



California High-Speed Rail **BRIEFING: September 17, 2019 BOARD MEETING AGENDA ITEM #2**

TO: Chair Mendonca and Board Members
FROM: Mark McLoughlin, Director of Environmental Services
DATE: September 17, 2019
RE: **NEPA Assignment Program Implementation**

Summary

Purpose of this informational item is to explain the National Environmental Policy Act (NEPA) Assignment Program, describe initial implementation activities, and inform the Board of next steps over the next 12 months.

Background

In May 2017, Governor Edmund G. Brown Jr. sent a letter to the President describing California's success in implementing NEPA Assignment for highway projects and asking that NEPA responsibilities be assigned to California for the High-Speed Rail project. In November 2017, the State posted a draft application on the Authority website for public review and comment through December 11, 2017. The State received 42 total comments from 38 commenters.

In January 2018, the Authority, in partnership with CalSTA, submitted a final application to the FRA to assume the federal environmental responsibilities under NEPA and other federal environmental laws. In May 2018, the FRA published the final application and draft Memorandum of Understanding (MOU) in the Federal Register and solicited public comment for 30 days, ending on June 1, 2018.

On July 1, 2019, after nearly one year of disengagement, FRA approved the State's NEPA Assignment application and signed the MOU. Governor Newsom signed the MOU on July 23, 2019, executing the MOU which authorizes the Authority as the federal lead agency under NEPA for all Authority projects and other projects named in the MOU.

Prior Board Action

November 15, 2017 – Board informational item on the Application for NEPA Assignment

Discussion

This informational item will briefly cover the Authority NEPA Assignment Program, explain the Authority's lead agency responsibilities under the MOU, and outline areas of continued FRA involvement.

Legal Approval

N/A

Budget and Fiscal Impact

N/A

REVIEWER INFORMATION	SIGNATURE
Reviewer Name and Title: Thomas Fellenz Chief Legal Counsel	Signature verifying budget analysis: Original Signed by Thomas Fellenz September 9, 2019
Reviewer Name and Title: Brian Annis Chief Financial Officer	Signature verifying legal analysis: Original Signed by Brian Annis September 9, 2019

Attachments

N/A