



## CALIFORNIA HIGH-SPEED RAIL RESOLUTION #20-06

### **California Environmental Quality Act Certification of the Merced to Fresno Section: Central Valley Wye Final Supplemental 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 (“CEQA”) and National Environmental Policy Act (“NEPA”) and approved general corridors and station locations for further study in second-tier, environmental documents;

**Whereas**, the Authority and FRA divided the statewide high-speed rail (“HSR”) system into individual project sections for second-tier environmental analysis, one of which is the Merced to Fresno Section;

**Whereas**, the Merced to Fresno Section includes a north/south alignment and stations in Merced and Fresno, and also includes the “wye” or “Central Valley Wye,” that provides the connection between the east-west portion of the San Jose to Merced Section to the west and the north-south portion of the Merced to Fresno Section to the east;

**Whereas**, the Authority and FRA released the Merced to Fresno Section Final EIR/EIS (“2012 Final EIR/EIS”) in April 2012, which evaluated at a second-tier level of detail three north-south alignment alternatives for the high-speed rail (UPRR, BNSF, and Hybrid) and two wye alternatives (Avenue 21 and Avenue 24), as well as stations in Merced and Fresno;

**Whereas**, the 2012 Final EIR/EIS identified the Hybrid Alternative as the Preferred Alternative for the north-south alignment of the Merced to Fresno Section, but did not designate a preferred wye alternative;

**Whereas**, on May 3, 2012, through resolutions # HSRA 12-19 and # HSRA 12-20, the Authority certified the 2012 Final EIR/EIS as compliant with CEQA; and approved the Hybrid Alternative for the north-south alignment of the Merced to Fresno Section and the Downtown Merced and Downtown Fresno Mariposa Street station locations;

**Whereas**, in resolution # HSRA 12-20, the Authority deferred a decision on the wye and directed staff to conduct further study and analysis to determine whether the wye alternatives evaluated in the 2012 Final EIR/EIS should be changed, augmented, or eliminated and additional alternatives considered;

**Whereas**, the FRA issued a Record of Decision (“ROD”) on September 18, 2012, in which the FRA approved the same portions of the Merced to Fresno Section, deferred a decision on the wye and determined that the wye alternatives should be subject to further development and evaluation;

**Whereas**, based on additional project planning and engineering that has occurred since 2012, and extensive stakeholder outreach, the Authority further considered seventeen alternatives for the Central Valley Wye and determined that four wye alternatives merited further detailed study;

**Whereas**, the Authority and the FRA determined it was appropriate to evaluate the four Central Valley Wye alternatives through a supplement to the 2012 Final EIR/EIS, consistent with State CEQA Guidelines sections 15162 and 15163 and the regulations implementing the National Environmental Policy Act (“NEPA”), specifically 40 C.F.R. 1502.9;

**Whereas**, in January of 2017, the Authority Board received a staff briefing on the four wye alternatives advanced for detailed study and designated the SR 152 (North) to Road 11 Wye Alternatives as the Preferred Alternative to be identified in the Draft Supplemental EIR/EIS, in resolution #HSRA 17-01;

**Whereas**, the Authority circulated the Merced to Fresno Section: Central Valley Wye Draft Supplemental EIR/EIS for a 48-day CEQA public review and comment period between May 3, 2019, and June 20, 2019;

**Whereas**, under 23 United States Code section 327, the FRA and the State of California executed a NEPA Assignment Memorandum of Understanding (“MOU”), 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**, pursuant to the NEPA Assignment MOU, the Authority circulated the Draft Supplemental EIR/EIS for a 45-day NEPA review period between September 13, 2019, and October 28, 2019;

**Whereas**, following the Authority’s publication of the Draft Supplemental EIR/EIS for CEQA purposes in May 2019 and subsequent publication of the Draft Supplemental EIR/EIS for NEPA purposes in September 2019, the Authority learned of the new listing by the State of California Department of Fish and Wildlife of a bumble bee species that may be present in the relevant resource study area for the Central Valley Wye alternatives; accordingly, the Authority, as CEQA and NEPA lead agency, prepared and issued the Merced to Fresno Section: Central Valley Wye Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement, Biological Resources Analysis (“Revised/Second Draft Supplemental EIR/EIS”) limited to the portions of the Draft Supplemental EIR/EIS that would require revision based on the new information about the candidate bee species, which circulated for public comment from March 13, 2020 to April 27, 2020;

**Whereas**, the Authority determined it was appropriate to complete the environmental analysis of the Central Valley Wye alternatives in the form of a Final Supplemental EIR/EIS because none of the circumstances meriting recirculation pursuant to State CEQA Guidelines section 15088.5 and supplementation pursuant to Code of Federal Regulations section 1502.9(c)(1)(ii) exist; and,

**Whereas**, in August 2020, the Authority issued the Merced to Fresno Section Final Supplemental EIR/EIS (“Final Supplemental EIR/EIS”), posted the document on its website, and provided broad public notice thereof.

**Therefore, it is resolved:**

The Authority hereby certifies that:

- (a) the Final Supplemental EIR/EIS has been completed in compliance with CEQA;
- (b) the Final Supplemental EIR/EIS has been presented to the Authority Board, and the Board has reviewed and considered the information contained in the Final Supplemental EIR/EIS; and
- (c) the Final Supplemental EIR/EIS reflects the Authority's independent judgment and analysis.

Vote: 9

Yes: Richards; Schenk; Camacho; Miller; Perea; Ghielmetti; Escutia; Butros; Williams

No: 0

Absent: N/A

Date: September 10, 2020

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