

## Merced to Fresno Section: Central Valley Wye

### Draft Supplemental Environmental Impact Report/Environmental Impact Statement

Prepared by the

**California High-Speed Rail Authority**

#### **NEPA Distribution Explanation**

#### **1 Publication of “Draft Supplemental Environmental Impact Report/Environmental Impact Statement” as NEPA Document**

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The California High-Speed Rail Authority (Authority) is issuing a draft supplemental environmental impact statement pursuant to the National Environmental Policy Act (NEPA), and under NEPA Assignment per 23 U.S.C. 327, entitled “Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Environmental Impact Statement” (referred to below as “Draft Supplemental EIR/EIS”). This document was prepared as a supplement to the 2012 Final Merced to Fresno Section Final Environmental Impact Report/Environmental Impact Statement (Merced to Fresno Final EIR/EIS), which was certified/approved by the Authority as California Environmental Quality Act (CEQA) lead agency and by the Federal Railroad Administration (FRA) as the NEPA lead agency. The present Draft Supplemental EIR/EIS contains all the content required by CEQA and NEPA. As explained below, the Authority recently assumed FRA’s federal environmental review responsibilities and signed the document for publication under NEPA. The Authority, as NEPA lead agency, is therefore issuing the Draft Supplemental EIR/EIS pursuant to NEPA only for public and agency comments under NEPA. Accordingly, content in the Draft Supplemental EIR/EIS that is specific or pertaining to CEQA is for information only at this time. The Authority previously issued the Draft Supplemental EIR/EIS for public review and comment pursuant to CEQA from May 3, 2019 to June 20, 2019.

On July 23, 2019, Governor Newsom executed a Memorandum of Understanding (MOU) with FRA under the Surface Transportation Project Delivery Program (known as NEPA Assignment), pursuant to the legal authority under 23 U.S.C. 327. Under NEPA Assignment, the State, acting through the California State Transportation Agency and the Authority, has assumed FRA’s responsibilities under NEPA and other federal environmental laws, as assigned by FRA under the MOU. The FRA retains its responsibilities under certain other federal environmental laws such as the Clean Air Act (air conformity determinations) and Government-to-Government tribal consultations.

With this notification, the Authority publishes the joint Draft Supplemental EIR/EIS and begins the NEPA comment period for 45 days. The Authority is issuing this document solely for purposes of compliance with NEPA and other applicable federal laws. The Authority plans to issue a joint Final Supplemental EIR/EIS that will include responses to comments received during the CEQA and NEPA comment periods.

Because this document was developed to serve as a joint Draft Supplemental EIR/EIS prior to the execution of the NEPA Assignment MOU, it includes CEQA analysis and references to the “Federal Railroad Administration,” “FRA,” and the FRA logo. These references do not imply that FRA has formally approved or issued this document. The Authority is solely responsible for the contents of this document and is issuing this document solely for purposes of compliance with federal law under NEPA Assignment. Furthermore, references to FRA or to CEQA-specific analyses which have been retained in this document do not have a substantive or material effect on the content, analyses, technical documentation, findings,

or conclusions of the document as they pertain to NEPA requirements. The Authority has decided to retain the CEQA-required contents in this document to provide the public with a complete picture of the environmental analysis performed to date for the project.

## **2 NEPA Document Date**

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In June 2018, the Authority believed that the Draft Supplemental EIR/EIS was complete and ready for publication under NEPA, and provided the document to FRA for signature. The Authority signed the document under CEQA in July 2018 and moved forward with printing the Draft Supplemental EIR/EIS for public release in September 2018, anticipating that FRA by September 2018 would either sign the document for release under NEPA or assign NEPA responsibilities to the Authority under NEPA Assignment.

Accordingly, the Draft Supplemental EIR/EIS shows a date of September 2018, primarily on the title pages and footers. Prior to issuing this document, the Authority considered whether the passage of time between September 2018 and the September 2019 date of this document release under NEPA only necessitated any changes to the text and determined that no changes were necessary.