

Submission S001 (David G. Valadao, Assembly California Legislature, 30th District, September 28, 2011)

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HANFORD, CA 93230
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BUDGET SUBCOMMITTEE #3
RESOURCES
ELECTIONS & REDISTRICTING
ENVIRONMENTAL SAFETY & TOXIC
MATERIALS
UTILITIES & COMMERCE

September 26, 2011

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: EIR / EIS Comment Period Extension Request UPDATE

Dear Mr. van Ark:

This letter is a follow up to a letter I sent last week regarding the EIR / EIS Comment period.

I had originally asked for a 30 day extension in the time allotted for public comment on the high speed rail route for the draft Environmental Impact Reports / Statements (EIR / EIS).

In light of last week's public hearings in the Central Valley and an outcry from many of my constituents, I am now asking that the period be extended from the current 60 day allotment to 180 days or 6 months.

Given the scope of this project and the sheer number of documents that require review, I believe such an extension is a reasonable request.

The draft Environmental Impact Report is over 3,300 pages and the official public comment period is scheduled to end on October 13, 2011. Since this is the largest infrastructure project in California's history and there will be tremendous impacts to farmers and homeowners, 6 months to review the project would be beneficial to everybody involved.

Thank you for your time. Please do not hesitate to contact me if you have any questions.

Sincerely,

David G. Valadao
Assemblyman, 30th District

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Response to Submission S001 (David G. Valadao, Assembly California Legislature, 30th District,
September 28, 2011)

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Refer to Standard Response FB-Response-GENERAL-07.

Submission S002 (Yuko Sakano, Ph.d, California Department of Conservation, September 30, 2011)

NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

801 K STREET • MS 20-20 • SACRAMENTO, CALIFORNIA 95814
PHONE 916 / 445-9886 • FAX 916 / 323-0424 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

September 28, 2011

09-30-11P04:46 RCVD

Mr. Dan Leavitt
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Mr. Leavitt:

DRAFT ENVIRONMENTAL IMPACT REPORTS AND DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR CALIFORNIA HIGH-SPEED TRAIN PROJECT MERCED TO FRESNO (SCH# 2009091125) AND FRESNO TO BAKERSFIELD (SCH# 2009091126)

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft Environmental Impact Reports/Environmental Impact Statements (DEIR/EIS) prepared for the above referenced projects. Our comments are as follows.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in PRC Section 3000 et seq., and administrative Regulations under Title 14, Chapter 4 of the CCR.

The DEIR/EIS has addressed the oil, gas, and geothermal resources located along the project alternatives. While considering the corridors designed for these two projects, with the help from your consultants, Bryan Porter and Christopher Bente, providing us the geographic information system map layers of your proposed project areas, we overlaid them with Division's well database and mapping system and identified the following findings:

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

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- The proposed general High Speed Train (HST) corridor for the Merced to Fresno Project encompasses the administrative field boundaries of the Chowchilla Field and a total of 60 oil/gas wells inside and outside of this field.
- The proposed general HST corridor for the Fresno to Bakersfield Project encompasses a total of 22 oil and gas fields, comprising two Division district offices in Coalinga (District 5) and Bakersfield (District 4). The following list of oil fields is in alphabetical order:

- > Bellevue
- > Edison
- > English Colony
- > Fruitvale
- > Garrison City (Gas Field - Abandoned)
- > Greeley
- > Hanford (Abandoned)
- > Kern Bluff
- > Kern Front
- > Kern River
- > North Shafter
- > Poso Creek
- > Rio Bravo
- > Rose
- > Rosedale
- > Rosedale Ranch
- > Seventh Standard
- > Shafter (Abandoned)
- > Shafter Southeast (Abandoned)
- > Trico
- > Union Avenue
- > Wasco

The Division's Online Mapping System (DOMS) is available to the public to locate well locations, oil field boundaries, and some well files online. To visit DOMS go to: <http://maps.conservation.ca.gov/doms/doms-app.html>. Please note, most wells locations are not identified by accurate longitude and latitude. The Division recommends that all existing well sites and oil production facilities within or in close proximity to proposed project corridors be accurately plotted on future project maps and that wells files (either online or available in the district offices) be carefully studied by engineers and/or geologists with oil/gas experience before the commencement of any construction of the proposed projects.

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Submission S002 (Yuko Sakano, Ph.d, California Department of Conservation, September 30, 2011) - Continued

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The following table identifies the total number of wells for the proposed general High Speed Train (HST) corridor for the Merced to Fresno and Fresno to Bakersfield Project.

Status of well	Merced to Fresno Project	Fresno to Bakersfield Project
Active	60	5,235
Idle	0	1,612
Plugged and Abandoned	0	3,347
Dry hole and others (e.g. observation hole)	0	898
TOTAL	60	11,092

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abandonment. The cost of re-abandonment will depend largely on whether an operator exists for the well. Where a well is orphan, a project developer may be required to cover the cost for a well plugging and abandonment.

We appreciate the opportunity to comment on the DEIR/EIS for these proposed projects. If you have questions please call me at (916) 323-0425. The following are contacts for the local district offices of the Division:

- Bakersfield: Dayne Frary (661) 334-4601
- Coalinga: Tim Boardman (559) 935-2941.

Sincerely,



Yuko Sakano, Ph.D.
 Environmental Scientist

cc: Dayne Frary, Associate Oil and Gas Engineer, DOGGR, District 4
 Tim Boardman, District Deputy, DOGGR, District 5
 Tian-Ting Shih, Ph.D., Environmental Program Manager, DOGGR

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Safety

According to the California Code of Regulations (CCR), Title 14, Chapter 4, Article 2, Section 1720, any well within 100 feet of any rail of an operating railway that is in general use is deemed a critical well. Critical wells require additional measures, such as higher blowout prevention equipment (BOPE) than non-critical wells based on pressure testing and rating. The Division recommends that adequate safety measures be taken by the project manager to prevent the public from having access to oil wells, facilities, and any field equipment. Wells may need to be retrofitted with safety shut-down devices. Additional safety measures should be considered when appropriate.

Written approval from the Division is required prior to changing the physical condition of any well. This includes removal of the well cap for plugged and abandoned wells for purpose of gas leak testing. A notice of intention (notice) to perform any well drilling, re-work and abandonments must be submitted for the Division for purpose of conducting an engineering and geological review of the proposal. Any proposed alteration of existing wells will be considered for permitting by the Division based upon the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing required drilling and cementing techniques. The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district offices must be contacted to obtain information on the requirements for and approval to perform remedial operations. The Division recommends that no structure be built over or in proximity to an abandoned well location in order for access to be maintained in the event of the need for future abandonments (including wells already plugged and abandoned). The Public Resources Code, Division 3, Section 3208.1 (a), authorizes the Supervisor to order the re-abandonment of a previously abandoned well when there is reason to question the integrity of the previous

Response to Submission S002 (Yuko Sakano, Ph.d, California Department of Conservation, September 30, 2011)

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Section 3.9 in the Revised DEIR/Supplemental DEIS has been updated to include information on potential oil and gas wells that may be affected. Known wells within the project footprint have been enumerated. Section 3.9 also discusses the general impacts of construction through the oil fields (also see Figure 3.9-7).

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Section 3.11 of the Revised DEIR/Supplemental DEIS was revised to include an analysis of known oil and gas wells (active and abandoned) near the project alternatives. This analysis also includes a discussion of the requirements of California Code of Regulations, Title 14, Chapter 4, Article 2, Section 1720 cited in this comment and a commitment by the Authority to comply with these regulations.

Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011)

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NATURAL RESOURCES AGENCY
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DEPARTMENT OF CONSERVATION
Managing California's Working Lands
DIVISION OF LAND RESOURCE PROTECTION
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814
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October 13, 2011

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VIA FACSIMILE (916) 322-0827

Mr. Dan Leavitt
California High speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: DEIR for the California High Speed Train Project Fresno to Bakersfield - SCH# 2009091126

Dear Mr. Leavitt:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the California High Speed Train Project Fresno to Bakersfield. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The California High-Speed Train System (HST system) will provide intercity, high-speed service on more than 800 miles of tracks throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. It will use state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology, including contemporary safety, signaling, and automated train-control systems, with trains capable of operating up to 220 miles per hour (mph) over a fully grade-separated, dedicated track alignment.

The 2005 Final Program EIR/EIS for the Proposed California High-Speed Train System EIR/EIS (Statewide Program EIR/EIS, Authority and Federal Railroad Administration [FRA] 2005) provided a first-tier analysis of the general effects of implementing the HST System across two-thirds of the state. The Fresno to Bakersfield Section EIR/EIS is a second-tier EIR/EIS that tiers off two first-tier, program EIR/EIS documents, and provides project-level information for decision-making on this portion of the HST system.

The California High Speed Rail Authority (CHSRA) plans two phases. Phase 1 will connect San Francisco to Los Angeles/Anaheim via the Pacheco Pass and the Central Valley with a mandated express travel time of 2 hours and 40 minutes or less. Phase 2 will connect the

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Central Valley to the state's capital, Sacramento, and will extend the system from Los Angeles to San Diego.

The Fresno to Bakersfield HST Section includes HST stations in the cities of Fresno and Bakersfield, with a third potential station located in the vicinity of Hanford (Kings/Tulare Regional Station) that would serve the Hanford, Visalia, and Tulare area. This DEIR covers the Fresno and Bakersfield stations and are this section's beginning and ending points, or project termini.

This EIR/EIS evaluates six HST alternatives: the Burlington Northern & Santa Fe Railway (BNSF) Alternative, the Corcoran Elevated Alternative, the Corcoran Bypass Alternative, the Allensworth Bypass Alternative, the Wasco-Shafter Bypass Alternative, and the Bakersfield South Alternative. A recent CHSRA press release (10/5/11) has stated that an additional alternative (Hanford West Bypass Route and New Station) will be released in a Revised DEIR in the spring of 2012.

The BNSF Alternative is a single continuous alignment that extends from the northern end of the Fresno station tracks to the southern end of the Bakersfield station tracks. This is the alternative that most closely follows the preferred alignment identified in the Statewide Program EIR/EIS. The additional five alternative alignments diverge from the BNSF Alternative at various locations between Fresno and Bakersfield.

The Fresno to Bakersfield Section may include a heavy maintenance facility centrally located on the main north-south line of the HST System to support delivery, testing, and commissioning on the network's first completed segment. The heavy maintenance facility concept plan indicates that the site should encompass approximately 150 acres to accommodate guideways, maintenance shops, parking, administrative offices, roadways, power substation, and storage areas.

Agricultural Setting of the Project

According to data from the Farmland Mapping and Monitoring Program managed by the Department, there are more than 3.7 million acres of Important Farmland (Prime, Unique, and Statewide Importance as outlined under the CEQA Guidelines) in Fresno, Kings, Tulare, and Kern counties combined. Tulare and Kings Counties have the greatest percentage, 84% and 82%, respectively, of Important Farmland and Grazing Land in Williamson Act and Farmland Security Zone (FSZ) contracts, while Kern and Fresno counties have the smallest percentages, at approximately 62% and 68%, of their lands in these contracts. Protected farmlands also include lands zoned for agricultural use and lands with agricultural conservation easements. Most of the Important Farmland in the area is zoned for agriculture. In all four counties, the practice is to fence grazing areas to prevent livestock from crossing major transportation corridors, such as the BNSF Railway and State Route (SR) 41.

Protected farmlands occur along all of the alignment alternatives outside urban communities. FSZ lands are adjacent to the alignment alternatives in Kings, Tulare, and Kern counties. There is no land in FSZ contract along the alternative alignments in Fresno County.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011) - Continued

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Acquisition via Eminent Domain or in Lieu of Eminent Domain

A Williamson Act contract is an enforceable restriction pursuant to Article XIII, §8 of the California Constitution. If a public agency intends to acquire land under Williamson Act contract for a public improvement, the acquisition must meet the requirements of acquisition by eminent domain or in lieu of eminent domain (e.g., Code of Civil Procedure 1230.010 et seq. and Government Code §7260 et seq.) in order to void the contract pursuant to Government Code §51295. The Department does not provide counsel regarding eminent domain law but encourages entities to obtain legal counsel for this purpose.

When an acquisition by a public agency with eminent domain authority, occurs without the use of eminent domain power, the contract remains in effect until and unless terminated by nonrenewal (§51245), cancellation (§51282 – 51284.1), easement exchange (§51256 - 51256.1) or rescission and entry into an open space easement (§51255). Since the contract continues in effect, the uses on the land proposed by a public agency must be compatible with the contract, local rules and ordinances, and Williamson Act statute. If an agency does not have eminent domain authority or chooses not to carry out its eminent domain authority, then the project should be pursued through the termination processes mentioned above.

If the California High Speed Rail Authority has not already done so, the Department advises notification of Fresno, Kings, Kern, and Tulare Counties that the acquisition of portions of some of the listed parcels may result in parcel sizes below the minimum prescribed for Williamson Act contracted parcels pursuant to Government Code §51222. If this occurs, either the aforementioned counties or the landowner should initiate nonrenewal on the remnant parcels.

The Division has received notification from the CHSRA and is currently preparing a response on public acquisition notification process (§51291(b)) issues in a separate letter. A copy of the Public Acquisition Notice Provisions is enclosed for your assistance.

Required Williamson Act Cancellation Findings

Under CEQA Guidelines Section 15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it would result in the cancellation of a Williamson Act contract for any parcel of 100 or more acres.

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- A. cancellation is **consistent** with purposes of the Williamson Act, **or**
- B. Cancellation is in the **public interest**.

The following are the requirements for the consistency findings required under GC section 51282 (above):

- 1. A notice of nonrenewal has been served,
- 2. Cancellation is not likely to result in removal of adjacent land from agricultural use,
- 3. The alternative use is consistent with the County General Plan,

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- 4. Discontiguous patterns of urban development will not result, and
- 5. There is no *proximate, noncontracted land*¹ which is available and *suitable*² for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Sections 51282 through 51285 outlines the steps necessary for the cancellation of a Williamson Act contract. Section 51284.1 requires the notice for a tentative cancellation of a contract to be sent as soon as the cancellation application is deemed complete, but not less than 30 (thirty) days prior to the scheduled action by the Board or Council. The Board or Council must consider any comments submitted by the Department when making their findings. A notice of the hearing and copy of the landowner's petition shall be mailed to the Director of the Department of Conservation 10 (ten) working days prior to the hearing as a separate application from any CEQA document. The notice must be mailed to:

Derek Chernow, Acting Director
Department of Conservation
C/o Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3528

Under Government Code section 51282, the city or county must approve a request for cancellation and base that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the CEQA document.

Mitigation Measures in the DEIR

The Fresno to Bakersfield DEIR provides two mitigation measures for the loss of Important Farmland. They are quoted below for reference:

Ag-MM #1: Preserve the Total Amount of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland. Coordinate with DOC to identify suitable land for mitigation and purchase agricultural conservation easements from willing sellers at a ratio of no less than 1:1, to preserve Important Farmland in an amount commensurate with the quantity and quality converted farmlands. Work directly or through donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and

¹ "Proximate, noncontracted land" means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land (GC section 51282).

² "Suitable" for the proposed use means that the salient features of the proposed use can be served by the land not restricted by contract. Such nonrestricted land may be a single parcel or may be a combination of contiguous or discontiguous parcels (GC section 51282).

Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011) - Continued

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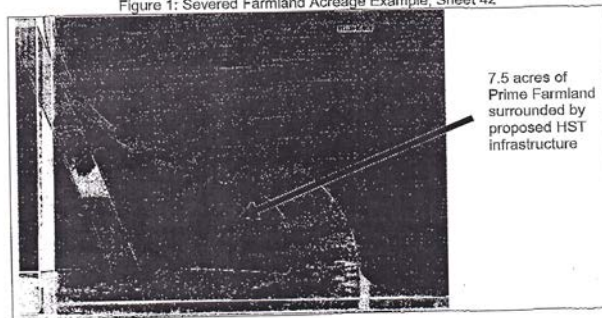
stewardship of agricultural conservation easements (e.g., Central Valley Farmland Trust, Sequoia Riverlands Trust, and resource conservation districts). Establish easements in the same agricultural regions as the impacts occur.

Ag-MM #2: Consolidate Non-Economic Remnants. Create a farmland consolidation program to sell non-economic remnant parcels to neighboring landowners for consolidation with adjacent property with the goal of providing for continued agricultural use on the maximum feasible amount of non-economic remnant parcels.

Mitigation Measure Ag-MM #2 deals with severed parcels with respect to the conversion of farmland. The HST Footprint Appendix 3.1-A³, shows multiple parcels that are severed by being bounded on one or two sides by the proposed HST and on another side by a major road, highway, residential neighborhood, irrigation canal and/or completely bounded by HST track and, as such, have resulted in slivers or islands of farmland. These slivers or islands are not identified as being a component of the 'direct effects' to agricultural land in the DEIR.

For example, the severed farmland acreage on Sheet 42 (Identification number 002160004000), per the DEIR, does not qualify for mitigation as specified by the direct effect or permanent impact classification although it is bounded on all sides by HSR proposed infrastructure. Refer to Figure 1 below.

Figure 1: Severed Farmland Acreage Example, Sheet 42



It is highly advisable that the severed acreage in these parcels be given direct-effect-permanent impact status because this acreage cannot be consolidated with neighboring farmland and/or cannot be accessed safely for agriculture production purposes. Table 1 includes examples of acreage that should be added to the values outlined in Mitigation Measure Ag-MM #1.

³ Fresno to Bakersfield DEIR in the Vol II: Appendix 3.1-A Parcels within HST Footprint August 2011

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Table 1: Severed Farmland Acreage Examples Requiring Revision

Sheet Number	Identification Number (APN)	Acreage bounded by infrastructure and proposed HST and not farmable (acres)	Important Farmland Category
21	04216003	1.0; 1.0	Prime; Unique
23	04218803	1.7	Prime
23-25	38505114S	4.6 ; 1.1	Prime; Unique
26	0422900S	4.0	Prime
32	05602063S	6.3; 0.7	Prime, Statewide
42	002160004000	7.5	Prime
43	002200039000; 002200040000	9.7; 2.4	Prime; Prime
44	002190006000	6.1; 0.4	Prime; Statewide
72	028260044000	19.8	Statewide
74	028290007000	2.5	Statewide

The Division believes that Mitigation Measure Ag-MM #2 is not entirely feasible nor enforceable because it does not do the following:

- Specify the agency responsible for creating the farmland consolidation program,
- Designate a completion deadline for the farmland consolidation program when all the non-economic remnants will be sold to neighboring landowners,
- The mitigation measure does not ensure that it is fully enforceable because of permit conditions, agreements or other measures, or by incorporating the mitigation measure into the plan, policy, or project design (Public Resources Code section 21081.6(b))

Severed Parcels and Farmland Protection Policy Act

In Section 3.14-2, the DEIR states that the Farmland Protection Policy Act (FPPA) "applies to projects and programs sponsored or financed in whole or in part by the federal government". The DEIR further states that the "FPPA implementing regulations spell out requirements to ensure that federal programs, to the extent practical, are compatible with state, local, and private programs and policies to protect farmland".

Mitigation Measure Ag-MM #2 does not comply with the FPPA requirements to ensure that the land severed will be compatible with local programs and policies to protect farmland. For example, Kern County's Implementation Measure for Resources states that those "Class I or II soils and a surface delivery water system shall be conserved through the use of agricultural zoning with minimum parcel size provisions." The mitigation measure Ag-MM #2 fails to address the minimum parcel size provision. A lot-line adjustment is a practical way to remedy this problem.

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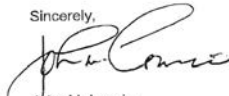
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It is highly advised that the Mitigation Measure Ag-MM #2 be revised by stating that:

- The California High-Speed Rail Authority Right of Way Agency is the responsible agency;
- The completion deadline for the consolidation program will be within 5 years after the Fresno to Bakersfield Section is finished or connected to the other HST sections (whichever comes first);
- The Right of Way Agency will work with landowners and local government to complete lot line adjustments (including funding these adjustments) to bring the subminimum severed parcels back into compliance with agricultural zoning for that county or city.

Thank you for giving us the opportunity to comment on the DEIR for the California High Speed Train Project Fresno to Bakersfield. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



John M. Lowrie
Program Manager
Williamson Act Program

Enclosed: Public Acquisition Notice Provisions

cc: State Clearinghouse,

Farm Bureaus

Fresno County Farm Bureau 1274 W. Hedges Avenue Fresno, CA 93728
FAX (559) 237-3396
Kern County Farm Bureau 801 S. Mount Vernon Avenue Bakersfield, California 93307 FAX (661) 397-3403
Kings County Farm Bureau 870 Greenfield Avenue Hanford, CA 93230 kcfb@kcfb.org
Tulare County Farm Bureau PO Box 748 Visalia, CA 93279 tcfb@tulcofb.org

Planning Departments

Fresno County Public Works and Planning 2220 Tulare Street, 6th floor Fresno, CA 93721 FAX (559) 600-4548
Kings County Planning Division 1400 W. Lacey Blvd. Hanford, CA 93230
FAX 559-584-8989

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Kern County Planning and Community Development 2700 "M" Street, Suite 100 Bakersfield, CA 93301-2370 planning@co.kern.ca.us
Tulare County Planning Division 5961 South Mooney Boulevard Visalia, California 93277 FAX (559) 730-2653
City of Corcoran Community Development Department 832 Whitley Avenue Corcoran, CA 93212
Kindon Meik, Community Development Director kindon.meik@cityofcorcoran.com
City of Fresno Planning Division, 2600 Fresno St., Room 3043 Third Floor, Fresno, CA 93721
FAX (559) 498-1026
City of Hanford Planning Division, Melody Haigh, Senior Planner 317 N. Dooty Street, Hanford, CA 93230 MHaigh@ci.hanford.ca.us
City of Shafter Planning Department 336 Pacific Avenue Shafter, CA 93263
FAX 661-746-9125
City of Tulare Planning Department 411 E Kern Ave Tulare, CA 93274
FAX (559) 685-2339
City of Visalia Planning Division 315 E. Acequia Avenue Visalia, CA 93291
FAX 559-713-4814
City of Wasco Planning Division 746 8th Street Wasco, CA 93280 FAX (661) 758-5411

County BOS

Fresno County Board of Supervisors 2281 Tulare Street, #301 Hall of Records Fresno, CA 93721-2198
Kern County Board of Supervisors 1115 Truxtun Avenue, 5th Floor Bakersfield, CA 93301
board@co.kern.ca.us
Kings County Board of Supervisors 1400 W. Lacey Boulevard Hanford, California 93230 FAX (559) 585-8047
Tulare County Board of Supervisors 2800 West Burrel Avenue Visalia, CA 93291 FAX (559) 733-6898

Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011) - Continued

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LAND CONSERVATION (WILLIAMSON) ACT PUBLIC ACQUISITION NOTIFICATION PROCESS

The following is information about public acquisition and the notification process for public acquisition of land located in an Agricultural Preserve and/or under Land Conservation (Williamson) Act contract:

What is Public Acquisition? (PA)

- Acquisition of land located in an "agricultural preserve" by a "public agency" or "person" (Government Code section 51291, subd. (a)) for a "public improvement" as defined by Government Code section 51290.5 (which includes interests in real property).

When is Notice Required?

- Whenever it appears that land within an agricultural preserve may be required by a public agency or person (acting on behalf of a public agency) for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the agricultural preserve of its intention to consider the location of a public improvement within the preserve (Government Code section 51291(b)).

What Notice is not Notice.

- Public Acquisition Notice must be provided separately from CEQA environmental notice. CEQA Notice does not equal Williamson PA Notice.

What are the Legal Requirements for Notice?

- The requirement to notice occurs three times in Williamson Act statute.

FIRST NOTICE: A PA must notify (1) the Director of the Department of Conservation and (2) the local jurisdiction administering the agricultural preserve (City/County) when the PA has the intention to acquire land in an agricultural preserve for a public purpose (Government Code section 51291(b)).

The **First Notice** prior to acquisition should include the following information:

- The public agency's explanation of [its] preliminary considerations of the findings of Government Code section 51292 (a) and (b));
 - A description of the agricultural preserve land the public agency intends to acquire for the public improvement;
 - A copy of any Williamson Act contract which pertains to the subject land (Government Code section 51291(b)).
- The Department must be notified in advance of any proposed public acquisition (Government Code sections 51290-51295), and specific findings must be made by the public agency.
 - The public agency must consider the Department of Conservation's comments in response to the first notice prior to taking action on the acquisition.
 - The property must be acquired by eminent domain or in lieu of eminent domain in order to void the contract (Government Code section 51295).

Updated October 28, 2009
Continued on page 2

OCT/12/2011/WED 04:05 PM DEPARTMENT OF CONSER FAX No. 916 327 3430 P. 010/012

LAND CONSERVATION (WILLIAMSON) ACT PUBLIC ACQUISITION NOTIFICATION PROCESS (Continued)

SECOND NOTICE:

Second Notice occurs within 10 days of acquisition and should include:

- After acquisition (escrow has closed), the PA shall notify the Director of Conservation within 10 working days (Government Code Section 51291 (c));
- The notice shall include a general explanation of the decision and the findings made pursuant to section 51292.
 - A general description, in text or by diagram, of the agricultural preserve land acquired (a vicinity map is good);
 - And, a copy of any applicable Williamson Act contract(s).

THIRD NOTICE (if needed):

- If there is a significant change in the public improvement, the PA must provide notice to the Department and the local jurisdiction (e.g. the amount of land acquired increases or decreases, or project design changes) (Government Code section 51291(d)); **OR**
- If the PA decides not to acquire the property and/or decides to return the property to private ownership;
- If the PA decides not to use the land for the public improvement the land must be placed under a contract that is as restrictive as the one it was under before acquisition occurred (Government Code Section 51295).

All required Notices should be sent to:

Bridgett Luther, Director
Department of Conservation
Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814-3528

Updated October 28, 2009

Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011) - Continued

OCT/12/2011/WED 04:05 PM DEPARTMENT OF CONSER FAX No. 916 327 3430

P. 011/012

OCT/12/2011/WED 04:06 PM DEPARTMENT OF CONSER FAX No. 916 327 3430

P. 012/012

ACQUISITION NOTIFICATION PROVISIONS OF THE WILLIAMSON ACT

Notification provisions of the Williamson Act (Government Code Section 51291) require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted land for a public improvement. Such notification must occur when it **appears** that land enrolled in a Williamson Act contract may be required for a public use, being **acquired**, the original public improvement for the acquisition is **changed**, or the land acquired is **not used** for the public improvement. The local governing body responsible for the administration of the agricultural preserve must also be notified.

NOTIFICATION (Government Code Section 51291 (b))

The following information must be included in the notification correspondence.

1. The total number of acres of Williamson Act contracted land to be acquired and whether the land is considered prime agricultural and according to Government Code Section 51201.
2. The purpose for the acquisition and why the parcel was identified for acquisition. If available, include documentation of eminent domain proceedings or a property appraisal and written offer in lieu of eminent domain per GC §§7267.1 and 7267.2 to void the contract per §51295; include a chronology of steps taken or planned to effect acquisition by eminent domain or in lieu of eminent domain.)
3. A description of where the parcel(s) is located.
4. Characteristics of adjacent land (urban development, Williamson Act contracts, noncontract agricultural, etc.)
5. A vicinity map and a location map (may be the same as #8)
6. A copy of the contract(s) covering the land.
7. CEQA documents for the project
8. **The findings required under GC Section 51292, documentation to support the findings and an explanation of the preliminary consideration of Section 51292** (Include a map of the proposed site and an area of surrounding land identified by characteristics and large enough to help clarify that no other, noncontract land is reasonably feasible for the public improvement).

ACQUISITION (Government Code Section 51291 (c))

The following information must be included in the notification when land within an agricultural preserve has been **acquired**. The notice must be forwarded to the Director within **10 working days** of the acquisition of the land. The notice must also include the following:

1. A general explanation of the decision to acquire the land, and why noncontracted land is not available for the public improvement.
2. Findings made pursuant to Government Code Section 51292, as amended.
3. If the information is different from that provided in the previous notice sent upon consideration of the land, a general description of the land, and a copy of the contract covering the land shall be included in the notice.

SIGNIFICANT CHANGE IN PUBLIC IMPROVEMENT (Government Code Section 51291 (d))

Once notice is given as required, if the public agency proposed any significant change in the public improvement, the Director must be notified of the **changes** before the project is completed.

LAND ACQUIRED IS NOT USED FOR PUBLIC IMPROVEMENT (Government Code Section 51295)

If the acquiring public agency does not use the land for the stated public improvement and plans to return it to private ownership, **before** returning the land to private ownership the Director must be notified of the action. **Additional requirements apply.** The mailing address for the Director is: **Bridgett Luther, Director, Department of Conservation, 801 K Street, MS 18-01, Sacramento, CA 95814; phone (916) 324-0850**

August 2008

Response to Submission S003 (John M. Lowrie, California Department of Conservation, October 12, 2011)

S003-1

Refer to Standard Response FB-Response-AG-07.

S003-2

Refer to Standard Response FB-Response-AG-02.

See Volume I, Section 3.14, Impact AG#5 for more information on effects on agricultural land from parcel severance.

S003-3

Refer to Standard Response FB-Response-AG-02 and FB-Response-SO-01.

See Volume I, Section 3.14, Impact AG#5 for more information on effects on agricultural land from parcel severance. For information on the property acquisition and compensation process, see Volume II, Technical Appendix 3.12-A.

Submission S004 (Lynn Smith, California Department of Resources Recycling and Recovery, October 10, 2011) - Continued

Oct-10-2011 03:36 PM CalRecycle 916-341-6389

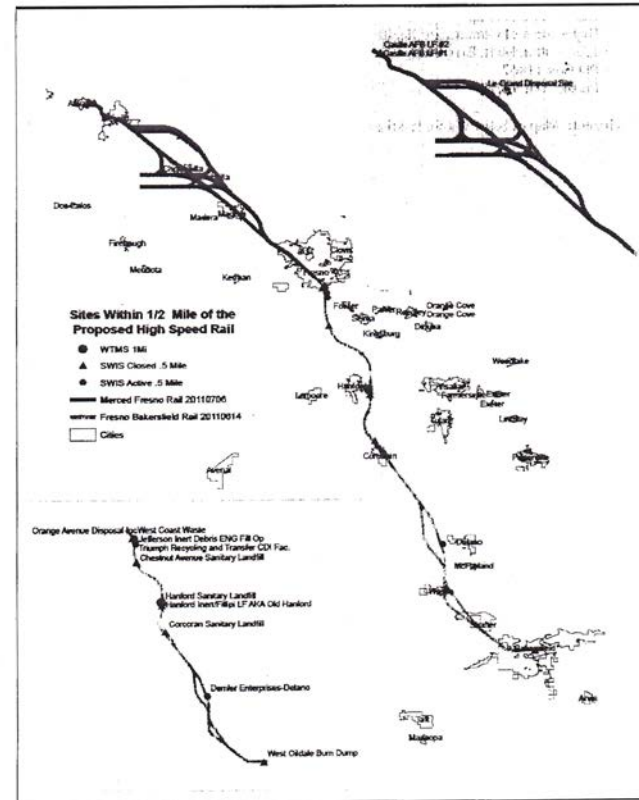
Draft EIR/Draft EIS for the CA High-Speed Train Project
October 7, 2011
Page 3 of 4

Boom Phouthavong
Department of Community Health
1221 Fulton Mall, Brix Bldg
PO Box 11867
Fresno, CA 93775

Attachment: Map of Sites Within 1/2 Mile of the Proposed High Speed Rail

Oct-10-2011 03:36 PM CalRecycle 916-341-6389

Draft EIR/Draft EIS for the CA High-Speed Train Project
October 7, 2011
Page 4 of 4



Response to Submission S004 (Lynn Smith, California Department of Resources Recycling and Recovery, October 10, 2011)

S004-1

Thank you for your comment. The text of the Revised DEIR/Supplemental DEIS in Section 3.10, Hazardous Materials and Wastes, has been revised in response to your comment.

Information on the former Chestnut Avenue Sanitary Landfill was taken into consideration in the Revised DEIR/Supplemental DEIS for the Fresno to Bakersfield Section, which included a description of potential environmental hazards and required mitigation measures. Environmental hazards associated with the project include the potential for encountering toxic or hazardous substances, including those associated with active and closed waste disposal sites.

Submission S005 (Michael Rubio, California State Senate, September 22, 2011)

STATE CAPITOL
SACRAMENTO, CA 95814
916-651-4016
DISTRICT OFFICES
2550 MARIPOSA MALL
SUITE 2016
FRESNO, CA 93721
559-266-3292
1122 TRUXTON AVENUE
SUITE 100
BAKERSFIELD, CA 93301
661-295-2620
101 N. IRWIN, SUITE 207
HANFORD, CA 93230
559-962-2800

California State Senate

SENATOR
MICHAEL J. RUBIO
SIXTEENTH SENATE DISTRICT



COMMITTEES
BUDGET SUBCOMMITTEE #4
CHAIR
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BUDGET & FISCAL REVIEW
ENERGY, UTILITIES &
COMMUNICATIONS
HEALTH
JOINT LEGISLATIVE AUDIT
TRANSPORTATION & HOUSING
VETERANS AFFAIRS

09-22-11P03:01 RCVD

September 20, 2011

Mr. Roelof van Ark
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Draft EIR / EIS Comment Period Extension Request

Dear Mr. van Ark:

S005-1

I am writing to request your immediate action in extending the public comment period for the draft Environmental Impact Reports / Statements (EIR / EIS) for the Merced – Fresno and Fresno – Bakersfield sections by 30 days to a full 90 day period. The current approved 60 day comment period is insufficient.

As you know, there has been significant ongoing resistance to the short comment period—though recently extended to 60 days—granted by the California High Speed Rail Authority (Authority). With the tremendous impacts to homeowners, farmers and Central Valley communities, a 90 day comment period for the apparently largest infrastructure project in California's history is reasonable. I still see many of the job creation benefits here in the Valley, but I also firmly believe that this process must include a full stakeholder review and comment period in order to thoroughly engage the public. With well over 15,000 pages of relevant material to review prior to the upcoming deadline, the Authority must allow public participation to prevail by modestly extending the deadline to a full 90 day comment period. Of course, I make this request to extend the comment period as long as the extension would not jeopardize the current and/or potential project funding.

As an elected official representing many communities along the proposed corridor in the Central Valley, I remain committed to ensuring that the voices of my hardworking constituents are heard in Sacramento. If you should have any questions or concerns, please do not hesitate to contact my office at 916-651-4016.

Sincerely,

Michael J. Rubio
State Senator
Sixteenth District

Response to Submission S005 (Michael Rubio, California State Senate, September 22, 2011)

S005-1

Refer to Standard Response FB-Response-GENERAL-07.

