



CALIFORNIA HIGH-SPEED RAIL RESOLUTION #HSRA 22-10

CEQA Certification of the San Jose to Merced Project Section Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Whereas, pursuant to the California High-Speed Rail Act, Public Utilities Code Section 185000, et seq., the California High-Speed Rail Authority (“Authority”) was created in 1996 to direct the development and implementation of intercity high-speed rail service that is fully integrated with the state’s existing intercity rail and bus network;

Whereas, the Authority has chosen to use a tiered environmental review and decision-making process to select alignments and station locations for the high-speed rail (“HSR”) system;

Whereas, the Authority and the Federal Railroad Administration (“FRA”) completed two first-tier, programmatic environmental documents pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”) for the statewide HSR system and approved general alignments and station locations for further study in second-tier, project-level environmental documents;

Whereas, the Authority and FRA divided the statewide HSR system into individual project sections for second-tier environmental analysis, one of which is the San Jose to Merced Project Section;

Whereas, the Authority and FRA commenced preparation of a second-tier San Jose to Merced Project Section EIR/EIS in 2009;

Whereas, the Authority engaged in a public scoping process, development and screening of potential alternatives, and public and agency outreach efforts during the preparation of project-level technical studies supporting the second-tier San Jose to Merced Project Section EIR/EIS, including the preparation of Alternatives Analysis reports to explore alignment alternatives in an iterative process from 2010 to 2017 and the continued refinement of alternatives and development of design options;

Whereas, the San Jose to Merced Project Section geographically overlaps with the previously approved Merced to Fresno Project Section at the Central Valley Wye, where the north/south and east/west legs of the HSR system connect;

Whereas, the San Jose to Merced Project Section as a whole was comprised of three “project extents” as shown in Figure 2-2 of the Final EIR/EIS and as replicated here, including (1) the San Jose to Central Valley Wye Project Extent (Scott Boulevard in Santa Clara to Carlucci Road in Merced County); (2) the Central Valley Wye Project Extent (connecting the east-west portion of HSR from the San Francisco Bay Area to the Central Valley with the north-south portion from Merced to Fresno); and (3) the Ranch Road to Merced Project Extent (Ranch Road in the south to the Merced Station in the north);

Whereas, the Authority approved the Preferred Alternative for the Merced to Fresno Project Section, inclusive of the Ranch Road to Merced Project Extent, in May 2012, following certification of the Merced to Fresno Section Final EIR/EIS;

Whereas, the Authority approved the Preferred Alternative for the Central Valley Wye, inclusive of the Central Valley Wye Project Extent, in September 2020, following certification of the Merced to Fresno Project Section Final Supplemental EIR/EIS;

Whereas, the Authority has therefore focused the San Jose to Merced Project Section Draft and Final EIR/EIS on the San Jose to Central Valley Wye Project Extent, which begins ~~on~~at Scott Boulevard in Santa Clara and ends at Carlucci Road in Merced County, where this project extent connects to the two previously-approved project extents (Central Valley Wye and Ranch Road);

Whereas, on September 17, 2019, in Resolution # HSRA 19-05, the Authority Board concurred with the staff recommendation to designate Alternative 4 as the Authority's Preferred Alternative for the San Jose to Merced Project Section and directed staff to consider coordination with Diridon Station Planning; issues related to grade separations in the vicinity of the Gardner neighborhood, Morgan Hill and San Jose; and feasible mitigation through the Grasslands Ecological Area;

Whereas, under 23 U.S. Code section 327, the FRA and the State of California executed a NEPA Assignment Memorandum of Understanding, dated July 23, 2019, pursuant to which the State of California, acting through the California State Transportation Agency and the Authority, assumed FRA's responsibilities under NEPA and other federal environmental laws, for projects necessary for the design, construction, and operation of the California HSR System;

Whereas, in its role as CEQA and NEPA lead agency, the Authority circulated the San Jose to Merced Project Section Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for a public review and comment period from April 24, 2020, to June 8, 2020, which identified Alternative 4 as the Authority's Preferred Alternative and the CEQA Proposed Project;

Whereas, on May 22, 2020, due to the uncertainty caused by COVID-19 and in response to public requests, the Authority extended the comment period for the San Jose to Merced Project Section Draft EIR/EIS to June 23, 2020 and elected to hold community open houses and public hearings as online teleconference meetings in light of public health and safety requirements;

Whereas, following the Authority's publication of the Draft EIR/EIS, the Authority learned that the Southern California/Central Coast population of mountain lion was a candidate for listing under the California Endangered Species Act and that the monarch butterfly had been designated as a potential candidate for listing under the federal Endangered Species Act; accordingly, the Authority, as CEQA and NEPA lead agency, prepared and issued the San Jose to Merced Project Section Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement ("Revised/Second Draft Supplemental EIR/EIS") limited to the portions of the Draft EIR/EIS that would require revision based on the new information about the species and about impacts of HSR noise and lighting on wildlife, which circulated for public comment between April 23, 2021, and June 9, 2021;

Whereas, the Authority determined it was appropriate to complete the San Jose to Merced Project Section environmental analysis in the form of a Final EIR/EIS, consistent with both CEQA and NEPA, because, following circulation of the Revised Draft EIR/Supplemental Draft EIS, none of the circumstances meriting recirculation pursuant to State CEQA Guidelines section 15088.5, and supplementation pursuant to 40 Code of Federal Regulations section 1502.9(c)(1) existed; and

Whereas, on February 25, 2022, the Authority issued a San Jose to Merced Project Section Final EIR/EIS and made it publicly available on the Authority website and provided broad public notice thereof.

Therefore, it is resolved:

The Authority hereby certifies that:

- a. The San Jose to Merced Project Section Final EIR/EIS has been completed in compliance with CEQA;
- b. The San Jose to Merced Project Section Final EIR/EIS has been presented to the Authority Board as the decision-making body for the San Jose to Merced Project Section

and the Board has reviewed and considered the information contained in the San Jose to Merced Project Section Final EIR/EIS, prior to considering whether to approve the Preferred Alternative for the San Jose to Merced Project Section; and

- c. The San Jose to Merced Project Section Final EIR/EIS reflects the Authority's independent judgment and analysis.

Vote: Richards; Miller; Pena; William; Camacho; Perea; Ghielmetti

Yes: 7

No: 0

Absent: Escutia; Schenk

Date: April 28, 2022