

California High-Speed Rail: Fresno to Bakersfield Section Final Supplemental EIS for the Locally Generated Alternative

Pursuant to:

National Environmental Policy Act (42 U.S.C. 4332 et seq.),
40 C.F.R. Part 1500, 64 Fed. Reg. 28545, 49 U.S.C. 303 and 23 U.S.C. 327

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Abstract: The Fresno to Bakersfield Section Draft Supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was prepared in 2017 as a joint document to meet all pertinent requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). However, after publication of the Draft Supplemental EIR/EIS, the California High-Speed Rail Authority (Authority) decided to prepare the Final Supplemental EIR under CEQA separately from the Final Supplemental EIS under NEPA. The Authority Board certified the Final Supplemental EIR in October 2018.

This Final Supplemental EIS consists of the Draft Supplemental EIR/EIS, Responses to Comments on the Draft Supplemental EIS, and the Changes to the Draft Supplemental EIS (Errata). The Final Supplemental EIS is intended to support issuance of a Supplemental Record of Decision under NEPA and applicable related approvals and determinations under federal law, such as, but not limited to the Clean Air Act, Clean Water Act, Endangered Species Act, the National Historic Preservation Act (section 106), the Department of Transportation Act (section 4(f)), and various Executive Orders.

Since the preparation of the Draft Supplemental EIR/EIS, the State of California and the Federal Railroad Administration (FRA), on July 23, 2019, executed the NEPA Assignment Memorandum of Understanding (MOU). Under the NEPA Assignment MOU, the FRA assigned its responsibilities for environmental reviews and approvals for the high-speed rail project under NEPA and certain other federal environmental laws to the State. The State will work through the California State Transportation Agency and the Authority to carry out the responsibilities assigned under the NEPA Assignment MOU. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by the State of California pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated July 23, 2019, and executed by the FRA and the State of California. Accordingly, the Authority carries out responsibilities assigned to the State under the MOU for this Final Supplemental EIS.

As to NEPA, the 2017 Draft Supplemental EIR/EIS, on the signature page, stated that “FRA plans on issuing a single document that consists of the Final Environmental Impact Statement and Supplemental Record of Decision pursuant to 49 U.S.C. § 304a unless it is determined that statutory criteria or practicability considerations preclude issuance of such a combined document.” As noted above, the Authority is now the NEPA lead agency and has determined that issuance of a combined document is legally permissible and practicable. Therefore, the Authority is issuing a Supplemental Record of Decision concurrently with this Final Supplemental EIS.