

# Notice of Completion and Environmental Document Transmittal—Attachment

## Project Title

California High-Speed Rail Project: San Jose to Merced Project Section

## Project Location, Cross Streets

The proposed San Jose to Merced Project Section (Project Section) is located in Santa Clara, San Benito, and Merced Counties near the cities of Santa Clara, San Jose, Morgan Hill, Gilroy, and Los Banos. The project extends from Scott Boulevard in Santa Clara County (latitude/longitude N 37°21'48.996" / W 121°57'36") to Carlucci Road in Merced County (latitude/longitude N 37°5'28.716" / W 120°40'15.6"). The nearest major state highways are State Route (SR) 33, SR 85, SR 87, SR 89, U.S. Highway 101, SR 152, SR 165, Interstate (I-) 5, I-280, and I-880.

## Project Description

The California High-Speed Rail Authority (Authority) certified a Statewide Program Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (Tier 1) in November 2005 as the first phase of a tiered environmental review process for the proposed California High-Speed Rail (HSR) System planned to provide a reliable, high-speed, electric-powered rail system that links the major metropolitan areas of the state and that delivers predictable and consistent travel times. A further objective is to provide an interface with commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources. A second program-level (Tier 1) EIR/EIS was completed in 2008 focusing on the connection between the Bay Area and Central Valley; the Authority revised this document under the California Environmental Quality Act (CEQA) and completed it in 2012. Based on the Program EIR/EISs, the Authority selected preferred corridors and station locations to advance for further study.

The Authority prepared a project-level (Tier 2) EIR/EIS that further examines the Project Section. The approximately 145-mile-long Project Section—as part of the larger, 800-mile California HSR System planned throughout California—would provide HSR service between San Jose Diridon Station in downtown San Jose and a station in downtown Merced, with a Gilroy station either in downtown Gilroy or east of Gilroy. The Project Section would allow trains in the San Francisco Bay Area to transition smoothly via the Central Valley Wye to and from the Central Valley portion of the HSR system running north to Merced and south to Fresno and Southern California. The Project Section comprises three project extents:

- From Scott Boulevard in Santa Clara to Carlucci Road in Merced County, at the western terminus of the Central Valley Wye (the project covered in the EIR/EIS that is the subject of this Notice of Completion)
- The Central Valley Wye, beginning at Carlucci Road in Merced County, connecting the east-west portion of HSR from the Bay Area to the Central Valley with the north-south portion from Merced to Fresno
- The northernmost portion of the Merced to Fresno Project Section, from the northern limit of the Central Valley Wye (Ranch Road) to the Merced Station

The extent of the Project Section between Carlucci Road and Merced has been analyzed in the *Merced to Fresno Section Final EIR/EIS* and the *Merced to Fresno Section: Central Valley Wye Final Supplemental EIR/EIS*. The Authority published a Draft EIR/EIS, in April 2020, at the project level (Tier 2) to examine the portion of the Project Section from Scott Boulevard north of San Jose Diridon Station to Carlucci Road in Merced County. This is referred to as the San Jose to Central Valley Wye Project Extent (project or project extent). The project extent is located in Santa Clara, San Benito, and Merced Counties in or near the cities of Santa Clara, San Jose, Morgan Hill, Gilroy, and Los Banos.

The approximately 90-mile project extent comprises mostly dedicated HSR system infrastructure, HSR station locations at San Jose Diridon and Gilroy, a maintenance of way facility (MOWF) either south or southeast of Gilroy, and a maintenance of way siding (MOWS) west of Turner Island Road in the Central Valley. HSR stations at San Jose Diridon and Gilroy provide links with regional and local mass transit services as well as connectivity to the Santa Clara County and Central Valley highway network.

The Draft EIR/EIS evaluated the impacts and benefits of a No Project Alternative and four end-to-end project alternatives (Alternatives 1 to 4), including stations. The Authority's Preferred Alternative, which also serves as the proposed project for CEQA, is Alternative 4, which includes two stations (San Jose Diridon and Downtown Gilroy), an MOWF and MOWS, two tunnels, and traction power sites.

Following the Authority's publication of the Draft EIR/EIS in April 2020, the Authority is now issuing a limited revision to the published Draft EIR/EIS, entitled *San Jose to Merced Project Section: Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, Biological Resources Analysis* (Revised/Supplemental Draft EIR/EIS). Pursuant to Section 15088.5(f)(2) of the CEQA Guidelines, this document is limited to the portions of the previously published Draft EIR/EIS that require revision. Information that has not been revised, including the methods for evaluating impacts under NEPA and the methods for determining significance under CEQA, as well as appendices that remain unchanged, can be found in the Draft EIR/EIS. The previously published Draft EIR/EIS, including Sections 3.7 and 3.19 and Chapter 12, is available on the Authority's website ([www.hsr.ca.gov](http://www.hsr.ca.gov)). The Authority requests that reviewers limit the scope of their comments to the revised information within the Revised/Supplemental Draft EIR/EIS.

The Revised/Supplemental Draft EIR/EIS presents new biological resources analysis that was not included in the Draft EIR/EIS as follows:

#### *Biological Resources – New Special-Status Species*

Following the Authority's publication of the Draft EIR/EIS in April 2020, the Authority learned that the California Fish and Game Commission published a notice of findings, on May 1, 2020, to designate the Southern California/Central Coast population (evolutionarily significant unit) of mountain lion (*Puma concolor*) as a candidate species under the California Endangered Species Act (CESA).<sup>1</sup> Additionally, the monarch butterfly (*Danaus plexippus*) became a candidate for listing under the federal Endangered Species Act (FESA) on December 15, 2020.<sup>2</sup>

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<sup>1</sup> California Department of Fish and Wildlife. 2020. *Keep Me Wild: Mountain Lion*. Available: <https://wildlife.ca.gov/keep-me-wild/lion>.

<sup>2</sup> United States Fish and Wildlife Service. 2020. *Questions and Answers: Extension of deadline for 12-month finding on petition to list the monarch butterfly under the Endangered Species Act*. Available: [https://www.fws.gov/savethemonarch/extension\\_faqs.html](https://www.fws.gov/savethemonarch/extension_faqs.html).

These actions by the California Fish and Game Commission and the U.S. Fish and Wildlife Service (USFWS) make the Southern California/Central Coast mountain lion and monarch butterfly subject to the definition of special-status species used by the Authority for analysis:

- “Plants or wildlife listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (FESA) (16 U.S.C. § 1531 et seq.), and
- Plants or wildlife listed or candidates for listing as threatened or endangered under the California Endangered Species Act (CESA) (California [Cal.] Fish and Game Code §§ 2050–2085).”<sup>3</sup>

Both the Southern California/Central Coast mountain lion and the monarch butterfly are assumed to be present in the resource study area for the San Jose to Merced Project Section alternatives, based on historical records and existence of suitable habitat for the species. As these are new potential impacts not included in the Draft EIR/EIS, the Authority directed that the analysis of these impacts should be included in a recirculated document. Accordingly, Section 3.7, Biological and Aquatic Resources, in the Revised/Supplemental Draft EIR/EIS includes additional analysis and revised and new mitigation measures related to the Southern California/Central Coast mountain lion and monarch butterfly.

#### *Biological Resources – Impact of Noise on Wildlife*

The Authority received comments on the Draft EIR/EIS pertaining to HSR noise and the associated impacts on wildlife. The Authority determined that additional analysis and mitigation were warranted in relation to these concerns and directed this additional information be included in a recirculated document. The Authority conducted additional analysis of mammalian responses to HSR noise sources, which is included in the Revised/Supplemental Draft EIR/EIS as Appendix 3.7-E, Supplemental Noise Analysis on Terrestrial Wildlife Species. Section 3.7 includes a summary of this additional analysis and revised mitigation to further address noise impacts on wildlife.

#### *Biological Resources – Impact of Lighting on Wildlife*

The Authority also received comments on the Draft EIR/EIS pertaining to HSR lighting, especially at night, and the associated impacts on wildlife. Commenters disagreed with the less-than-significant CEQA conclusion for Impact BIO#47, Intermittent and Permanent Lighting Disturbance of Wildlife Using Corridors during Operations, in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS. The Authority determined that additional analysis and mitigation were warranted in relation to these concerns and directed this additional information be included in a recirculated document. The Authority conducted additional analysis of impacts from artificial lighting on wildlife, which is included in the Revised/Supplemental Draft EIR/EIS as Appendix 3.7-F, Supplemental Artificial Light Analysis on Terrestrial Wildlife Species. This additional analysis led to a revision in the CEQA conclusion, which is now significant under all four alternatives. Section 3.7 also includes revised mitigation and a new mitigation measure to minimize the impacts of operational lighting on wildlife species.

Both CEQA and NEPA provide guidance on the recirculation and supplementation of published environmental documents. Pursuant to pertinent requirements of both laws,<sup>4</sup> the Authority, as lead CEQA and NEPA agency for the San Jose to Merced Project Section, is issuing this Revised/Supplemental Draft EIR/EIS limited to the portions of the Draft EIR/EIS that require revision based on the new information described above. New information in the

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<sup>3</sup> California High-Speed Rail Authority. 2020. *San Jose to Merced Project Section: Draft Environmental Impact Report/ Environmental Impact Statement*, Section 3.7.5.3, Methods for Impact Analysis, page 3.7-19.

<sup>4</sup> CEQA Guidelines, Section 15088.5; 40 Code of Federal Regulations (C.F.R.) Section 1502.9(c)(1)(ii). The Council on Environmental Quality (CEQ) issued new regulations, effective September 14, 2020, updating the NEPA implementing procedures at 40 C.F.R. Parts 1500–1508. However, because this project initiated the NEPA process before September 14, 2020, it is not subject to the new regulations. The Authority is relying on the regulations as they existed prior to September 14, 2020. Therefore, all citations to CEQ regulations in this document refer to the 1978 regulations, pursuant to 40 C.F.R. Section 1506.13 (2020) and the preamble at 85 *Federal Register* 43340.

Revised/Supplemental Draft EIR/EIS includes background information, methodology, impact analysis, and mitigation measures.

A vertical line in the margin indicates a substantive change in the text since publication of the Draft EIR/EIS; minor editorial changes and clarifications are not identified. Changes in the Revised/Supplemental Draft EIR/EIS are primarily related to mountain lion and monarch butterfly but also include updates to other information as informed by the new or updated analysis. The Revised/Supplemental Draft EIR/EIS consists of excerpted text where updates or additions have been made. Ellipses are used to identify where text from the Draft EIR/EIS remains unchanged and, therefore, is not included in the Revised/Supplemental Draft EIR/EIS. All tables in the Revised/Supplemental Draft EIR/EIS present information related to the new or updated analysis.

### Reviewing Agencies Checklist—Other

California Business, Consumer Services, and Housing Agency, Secretary, Sacramento, CA
California Environmental Protection Agency, Secretary for Environmental Protection, Sacramento, CA
California Geological Survey
California Health and Human Services Agency
California Office of Environmental Health Hazard Assessment
California Office of Statewide Health Planning and Development
California State Transportation Agency, Secretary, Sacramento, CA
California Transportation Commission, Executive Director, Sacramento, CA
California Governor’s Office of Emergency Services, Mather, CA