

CALIFORNIA HIGH-SPEED RAIL PROJECT

Merced to Fresno Section: Central Valley Wye

Revised Draft Supplemental Environmental Impact Report / Second Draft Supplemental Environmental Impact Statement, Biological Resources Analysis

Prepared by the

California High-Speed Rail Authority

1 New Central Valley Wye Environmental Document Focused Primarily on Content Concerning One Newly-Listed Candidate Species

The California High-Speed Rail Authority (Authority) is issuing a limited revision of its previously published Draft Supplemental Environmental Impact Report and Environmental Impact Statement (Draft Supplemental EIR/EIS) pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). 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 Federal Railroad Administration and the State of California.

This document is entitled “Merced to Fresno Section: Central Valley Wye Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement” (referred to below as “Revised/Second Draft Supplemental EIR/EIS”).

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 bumblebee species that may be present in the relevant resource study area for the Central Valley Wye alternatives.

The California Fish and Game Commission provided notice on June 18, 2019 that four bumble bee species are candidate species as defined by Section 2068 of the Fish and Game Code. Only one such species, the Crotch bumble bee (*Bombus crotchii*) is assumed to be present in the resource study area for the Central Valley Wye alternatives based on historic records as well as the presence of suitable habitat for the species.

Both CEQA and NEPA provide guidance on the recirculation and supplementation of published environmental documents. Pursuant to pertinent requirements of both laws,¹ the Authority, as lead CEQA and NEPA agency for the Merced to Fresno Section: Central Valley Wye, is issuing this Revised/Second Draft Supplemental EIR/EIS limited to the portions of the Draft Supplemental EIR/EIS that require revision based on the new information about the Crotch bumble bee candidate species. New information includes background information, methodology, impact analysis, and mitigation measures.

¹ CEQA Guidelines Section 15088.5(c) and 40 Code of Federal Regulations 1502.9(C)(1)(ii).

The section and appendix comprising the Revised/Second Draft Supplemental EIR/EIS are:

1. Section 3.7, Biological Resources and Wetlands, with text updates as noted below
2. Section 3.19.6.6, Cumulative Impacts, Biological Resources and Wetlands, with text as presented in the Draft Supplemental EIR/EIS
3. Appendix 3.7-C-2, Biological Resources and Wetlands Special-Status Wildlife, reflecting updates associated with the Crotch bumble bee

Within Section 3.7, substantive changes related to the Crotch bumble bee were made in the following sections.

- Section 3.7.5.3, Methods for NEPA and CEQA Impact Analysis
- Section 3.7.6.3, Special-Status Species
- Section 3.7.7, Environmental Consequences
 - Table 3.7-13 Direct Impacts on Special-Status Wildlife Species Habitat by Central Valley Wye Alternative (acres)
 - Construction Impacts
 - Impact BIO#3 Direct Impacts on Special-Status Wildlife – Invertebrates
 - Impact BIO#4 Indirect Impacts on Special-Status Wildlife – Invertebrates
 - Operations Impacts
 - Impact BIO#27 Direct Impacts on Special-Status Wildlife – Invertebrates
 - Impact BIO#28 Indirect Impacts on Special-Status Wildlife – Invertebrates
- Section 3.7.8 Mitigation Measures
 - BIO-MM#54: Conduct Surveys and Implement Avoidance Measures for Crotch Bumble Bee
 - BIO-MM#55: Provide Compensatory Mitigation for Impacts on Crotch Bumble Bee

The Authority reviewed other sections of the Draft Supplemental EIR/EIS and found, based on research and a review of the evidence, that no other substantive changes would be required, including Section 3.19, Cumulative Impacts. The Crotch bumble bee's candidacy status was specifically considered relative to the discussion of cumulative effects in Section 3.19.6.6, Biological Resources and Wetlands. The identification of the San Joaquin Valley as the Resource Study Area for special status species applies to the Crotch bumble bee, as does the description of the cumulative condition relative to special-status plants and wildlife and special status plant communities. The discussion of the contribution of the Central Valley Wye Alternatives to loss of suitable habitat for special status species, including California annual grassland and other special-status plant communities would also apply to the Crotch bumble bee habitats of California annual grassland and scrub. Section 3.19.6.6 refers back to the mitigation measures in Section 3.7 to ensure that the Central Valley Wye alternatives would not result in cumulatively considerable contributions to the cumulative impacts on special status species and habitats. As augmented by the new mitigation measures for Crotch bumble bee added to the revised Section 3.7, the text and conclusions remain accurate. For these reasons, the current text in Section 3.19.6.6 requires no revision to address the Crotch bumble bee. For the reader's convenience, Section 3.19.6.6 has been included without change for reference, with an introductory page explaining why it has not changed.

Section 3.7 includes new mitigation measures related to the Crotch bumble bee. These will be incorporated into the Mitigation Monitoring and Reporting Program and Enforcement Plan (to be included as part of the CEQA/NEPA decision documents).

The text of Section 3.7.4.1, Coordination with Regulatory Agencies for NEPA and CEQA Compliance, has also been revised to reflect that the United States Department of Fish and Wildlife and the National Marine Fisheries Service issued biological opinions for the project, thereby concluding the consultation requirements under Section 7 of the United States Endangered Species Act. At the time of publication of the Draft Supplemental EIR/EIS, the text stated that these biological opinions were anticipated from both federal agencies. In this document, Section 3.7.4.1 has been revised with the dates the Authority received

biological opinions from each agency. These biological opinions will be published as appendices with the Record of Decision for the project.

2 California High-Speed Rail Authority as NEPA Lead Agency

Following execution of a memorandum of understanding with the Federal Railroad Administration (FRA) on July 23, 2019, the Authority is the NEPA lead agency. The Authority noted this in its September 2019 NEPA distribution of the Draft Supplemental EIR/EIS, and further noted that the Draft Supplemental EIR/EIS nevertheless retained numerous text references to FRA and its earlier role as NEPA lead agency. However, the text of this Revised/Second Draft Supplemental EIR/EIS has been updated to reflect the Authority's assumption of NEPA lead agency status. The Authority will make similar revisions throughout the Final Supplemental EIR/EIS, expected for publication in summer 2020.

3 Publication of the Revised Draft Supplemental EIR/Second Draft Supplemental EIS

Pursuant to both CEQA and NEPA requirements, this Revised/Second Draft Supplemental EIR/EIS is being released for a 45-day public review period, which is equivalent to the required public review periods for the CEQA and NEPA distributions of the Draft Supplemental EIR/EIS. The Authority is also providing notification in a similar manner as the CEQA and NEPA distributions to property owners and/or occupants, stakeholders, and other interested parties. Notifications will be published in the same newspapers as were notices for the CEQA and NEPA distributions, including four English-language and two Spanish language newspapers.

4 Next Steps

The Authority welcomes comments on the content of the Revised/Second Draft Supplemental EIR/EIS. The public review period will begin on Friday, March 13, 2020, and end on Monday, April 27, 2020. Please see the Notice of Availability for the Revised/Second Draft Supplemental EIR/EIS for details on how to comment.

During the CEQA and NEPA comment periods, the Authority received 75 comment submittals through a combination of letters, e-mails, comment cards, as well as oral comments provided at the CEQA and NEPA public hearings. These submittals yielded a total of more than 600 discrete comments. The Final Supplemental EIR/EIS will include the Authority's responses to these earlier comments plus responses to any comments received on the Crotch bumble bee information in this Revised/Second Draft Supplemental EIR/EIS.

The Authority anticipates publishing the Final Supplemental EIR/EIS in summer 2020. The Final Supplemental EIR/EIS will include the Authority's responses to the CEQA and NEPA comments received on the previously circulated Draft Supplemental EIR/EIS, in addition to responses to comments received on this Revised/Second Draft Supplemental EIR/EIS.

The Authority Board will consider whether to certify the Final Supplemental EIR and approve the preferred alternative pursuant to CEQA. In addition, the Authority, as NEPA lead agency, will also consider whether to issue a Record of Decision approving the preferred alternative, which best serves the purpose and need for the Central Valley Wye and minimizes economic, social, and environmental impacts.