board asked that Resolution 21-06 reflect the following changes:

- C. To continue outreach to potentially affected communities, and as soon as practicable but not less than twice annually after funding has been approved for this Project Section's right-of-way acquisitions, report to the Board on measures taken and measures proposed to avoid or address potential disproportionate effects, if any, related to property acquisitions in environmental justice communities, as these communities are defined in the NEPA Record of Decision;
- D. To continue outreach to interested stakeholders on wildlife protection and to potentially affected communities, as project design advances and the project is implemented, and to explore the feasibility of advanced mitigation, to the extent legally permissible; and

Agenda Item #8– Consider selecting the Preferred Alternative (as defined in Item 7) and Directing the Chief Executive Officer to sign the Draft Record of Decision and to issue it as a Final Record of Decision for the Bakersfield to Palmdale Project Section.

Environmental Counsel for the Authority Minming Wu Morri presented resolution 21-07 to the Board. The motion was moved for approval with the suggested edits made to resolution 21-06 by Director Miller, seconded by Director Williams, and approved (8-1).

Agenda Item #9– Closed Session

The Authority will meet in closed session pursuant to Government Code section 11126(e)(1) & (2)(C) to confer with counsel about a potential decision to initiate arbitration in the matter of HSR 13-57- Construction Package(CP) 2-3 Dragados/Flatiron Joint Venture.

Meeting Adjourned

Chair Richards announced at 1:40 P.M. that the Board would adjourn.