

# CALIFORNIA HIGH-SPEED RAIL PROJECT

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## San Francisco to San Jose Project Section

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

Prepared by the

**California High-Speed Rail Authority**

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## **1 New San Francisco to San Jose Project Section Document Focused on New Biological Resources Analysis Content and a Millbrae Station Reduced Site Plan Design Variant**

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The California High-Speed Rail Authority (Authority) is issuing a limited revision to its previously published Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the San Francisco to San Jose Project Section (Project Section, or project) of the California High-Speed Rail (HSR) System, 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 United States Code (U.S.C.) Section 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 *San Francisco to San Jose Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised/Supplemental Draft EIR/EIS)*. Pursuant to Section 15088.5, subdivisions (c) and (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 can be found in the previously published Draft EIR/EIS, 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 this Revised/Supplemental Draft EIR/EIS.

This Revised/Supplemental Draft EIR/EIS has been prepared and is being made available pursuant to both CEQA and NEPA and presents a new biological resources analysis for monarch butterfly and an analysis of a design variant for the Millbrae Station, neither of which were included in the Draft EIR/EIS.

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

Following the Authority's publication of the Draft EIR/EIS in July 2020, monarch butterfly (*Danaus plexippus*) became a candidate for listing under the federal Endangered Species Act (FESA) on December 15, 2020 (85 *Federal Register* 81813, December 17, 2020). This action by the U.S. Fish and

Wildlife Service makes 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 FESA (16 U.S.C. § 1531 et seq.).”

Monarch butterfly is assumed to be present in the resource study area for the project alternatives based on historical records and existence of suitable habitat for the species. As this is a new potential impact not included in the Draft EIR/EIS, the Authority determined that the analysis of this impact should be included in a recirculated document. Accordingly, Section 3.7, Biological and Aquatic Resources, of this Revised/Supplemental Draft EIR/EIS includes additional analysis and revised and new mitigation measures related to monarch butterfly.

#### *Millbrae Station Reduced Site Plan Design Variant*

The Authority developed the Millbrae Station Reduced Site Plan Design Variant (RSP Design Variant) to address stakeholder concerns by analyzing a smaller, potentially feasible footprint for the station design at this location. The RSP Design Variant preserves HSR track and platform right-of-way needs but reconfigures station facilities, parking, and station access to reduce impacts on existing and planned development. The RSP Design Variant differs from the design of the Millbrae Station evaluated in the Draft EIR/EIS (Millbrae Station Design) by: eliminating surface parking lots on the west side of the alignment that would have served as replacement parking for displaced Caltrain and Bay Area Rapid Transit parking spaces; relocating the HSR station entrance hall; eliminating lane modifications to El Camino Real; and eliminating the California Drive extension north of Linden Avenue to El Camino Real from the project. The RSP Design Variant would apply equally to either project alternative—Alternative A or Alternative B.

Because the RSP Design Variant is a potentially feasible alternative different from the Millbrae Station Design that would lessen some significant environmental impacts of the project, the Authority determined that the analysis of the RSP Design Variant should be included in a recirculated document. Accordingly, Section 3.20, Millbrae Station Reduced Site Plan Design Variant, in this Revised/Supplemental Draft EIR/EIS evaluates the environmental impacts of the RSP Design Variant.

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

Consistent with the guidance provided under CEQA and NEPA,<sup>1</sup> the Authority, as lead CEQA and NEPA agency for the San Francisco to San Jose Project Section, is issuing the 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 this Revised/Supplemental Draft EIR/EIS includes background information, a description of the RSP Design Variant, methodology, impact analysis, and mitigation measures.

To the extent practicable, 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. The Revised/Supplemental Draft EIR/EIS consists of excerpted text where updates or additions related to monarch butterfly have been made within Section 3.7 and Section 3.18. In these sections, 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. The Revised Supplemental/Draft EIR/EIS also includes a new Section 3.20 that evaluates the environmental impacts of the RSP Design Variant and presents new information not included in the Draft EIR/EIS. All tables in the Revised/Supplemental Draft EIR/EIS present only information related to the new or updated analysis. The sections and appendices comprising the Revised/Supplemental Draft EIR/EIS are:

- Section 3.7, Biological and Aquatic Resources, excerpts of the following sections:

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<sup>1</sup> CEQA Guidelines, Section 15088.5; 40 Code of Federal Regulations (C.F.R.) Section 1502.9(c)(1)(ii) (1978). 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.

- 3.7.6, Methods for Evaluating Impacts
- 3.7.7, Affected Environment
- 3.7.8, Environmental Consequences, specifically the following impacts have been updated or added:
  - Impact BIO#2b: Permanent Conversion or Degradation of Habitat for and Mortality of Monarch Butterfly
  - Impact BIO#13: Intermittent Disturbance of Habitat for and Direct Mortality of Special-Status Wildlife during Operations
  - Impact BIO#25: Permanent Disruption of Wildlife Movement
- 3.7.9, Mitigation Measures, specifically the following mitigation measures have been updated or added:
  - BIO-MM#1: Prepare and Implement a Restoration and Revegetation Plan
  - BIO-MM#40: Avoid Direct Impacts on Listed Butterfly Host Plants
  - BIO-MM#41: Provide Compensatory Mitigation for Impacts on Monarch Butterfly Habitat
- 3.7.10, Impact Summary for NEPA Comparison of Alternatives
- 3.7.11, CEQA Significance Conclusions
- Section 3.18, Cumulative Impacts, specifically excerpts of the following sections have been updated:
  - 3.18.6.6, Biological and Aquatic Resources
- Section 3.20, Millbrae Station Reduced Site Plan Design Variant, which contains entirely new content:
  - 3.20.1, Purpose
  - 3.20.2, Description of the Millbrae Station Reduced Site Plan Design Variant
  - 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant
  - 3.20.4, Environmental Impacts of the Millbrae Station Reduced Site Plan Design Variant and Comparison with the Millbrae Station Design
- Chapter 12, References, specifically new references have been added for the following sections:
  - Section 3.7, Biological and Aquatic Resources
  - Section 3.20, Millbrae Station Reduced Site Plan Design Variant
  - Appendix 3.7-A, Special-Status Species Potentially Affected
- Appendix 3.7-A, Special-Status Species Potentially Affected
- Appendix 3.7-B, Scientific Nomenclature

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/Supplemental Draft EIR/EIS. All other appendices to Section 3.7, as well as all technical reports supporting Section 3.7 of the Draft EIR/EIS, remain unchanged.

## 2 Publication of the Revised/Supplemental Draft EIR/EIS

Pursuant to both CEQA and NEPA requirements, this Revised/Supplemental Draft EIR/EIS is being issued for a minimum 45-day public review and comment period. The Authority is also providing notification in a similar manner as the Draft EIR/EIS distributions to property owners and/or occupants, stakeholders, and other interested parties. Notifications will be published in the same newspapers as the notices for the Draft EIR/EIS distributions, including four English-language newspapers and one of each of the following in-language newspapers: Spanish, Vietnamese, and Mandarin.

## 3 Next Steps

The Authority welcomes comments on the content of this Revised/Supplemental Draft EIR/EIS and requests that such comments be limited to the scope of the Revised/Supplemental Draft EIR/EIS. The

public review period will begin on **July 23, 2021**, and end on **September 8, 2021**. Please see the Notice of Availability for the Revised/Supplemental Draft EIR/EIS for details on how to comment.

The Draft EIR/EIS is available on the Authority's website ([www.hsr.ca.gov](http://www.hsr.ca.gov)). Electronic copies of the Tier 1 EIR/EISs are available by calling the Authority at (800) 435-8670 and can also be viewed, in printed and/or electronic format, during business hours at the Authority's Northern California Regional Office at 100 Paseo de San Antonio, Suite 300, San Jose, CA 95113 and the Authority's Headquarters at 770 L Street, Suite 620 MS-1, Sacramento, CA 95814. These documents are not currently part of the public review and comment process; however, they are available for review and reference. Authority offices may have reduced open days/hours, as required by coronavirus public health and safety directives. Please consult [www.hsr.ca.gov](http://www.hsr.ca.gov) for up-to-date information. The Authority does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. People with sensory disabilities may contact the Authority by phone or via the Authority website to request accessibility support.

The Final EIR/EIS will include the Authority's responses to comments received on the previously circulated Draft EIR/EIS, in addition to responses to comments received on the content of this Revised/Supplemental Draft EIR/EIS. The Authority anticipates publishing the Final EIR/EIS in spring 2022. The new mitigation measures included in Section 3.7 will be incorporated into the Mitigation Monitoring and Enforcement Plan as part of the CEQA/NEPA decision documents. After publishing the Final EIR/EIS, the Authority Board of Directors 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 also consider whether to issue a Record of Decision approving the Preferred Alternative.