

CALIFORNIA HIGH-SPEED RAIL PROJECT

Bakersfield to Palmdale Project Section

Revised Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement

Prepared by the

California High-Speed Rail Authority

1 New Bakersfield to Palmdale Project Section Document Focused on Content Concerning Two New Special-Status Species

The California High-Speed Rail Authority (Authority) is issuing a limited revision to its previously published Draft Environmental Impact Report and Environmental Impact Statement (Draft 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. Code (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 “*Bakersfield to Palmdale Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement*” (referred to below as the “Revised Draft EIR/Supplemental Draft EIS”). Pursuant to Section 15088.5(f)(2) of the CEQA Guidelines, this document only includes the portions of the previously published Draft EIR/EIS that have been revised. Some text from the Draft EIR/EIS has been retained within this document to provide context for the reader in reviewing the revised information. Other 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 the appendices and technical reports, can be found in the Draft EIR/EIS. The previously published Draft EIR/EIS, including Sections 3.7 and 3.19, is available on the Authority’s website (www.hsr.ca.gov). The Authority requests that reviewers limit the scope of their comments to the revised information within this document.

Following the Authority’s publication of the Draft EIR/EIS in February 2020, the Authority learned that the California Fish & Game Commission advanced the Southern California and Central Coast mountain lion (*Puma concolor*) populations to candidacy for listing under the California Endangered Species Act.¹ The Authority also learned that the U.S. Fish & Wildlife Service (USFWS) determined that listing the monarch butterfly (*Danaus plexippus*) under the Endangered Species Act is warranted, but that listing is precluded by other priorities; therefore, the monarch butterfly is now a candidate species under the Endangered Species Act.² The U.S. Fish & Wildlife Service will review the species’ status annually until a listing decision is made.

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

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

² United States Fish & Wildlife Service. 2020. Assessing the status of the monarch butterfly. Website: <https://www.fws.gov/savethemonarch/ssa.html>.

- “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).”³

Both CEQA and NEPA provide guidance on the recirculation and supplementation of published environmental documents. Pursuant to pertinent requirements of both laws,⁴ the Authority, as lead CEQA and NEPA agency for the Bakersfield to Palmdale Project Section, is issuing this Revised Draft EIR/Supplemental Draft EIS limited to the portions of the Draft EIR/EIS that require revision based on the new information about the mountain lion and the monarch butterfly candidate species.⁵ New information includes background information, impact analysis, and mitigation measures. In addition to providing new information about the mountain lion and monarch butterfly, the Authority has identified two new mitigation measures to address impacts to wildlife resulting from lighting during construction and during project operation.

A vertical line in the margin indicates a revision in the text since publication of the draft document; minor editorial changes and clarifications are not identified. The sections and appendix comprising the Revised Draft EIR/Supplemental Draft EIS are:

1. Summary, with text updates reflecting changes to impacts and mitigation measures as noted below:
 - Table S-1, Comparison of Potential Adverse Impacts of Bakersfield to Palmdale Project Section Build Alternatives
2. Section 3.7, Biological and Aquatic Resources. Text updates are noted below:
 - Section 3.7.4.4, Pre-Field Investigation and Consultation: Wildlife Movement Corridors
 - Section 3.7.5.5, Special-Status Wildlife Species
 - Section 3.7.5.9, Habitats of Concern: Wildlife Movement Corridors
 - Section 3.7.6.4, Construction Impacts—Biological Resource Impacts Common to All Bakersfield to Palmdale Project Section Build Alternatives
 - Impact BIO#2: Construction Impacts on Special-Status Wildlife Species
 - Table 3.7-7, Intersection of the Bakersfield to Palmdale Project Section Build Alternatives (Station to Station) and Modeled Federal and State Threatened/Endangered Species Habitat
 - Impact BIO #5: Construction Impacts on Wildlife Movement
 - Section 3.7.6.5, Operations Impacts
 - Impact BIO #8: Operational Impacts on Special-Status Wildlife Species
 - Impact BIO #11: Operation Impacts on Wildlife Movement
 - Section 3.7.7.2, Mitigation Measures for Biological and Aquatic Resources
 - BIO-MM#37: Minimize Effects to Wildlife Movement Corridors during Construction
 - BIO-MM#64: Establish Wildlife Crossings
 - BIO-MM#72: Implement Avoidance of Nighttime Light Disturbance for California Condor

³ Authority. 2020. *Bakersfield to Palmdale Project Section, Draft Environmental Impact Report/Draft Environmental Impact Statement*.

⁴ CEQA Guidelines Section 15088.5(c) and 40 Code of Federal Regulations 1502.9(C)(1)(ii).

⁵ The western Joshua tree was petitioned to the California Fish and Game Commission for listing as endangered under CESA. The Commission accepted the petition on September 22, 2020, which caused the Joshua tree to become a special-status species at that time. Impacts to the western Joshua tree, however, were analyzed in the Draft EIR/EIS, and no changes were necessary based on the subsequent change in legal status.

- BIO-MM#79: Mitigation for Desert Tortoise
- BIO-MM#82: Avoid Direct Impacts on Monarch Butterfly Host Plants
- BIO-MM#83: Provide Compensatory Mitigation for Impacts on Monarch Butterfly Breeding and Foraging Habitat
- BIO-MM#84: Conduct Pre-Construction Surveys and Implement Avoidance and Minimization Measures for Mountain Lion Dens
- BIO-MM#85: Provide Compensatory Mitigation for Impacts on Mountain Lion Core and Patch Habitat
- BIO-MM#86: Implement Lighting Minimization Measures During Construction
- BIO-MM#87: Implement Lighting Minimization Measures for Operations
- Section 3.7.8, NEPA Impacts Summary
 - New Mitigation Measures added to the lists for Impact BIO#2, Impact BIO#5 Impact BIO#8, and Impact BIO#11
- Section 3.7.9, CEQA Significance Conclusions
 - Table 3.7-14, Summary of CEQA Significance Conclusions, Mitigation Measures, and Level of Significance after Mitigation

3. Section 3.19.5.7, Cumulative Impacts, Biological and Aquatic Resources

The Authority reviewed other sections of the Draft EIR/EIS and found, based on research and a review of the evidence, that no other substantive changes would be required for this Revised Draft EIR/Supplemental Draft EIS.

The new mitigation measures included in Section 3.7 will be incorporated into the Mitigation Monitoring and Reporting Program and Enforcement Plan (to be included as part of the CEQA/NEPA decision documents).

2 Publication of the Revised Draft EIR/Supplemental Draft EIS

Pursuant to both CEQA and NEPA requirements, this Revised Draft EIR/Supplemental Draft 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 EIR/EIS. The Authority is also providing notification in a similar manner as the earlier 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 earlier CEQA and NEPA distributions, including six English-language and one Spanish-language newspapers.

3 Next Steps

The Authority welcomes comments on the content of the Revised Draft EIR/Supplemental Draft EIS. The public review period will begin on Friday, February 26, 2021, and end on Monday, April 12, 2021.

Please see the Notice of Availability for the Revised Draft EIR/Supplemental Draft EIS for details on how to comment.

During the earlier CEQA and NEPA review period for the Draft EIR/EIS (February 28, 2020, to April 28, 2020), the Authority received 131 comment submissions through a combination of letters, e-mails, comment cards, and oral comments provided at the CEQA and NEPA public hearings. These submissions yielded a total of more than 745 discrete comments. The Final EIR/EIS will include the Authority's responses to these earlier comments plus responses to any comments received on the mountain lion and the monarch butterfly information in this Revised Draft EIR/Supplemental Draft EIS.

The Authority anticipates publishing the Final EIR/EIS in summer 2021. Subsequently, the Authority Board will consider whether to certify the Final EIR and approve the preferred alternative pursuant to CEQA. In addition, the Authority, as NEPA lead agency, will consider whether to issue a Record of Decision approving the preferred alternative, which best serves the purpose and need for the Bakersfield to Palmdale Project Section and minimizes economic, social, and environmental impacts.