

Submission S001 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, November 3, 2011)

NOV/03/2011/THU 02:41 PM DEPARTMENT OF CONSERVATION FAX NO. 916 327 3430 F. 001

NATURAL RESOURCES AGENCY

EDMOND G. BROWN, JR., GOVERNOR



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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November 3, 2011

VIA FACSIMILE (916) 322-0827

Mr. Dan Leavitt, Deputy Director
Environmental and Planning
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Notice of Potential Public Acquisition of Williamson Act Lands for the Fresno to Bakersfield Section of the California High-Speed Train (HST) Project, Fresno, Kings, Tulare and Kern Counties

Dear Mr. Leavitt:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed your letter dated September 12, 2011 for the California High-Speed Rail Train (CHSRA) Project, Bakersfield to Fresno Section with regard to the agency's intention to acquire properties located within agricultural preserves. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and offers the following comments in accordance with the provisions of Government Code (GC) sections 51291-51295.

Project Description

The Project as proposed is to create a high-speed train system serving major metropolitan areas of California, extending from San Francisco and Sacramento in the north to San Diego in the south. The Project proponents plan to implement construction in two phases. Phase 1 will connect San Francisco to Los Angeles/Anaheim via the Pacheco Pass and the Central Valley. Phase 2 will connect the Central Valley to Sacramento, and will extend the system from Los Angeles to San Diego.

The Fresno to Bakersfield route consists of five alignment alternatives (Corcoran Elevated, Corcoran Bypass, Allensworth Bypass, Wasco-Shafter Bypass, or Bakersfield South Alternative). Together with the BNSF transportation corridor, these five alternatives will result in impacts on land protected by Williamson Act contracts and Farmland Security Zone contracts affecting up to 464 parcels and 2,110 acres. The actual number of parcels acquired for the project will depend on the preferred alternative selected.

If the California High Speed Rail Authority has not already done so, the Department advises it to notify Fresno, Kings, Tulare and Kern counties that the acquisition of some parcels may result in remnants with acreages well below the minimums prescribed in Government Code §51222. If this occurs, either the affected local jurisdictions, county/city, administering the agricultural preserve or the landowners of properties rendered too small for agricultural use must initiate nonrenewal on the remnant parcels.

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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Mr. Dan Leavitt, Deputy Director
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Also, according to the September 12, 2011 letter, it appears that not all of the information about which parcels CHSRA intends to acquire for the Project has been provided to the Department. The letter explains that CHSRA has decided to delay full disclosure about additional acquisitions until it has received all of the additional documents it is expecting from the counties.

The notice provisions stipulated in Williamson Act statute require that Notice occur, "...whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use the public agency or person shall advise the Director of the Department of Conservation and the local governing body..." The Department requests that CHSRA submit a revised notification letter providing information about all of the properties it intends to acquire to complete the Notice process stipulated in Williamson Act Statute and to allow the Department to complete the review process also prescribed in statute (Gov. Code, § 51291, subd.(b)).

Required Findings

S001-3

The Williamson Act requires that public agencies shall not locate public improvements in agricultural preserves unless the following specific findings can be made (Government Code (GC) §51292):

- The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (Government Code section 51292(a)).

The letter states that CHSRA based its decisions about the acquisitions based on aligning route alternatives with existing transportation corridors. The letter also states that CHSRA's decision to acquire property located in agricultural preserves is not predicated on the lower cost of lands located in agricultural preserves. This explanation does appear to be consistent with the requirements stipulated in statute.

- If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (Government Code section 51292(b)).

The letter states that the land selected for acquisition is based on the design characteristics of the HST System and its connection to major urban centers and existing transportation corridors and it is not possible to avoid contracted lands entirely. This explanation appears to be consistent with the stipulations of GC §51292 (b)).

Ultimately, the final decision regarding route selection appears to still be pending, as CHSRA intends to make the final decision regarding a preferred alternative for the project later in 2011. The Department requests supporting documentation including copies of the Williamson Act contracts for all properties that CHSRA intends to acquire for the Project to allow the Department to review and comment about the proposed acquisition in advance a final decision. The Department also requests CHSRA to provide information regarding the choice of a preferred alternative route, with expedience to allow the Department the opportunity to complete its review and comment process as required in statute.

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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Submission S001 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, November 3, 2011) - Continued

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Mr. Dan Leavitt, Deputy Director
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Acquisition via Eminent Domain or in Lieu of Eminent Domain

- S001-4 | A Williamson Act contract is an enforceable restriction pursuant to Article XIII, section 8 of the California Constitution and GC 51252. Assuming other necessary requirements are met, acquisition of land restricted by Williamson Act contract must meet the requirements of eminent domain law for acquisition by eminent domain or in lieu of eminent domain (e.g., Code of Civil Procedure section 1230.010 et seq. and GC 7260 et seq.) in order to void the contract pursuant to GC section 51295. If the acquisition does not void the contract, the uses of contracted property by the acquiring public entity will be affected and limited by the terms of the contract and the provisions of the Act.
- S001-5 | The Department does not provide counsel regarding eminent domain law but encourages all public entities intending to acquire property located in agricultural preserves for a public improvement to obtain legal counsel for this purpose. To assist our review, we request supporting documentation in the form of copies of eminent domain proceedings, or documents verifying in lieu of eminent domain acquisition (e.g., the property appraisal and offer pursuant to Government Code sections 7267.1 and 7267.2 and a Resolution of Necessity) from the local jurisdiction.
- S001-6 | The Department requests notification regarding any proposed significant changes to the project. The acquisition of any properties not included in the letter dated September 12, 2011, is considered a significant change and notice is required. The Department must also be notified within 10 days about what properties have actually been acquired by CHSRA (Government Code §51291 (c)). This notice must include an explanation of the decision, and the findings made pursuant to GC 51292, if different from that previously provided. If the CHSRA determines not to build the HST System Project, before returning any land it has acquired to private ownership, it must notify the Department and the affected local jurisdictions, and the land must be re-enrolled in a new contract or encumbered by an enforceable restriction at least as restrictive as that provided by the Williamson Act (Government Code §51295. Please feel free to contact Jacquelyn Ramsey, Environmental Planner at (916) 323-2379 with any questions or concerns.

Sincerely,



John M. Lowrie
Program Manager
Williamson Act Program

cc: Fresno County Farm Bureau
Kern County Farm Bureau
Kings County Farm Bureau
Tulare County Farm Bureau
Fresno County Public Works and Planning
Kings County Planning Division
Kern County Planning and Community Development
Tulare Countywide Planning Division
Corcoran Community Development Department

Response to Submission S001 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, November 3, 2011)

S001-1

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

The Authority has sent a notice of acquisition of Williamson Act contracted parcels pursuant to Government Code Section 51222 to the Department of Conservation and to Fresno, Kings, Tulare, and Kern counties. The notification also provides a list of potential parcels that may not meet the minimum size for a Williamson Act contract as a result of a HST impact.

S001-2

On July 27, 2012, the Authority provided to the Department of Conservation an update to the September 12, 2011, letter (Authority 2011). The update identifies the parcels that will be acquired. That notice complies with the requirements of Government Code Section 51291.

S001-3

The Authority has sent a notice of acquisition of Williamson Act contracted parcels pursuant to Government Code Section 51222 to the Department of Conservation. The Authority appreciates the Department's concurrence that the explanations are consistent with the requirements of statute. When the Authority has determined a preferred alternative, the Department of Conservation will be notified.

S001-4

The Authority acknowledges that acquisition of land restricted by Williamson Act contract must meet the requirements of eminent domain law for acquisition by eminent domain or in lieu of eminent domain.

S001-5

The Authority is not a local jurisdiction, but will nonetheless provide copies of eminent domain proceedings, or documents verifying in lieu of eminent acquisition from the local jurisdiction to the Department of Conservation.

S001-6

On July 27, 2012, the Authority provided to the Department of Conservation an update

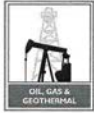
S001-6

to the September 12, 2011, letter (Authority 2011). If other significant changes to the project occur in relation to Williamson Act contract properties, the Department of Conservation will be notified. Similarly, the Department will be notified of any changes to the notice provided under Government Code Section 51292.

Submission S002 (Burton Ellison, California Department of Conservation, Division of Oil, Gas,
and Geothermal Resources, October 31, 2011)

STATE OF CALIFORNIA, RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR



DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS, AND GEOTHERMAL
RESOURCES

4800 Stockdale Highway • Suite 417 • BAKERSFIELD, CALIFORNIA 93309

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10/31/2011
3014

October 28, 2011

Dan Leavitt
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Subject: State Clearing House No. 2009091126. Identification of 19 active oil & gas production wells, water disposal injectors, and previously 35 abandoned wells located within a ¼-mile corridor on either side of the current HSR alignment between Bakersfield and Fresno, California.

Dear Mr. Leavitt:

S002-1

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft EIR, and more specifically, the maps depicting the track alignment for the above referenced project. Additionally as important as the wells situated within ¼-mile of the alignment are the ancillary, attendant facilities necessary for oilfield operations. These include subsurface fluid flow-and-gathering lines and water injection lines, storage and shipping tanks, gas-oil-water separation units, and other closely related infrastructure facilities. Not every well is expected to fall precisely within the ¼-mile wide zone on either side of the alignment. Further information can be obtained from the operators of record which are listed on the accompanying spreadsheet entitled *Wells Identified Within ¼-Mile of Tracks in Kern and Tulare Counties*. Two abandoned dry holes were identified adjacent to the alignment in Tulare County. No wells were identified adjacent to the alignment in Fresno County. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California, and hereby offers the following comments for your consideration.

Beginning in the City of Bakersfield, the proposed track alignment is located partially within the administrative boundaries of the Fruitvale Oil Field, the Rosedale Oil Field, the Rose Oil Field north of Wasco, and in Kern and Tulare counties beyond the administrative boundaries of these or any other oil and gas fields. With respect to the portion of the alignment situated within the City of Bakersfield, the Main Area of the Fruitvale Oil Field is active and densely populated with wells and attendant facilities. Several wells will be located outside the Division's ¼-mile alignment limit

The operators of record for the subject active wells within the "Red Ribbon Ranch" and "Red Ribbon Lease 1" properties, respectively, in the Fruitvale Oil Field are:

San Joaquin Facilities Management, Inc.
5400 Rosedale Highway
Bakersfield, California 93308
Agent: Michael Kranyak
Telephone (661) 631-8713

Sunray Petroleum, Inc.
P.O. Box 82156
Bakersfield, California 93380-2156
Agent: Mike Russell
Telephone (661) 615-6010

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.

Mr. Dan Leavitt
Oil Wells and Injectors within ¼-mile along the HSR Alignment from
Bakersfield to Fresno
October 27, 2011

The operator of record for producing well "Arco" 34X-14 in the Rosedale Oil Field is:

Dole Enterprises
12850 Allen Lane
Bakersfield, California 93312
Agent: Gordon Dole
Telephone (661) 589-8088

The operator of record for water disposal injector 1SWD in the Rose Oil Field is:

Oxy USA, Inc.
9600 Ming Avenue, Suite 300
Bakersfield, California 93311
Agent: William J. Hill
Telephone: (661) 869-8000

Each operator of record should be contacted to determine his needs for access to his wells and easements for his flow lines, gathering lines, tank settings, and any adjacent attendant facilities.

Abandoned wells will need to be addressed if surface or overhead structures, roads or parking lots are planned in proximity to them; they will need to be exposed for inspection and leakage testing prior to construction. The Division recommends that the well locations be recorded on all future maps related to this project with a 10-foot no-build radius. Also, a legible copy of the final HSR track alignment map should be submitted to the Division. For additional information, please see the Division's website at:

http://www.conservation.ca.gov/dog/for_operators/Pages/construction_site_review.aspx.

The Division recommends that no structure be built over or in proximity to an abandoned well location. Section 3208.1 of the Public Resources Code authorizes the State Oil and Gas Supervisor to order the reabandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of abandonment or reabandonment operations upon which the alignment/structure will be located is the responsibility of the California High Speed Rail Authority.

Regardless, if these or any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must be contacted to obtain information on the requirements for and approval to perform remedial operations. Please accept our sincerest apologies for submitting these data somewhat late.

Thank you for the opportunity to comment on this project. If you have any questions, please call Dayne L. Frary at the Bakersfield district office, phone (661) 334-4601.

Respectfully Submitted,

Burton R. Ellison
Senior Oil and Gas Engineer

cc: Yuko Sakano (HQ), Michael Kranyak, Mike Russell, Gordon Dole, and William J. Hill

Submission S002 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, October 31, 2011) - Continued

California High-Speed Rail
 Wells Identified within 1/2-Mile
 of Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	26, 29S22TE	Fruitvale (Main)	029-06982	San Joaquin Fac. Mgmt.	"KCL-A2" 8	Oil & Gas	Abd 12-22-88	35.371409	-119.055486	992N, 330E fr SW Cor
Kern	26, 29S22TE	Fruitvale (Main)	029-06461	San Joaquin Fac. Mgmt.	"Nickel Fee" 1	Oil & Gas	Active	35.372733	-119.050264	1464N, 102E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08145	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 48	Oil & Gas	Abd 11-10-83	35.372049	-119.057116	1226N, 154W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-00386	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 16	Water Disposal	Active	35.371409	-119.057706	992N, 330W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08112	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 16-A	Oil & Gas	Idle	35.371502	-119.057845	1059N, 390W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08149	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 51	Oil & Gas	Abd 10-7-95	35.370459	-119.057096	650N, 150W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08150	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 51-A	Oil & Gas	Abd 12-8-88	35.370459	-119.057216	650N, 165W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08136	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 39	Water Disposal	Abd 8-3-10	35.370496	-119.056813	661N, 650W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08127	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 31	Water	Abd 8-24-10	35.369753	-119.057752	395N, 330W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08110	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 13	OG	Active	35.373326	-119.059934	1654N, 999W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08138	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 41	Water Disposal	Active	35.372951	-119.059950	1535N, 789W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08461	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 42	Water Disposal	Active	35.372951	-119.059950	1535N, 789W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08139	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 39	Oil & Gas	Active	35.371990	-119.069321	1191N, 1076W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08142	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 37	Oil & Gas	Active	35.370242	-119.060676	877N, 1212W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08133	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 37	Oil & Gas	Active	35.372319	-119.061206	1323N, 1374W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08134	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 37	Oil & Gas	Active	35.372595	-119.061193	1383N, 1394W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06038	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 22	Oil & Gas	Active	35.373226	-119.062290	1625N, 1670W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08113	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 17	Oil & Gas	Abd 9-26-10	35.371337	-119.062161	992N, 1670W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08144	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 47	Oil & Gas and WD	Abd 2-17-09	35.372387	-119.063227	1339N, 2000W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08121	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 28	Oil & Gas	Active	35.370369	-119.063132	832N, 1970W fr SE Cor

California DOGGR Bakersfield October 27, 2011 DLF

California High-Speed Rail
 Wells Identified within 1/2-Mile
 of Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	27, 29S22TE	Fruitvale (Main)	029-08111	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 14	Oil & Gas	Active	35.373299	-119.064376	1654N, 2332W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08115	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 19	Oil & Gas	Abd 11-08	35.371409	-119.066646	992N, 2990W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08118	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 23	Oil & Gas	Abd 12-13-08	35.371375	-119.064467	992N, 2332W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08120	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 25	Oil & Gas	Active	35.369572	-119.066722	334N, 2990W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08119	San Joaquin Fac. Mgmt.	"Red Ribbon Ranch" 24	Oil & Gas	Active	35.373164	-119.066627	1632N, 2990W fr SE Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-08810	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 1	Oil & Gas	Abd 6-17-09	35.371391	-119.068458	990N, 1794E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06811	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 2	Water Disposal	Active	35.371432	-119.070651	990N, 1134E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06812	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 3	Oil & Gas	Abd 6-16-09	35.369602	-119.068458	339N, 1794E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06813	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 4	Water Disposal	Abd 6-12-09	35.369618	-119.070701	339N, 1134E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06814	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 5	Oil & Gas	Active	35.371403	-119.073741	990N, 330E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06815	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 6	Oil & Gas	Abd 6-12-09	35.370535	-119.069624	660N, 1464E fr SW Cor
Kern	27, 29S22TE	Fruitvale (Main)	029-06816	Sunny Petroleum, Inc.	"Red Ribbon Lease 1" 7	Oil & Gas	Active	35.370553	-119.072052	660N, 732E fr SW Cor
Kern	28, 29S22TE	Fruitvale (Main)	029-44172	King and Pickett	"King" 1	Oil & Gas	Abd Dry Hole	35.369154	-119.091910	125N, 100E fr SW Cor
Kern	29, 29S22TE	Fruitvale (Main)	029-06359	Shell Oil Co.	"KCL-A" 56-29	Oil & Gas	Abd Dry Hole	35.369832	-119.099964	341N, 2313W fr SE Cor
Kern	29, 29S22TE	Fruitvale (Main)	029-06360	SWEPI	"K.C.L." 2	Oil & Gas	Abd Dry Hole	35.372381	-119.105432	1250N, 1350E fr SW Cor
Kern	30, 29S22TE	Outside Field Boundaries	029-30950	Chevron USA	"Shelbarger-Selden" 1	Oil & Gas	Abd Dry Hole	35.378620	-119.122581	1690S, 1540E fr NW Cor

California DOGGR Bakersfield October 27, 2011 DLF

Submission S002 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, October 31, 2011) - Continued

California High-Speed Rail
Wells Identified within ½-Mile
of Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	33, 26S/27E	Outside Field Boundaries	029-62517	Commander Oil Company	"Nemecor" 1	Oil & Gas	Abd Dry Hole	35.367999	-119.077206	327S, 850W fr NE Cor
Kern	25, 26S/26E	Outside Field Boundaries	029-30907	Alisa Oil Company	"Williams Community" 81	Oil & Gas	Abd Dry Hole	35.362645	-119.129138	330S, 330W fr NE Cor
Kern	24, 26S/26E	Outside Field Boundaries	029-30038	Chervon USA	"Williams" 65-24	Oil & Gas	Abd Dry Hole	35.389930	-119.133609	2294N, 1690W fr SE Cor
Kern	23, 26S/26E	Rosedale (East Area-Abd)	029-16754	Exxon-Mobil	"Hugh S. Allen et ux" 2	Oil & Gas	Abd	35.397118	-119.146668	339S, 330W fr NE Cor
Kern	14, 26S/26E	Rosedale (East Area-Abd)	029-16720	Chervon USA	"Kern County Land Co. G" 3	Oil & Gas	Abd	35.398920	-119.148869	330N, 990W fr SE Cor
Kern	14, 26S/26E	Rosedale (East Area-Abd)	029-16730	Reserve Oil Company	"Kern County Land Co. G" 5	Oil & Gas	Abd	35.399149	-119.148694	358N, 990W fr SE Cor
Kern	14, 26S/26E	Rosedale (East Area-Abd)	029-16731	Exxon-Mobil	"Kern County Land Co. G" 6	Oil & Gas	Abd	35.400698	-119.146560	990N, 350W fr SE Cor
Kern	14, 26S/26E	Rosedale (North-Abd)	029-44453	Village Prod CA, LLC	54	Oil & Gas	Abd 9-3-04	35.405674	-119.153086	2460S, 2280W fr NE Cor
Kern	14, 26S/26E	Rosedale (North-Abd)	029-47905	Arco Western Energy	"Tennessee-Junitias Rosedale" 34X	Oil & Gas	Abd	35.405459	-119.157723	2530S, 1600E fr NW Cor
Kern	14, 26S/26E	Rosedale (Main)	030-01754	Delo Enterprises	"McO" 34X-14	Oil & Gas	Active	35.406846	-119.157003	2410S, 1855E fr NW Cor
Kern	14, 26S/26E	Rosedale (North-Abd)	029-47537	Village Prod CA, LLC	"Tennessee-Great Basins" 34X	Oil & Gas	Abd 9-7-04	35.407080	-119.155213	1954S, 2380E fr NW Cor
Kern	10, 26S/26E	Outside Field Boundaries	029-30916	Exxon-Mobil	"Kern County Land Co. G" C (78-10) 1	Oil & Gas	Abd Dry Hole	35.413376	-119.166415	330N, 990W fr SE Cor
Kern	10, 26S/26E	Outside Field Boundaries	030-07802	Aspen Exploration	"Aspen" 60X-10	Oil & Gas	Abd	35.416939	-119.169960	1450N, 2000W fr SE Cor
Kern	10, 26S/26E	Outside Field Boundaries	029-40003	Chervon USA	"KCL 67" 21-10	Oil & Gas	Abd Dry Hole	35.426144	-119.177731	330S, 990E fr NW Cor

California DOGGR Bakersfield October 27, 2011 DLF

California High-Speed Rail
Wells Identified within ½-Mile
of Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	36, 26S/24E	Rose	030-35395	Oxy USA, Inc	15WD	Water Disposal	Active	35.616966	-119.332317	342N, 312WE fr SE Cor
Kern	25, 26S/24E	Outside Field Boundaries	029-08092	Ebert and Brant	"Russell" 1	Oil & Gas	Abd Dry Hole	35.723998	-119.334013	2423N, 1375W fr SE Cor
Kern	11, 26S/24E	Outside Field Boundaries	029-02341	Black Hawk Resources	"Shanklin-Musser" 43-41	Oil & Gas	Abd Dry Hole	35.769723	-119.349773	2000N, 600W fr SE Cor
Tulare	9, 24S/24E	Outside Field Boundaries	107-00429	Geochemical Surveys	"Covey" 77-9	Oil & Gas	Abd Dry Hole	35.859430	-119.379687	990N, 990W fr SE Cor
Tulare	19, 23S/24E	Outside Field Boundaries	107-20043	Tom Jones	"CJ" 10-1	Oil & Gas	Abd Dry Hole	35.912337	-119.418373	470S, 400E fr Center

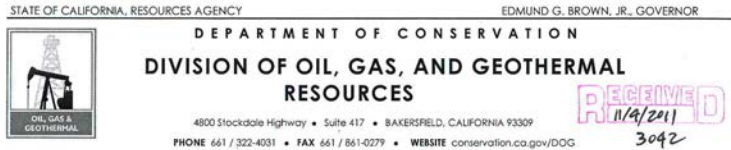
California DOGGR Bakersfield October 27, 2011 DLF

Response to Submission S002 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, October 31, 2011)

S002-1

The Revised DEIR/Supplemental DEIS addresses active and abandoned wells in the project footprint and acknowledges that impacts could occur to wells or ancillary facilities. Section 3.9 of the Revised DEIR/Supplemental DEIS acknowledges that some facilities may need to be relocated. The Authority will work closely with the Division of Oil, Gas, and Geothermal Resources (DOGGR) and with property owners to address specific facilities during final design. The Authority will also work closely with DOGGR to avoid abandoned wells where possible, and where not possible, to ensure that proper approvals are obtained and well abandonment requirements are met. The Authority will also work closely with DOGGR to obtain approvals and meet remedial action requirements if unrecorded wells are encountered during construction.

Submission S003 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, November 4, 2011)



November 1, 2011

Dan Leavitt
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Subject: State Clearing House No. 2009091126. Identification of 22 active oil & gas production wells, water disposal injectors, and two previously abandoned wells located within a ¼-mile corridor on either side of the HSR bypasses between Bakersfield and Fresno, California.

Dear Mr. Leavitt:

S003-1

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft EIR, and more specifically, the maps depicting the bypass alignments for the above referenced project. Additionally as important as the wells situated within ¼-mile of these bypasses are the ancillary, attendant facilities necessary for oilfield operations. These include subsurface fluid flow-and-gathering lines and water injection lines, storage and shipping tanks, gas-oil-water separation units, and other closely related infrastructure facilities. Not every well is expected to fall precisely within the ¼-mile wide zone on either side of a bypass. Further information can be obtained from the operators of record which are listed on the accompanying spreadsheet entitled *Wells Identified Within ¼-Mile of Bypass Tracks between Bakersfield and Fresno*. No wells were identified adjacent to the bypasses in Fresno and Tulare counties. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California, and hereby offers the following comments for your consideration.

Beginning in the Seventh Standard Oil Field immediately southeast of the City of Shafter, a proposed track bypass trends northwesterly through the administrative boundaries of the North Shafter Oil Field, and beyond to the north of Wasco. Some wells may be located outside the Division's ¼-mile alignment limit.

The active operators of record are:

Oxy USA, Inc. and Vintage Production California, LLC
9600 Ming Avenue, Suite 300
Bakersfield, California 93311
Agent: William J. Hill
Telephone: (661) 869-8000

Mr. Hill should be contacted to determine his needs for access to his wells and easements for his flow lines, gathering lines, tank settings, and any adjacent attendant facilities.

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.

Mr. Dan Leavitt
Oil Wells and Injectors within ¼-mile of HSR bypasses from
Bakersfield to Fresno
November 1, 2011

S003-1

Abandoned wells will need to be addressed if surface or overhead structures, roads or parking lots are planned in proximity to them; they will need to be exposed for inspection and leakage testing prior to construction. The Division recommends that the well locations be recorded on all future maps related to this project with a 10-foot no-build radius. Also, a legible copy of the final HSR track-and-bypass alignment map(s) should be submitted to the Division. For additional information, please see the Division's website at:

http://www.conservation.ca.gov/dog/for_operators/Pages/construction_site_review.aspx.

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The Division recommends that no structure be built over or in proximity to an abandoned well location. Section 3208.1 of the Public Resources Code authorizes the State Oil and Gas Supervisor to order the reabandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of abandonment or reabandonment operations upon which the alignment/structure will be located is the responsibility of the California High Speed Rail Authority.

Regardless, if these or any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must be contacted to obtain information on the requirements for and approval to perform remedial operations. Please accept our sincerest apologies for submitting these data somewhat late.

Thank you for the opportunity to comment on this project. If you have any questions, please call Dayne L. Frary at the Bakersfield district office, phone (661) 334-4601.

Respectfully Submitted,

Burton R. Ellison
Burton R. Ellison
Senior Oil and Gas Engineer

cc: Yuko Sakano (HQ) and William J. Hill (Oxy USA, Inc and Vintage Prod CA, LLC)

Submission S003 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, November 4, 2011) - Continued

California High-Speed Rail
 Wells Identified within 1/4-Mile
 of Bypass Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	3, 28S/29E	Seventh Standard	029-42510	Arco Western Energy	17X	Oil & Gas	Abd Dry Hole	35.430200	-119.180322	1155N, 165E fr SW Cor
Kern	11, 28S/25E	North Shafter	030-24782	Vintage Prod CA, LLC	"Handel" 11-1H	Oil & Gas	Active	35.507337	-119.255166	2485S, 1553E fr NW Cor
Kern	11, 28S/25E	North Shafter	030-26737	Vintage Prod CA, LLC	"Handel" 11-1HR	Oil & Gas	Active	35.507312	-119.255354	2499S, 1508E fr NW Cor
Kern	3, 28S/29E	North Shafter	030-04631	Vintage Prod CA, LLC	"Eckmann" 2-4H	Oil & Gas	Active	35.514732	-119.262967	157N, 512W fr SE Cor
Kern	3, 28S/29E	North Shafter	030-08112	Vintage Prod CA, LLC	"Tulare" 3-1	Oil & Gas	Active	35.515167	-119.262650	339N, 750W fr SE Cor
Kern	3, 28S/29E	North Shafter	030-15782	Vintage Prod CA, LLC	3-8H	Oil & Gas	Active	35.518422	-119.260872	1520N, 159W fr SE Cor
Kern	3, 28S/29E	North Shafter	030-17237	Vintage Prod CA, LLC	3-10H	Oil & Gas	Active	35.518615	-119.260792	1574N, 175W fr SE Cor
Kern	3, 28S/29E	North Shafter	030-15523	Vintage Prod CA, LLC	3-7H	Oil & Gas	Active	35.523727	-119.262598	2025S, 722W fr NE Cor
Kern	3, 28S/29E	North Shafter	029-47230	Vintage Prod CA, LLC	"R. A. Shafter A" 1	Oil & Gas	Active	35.525606	-119.261199	1329S, 330W fr NE Cor
Kern	3, 28S/29E	North Shafter	029-47891	Vintage Prod CA, LLC	"R. A. Shafter B" 1	Oil & Gas	Active	35.525351	-119.266006	1400S, 1940W fr NE Cor
Kern	3, 28S/29E	North Shafter	030-43766	Vintage Prod CA, LLC	"Jacobson" 34-3H	Oil & Gas	Active	35.525379	-119.265441	1398S, 1608W fr NE Cor
Kern	3, 28S/29E	North Shafter	030-43929	Vintage Prod CA, LLC	"Jacobson" WDI	Water Disposal	Active	35.528966	-119.263012	89S, 874W fr NE Cor
Kern	34, 27S/29E	North Shafter	030-01226	Vintage Prod CA, LLC	"Tulare" 34-1	Water Disposal	Active	35.532546	-119.268515	1220N, 2491W fr SE Cor
Kern	34, 27S/29E	North Shafter	030-04291	Vintage Prod CA, LLC	"Tulare" 34-2	Water Disposal	Active	35.538286	-119.270812	1942S, 2038E fr NW Cor
Kern	34, 27S/29E	North Shafter	030-19416	Vintage Prod CA, LLC	"SWICO" 34-8H	Oil & Gas	Active	35.537812	-119.268458	2149S, 2546W fr NE Cor
Kern	34, 27S/29E	North Shafter	030-42755	Vintage Prod CA, LLC	"SUFM" 2H-3	Oil & Gas	Active	35.537328	-119.268311	2332S, 2531W fr NE Cor
Kern	34, 27S/29E	North Shafter	030-17235	Vintage Prod CA, LLC	"SWICO" 34-7H	Oil & Gas	Active	35.539588	-119.268457	1957S, 2552W fr NE Cor
Kern	34, 27S/29E	North Shafter	030-08943	Vintage Prod CA, LLC	"Tulare" 34-6H	Oil & Gas	Active	35.540285	-119.271672	4626N, 1778E fr SW Cor

California DOGGR Bakersfield November 1, 2011 DLF

California High-Speed Rail
 Wells Identified within 1/4-Mile
 of Bypass Tracks between Bakersfield and Fresno

County	Section, Township, and Range in MDTRS	Field (Area)	API No.	Operator of Record	"Lease" and Well No.	Well Type	Well Status	NAD 83 Latitude	NAD 83 Longitude	Location Coordinates in Feet
Kern	21, 27S/25E	North Shafter	030-43948	Vintage Prod CA, LLC	"Farmland Reserve" 21-2H	Oil & Gas	Active	35.561400	-119.290677	1197N, 955W fr SE Cor
Kern	21, 27S/25E	North Shafter	030-43928	Vintage Prod CA, LLC	"Farmland Reserve" WDI-21	Water Disposal	Active	35.562284	-119.289489	2591N, 1902E fr SW Cor
Kern	21, 27S/25E	North Shafter	030-43343	Vintage Prod CA, LLC	"Timelase" 28-7H	Oil & Gas	Active	35.565150	-119.289489	2543N, 1728E fr SW Cor
Kern	21, 27S/25E	North Shafter	030-13480	Oxy USA, Inc	"Midlas" 1H	Water Disposal	Active	35.569340	-119.292596	1178S, 750E fr NW Cor
Kern	31, 26S/25E	Outside Field Boundaries	030-20724	Oxy USA, Inc	"EOGR Fee" 44X-31	Water Disposal	Active	35.623970	-119.324211	
Kern	30, 26S/25E	Outside Field Boundaries	029-65908	M & G Operating Co	"East Slope" 3	Oil & Gas	Abd Dry Hole	35.630960	-119.319982	100N, 3012E fr SW Cor

California DOGGR Bakersfield November 1, 2011 DLF

Response to Submission S003 (Burton Ellison, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, November 4, 2011)

S003-1

The Revised DEIR/Supplemental DEIS addresses active and abandoned wells in the project footprint and acknowledges that impacts could occur to wells or ancillary facilities. Section 3.9 of the Revised DEIR/Supplemental DEIS acknowledges that some facilities may need to be relocated. Impacts and costs associated with oil well relocation are included in the Final EIR/EIS.

S003-2

The Authority will work closely with the Division of Oil, Gas, and Geothermal Resources (DOGGR) to avoid abandoned wells where possible, and where not possible, to ensure that proper approvals are obtained and well abandonment requirements are met. The Authority will also work closely with DOGGR to obtain approvals and meet remedial action requirements if unrecorded wells are encountered during construction.

Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011)



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



October 13, 2011

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

Subject: Draft Project Environmental Impact Report (DEIR) and Draft Project Environmental Impact Statement (DEIS) and Section 4(f) Statement for the Fresno to Bakersfield Section High-Speed Train Project
SCH No. 2009091126

Dear Mr. Leavitt:

The Department of Fish and Game (Department) has reviewed the DEIR/DEIS submitted by the California High Speed Rail Authority (Authority) for the Fresno to Bakersfield Section of the high-speed train (HST) system (Project). The Project comprises one section of the nine section HST system and at full buildout would provide high-speed service on more than 800 miles of track, 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. The system would use an electrified steel-wheel-on-steel-rail system capable of speeds up to 220 miles per hour (mph) on a fully grade-separated, access controlled track with state-of-the-art safety, signaling and automated control systems. The proposed Project DEIR/DEIS evaluates the Project-level impacts of the Fresno to Bakersfield Section and includes six (6) alternative track alignments: the Burlington Northern Santa Fe (BNSF) Alternative, the Corcoran Elevated Alternative, the Corcoran Bypass, the Allensworth Bypass, the Wasco-Shafter Bypass, and the Bakersfield South Alignment. The BNSF Alternative is a single continuous alignment from Fresno to Bakersfield. The additional five alternative alignments deviate from the BNSF Alternative for portions of the route and present 24 possible combinations of these alternatives that would consist of a continuous alignment. These alternatives would extend between and include the proposed Downtown Fresno Station, a potential Kings-Tulare Regional Station, and the Downtown Bakersfield Station. The DEIR/DEIS also evaluates the impacts of five (5) heavy maintenance facility site alternatives.

The Department has previously commented on both the Proposed California High-Speed Train System Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) on August 31, 2004; the Bay Area to Central Valley Program EIR/EIS on September 25, 2007 (Draft EIR/EIS) and July 7, 2008 (Final EIR/EIS); the Notice of Preparation of a Draft Project Environmental Impact Report and Draft Project Environmental Impact Statement for the San Jose to Merced HST Project on April 8, 2009; the Notice of Preparation of a Draft Project Environmental Impact Report and Draft Project Environmental Impact Statement for the Merced to Bakersfield HST Project on April 8, 2009; and provided comments on the Biological

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Resources and Wetlands Section of the California High Speed Train Project Level Environmental Analysis Methodologies on October 15, 2009.

The Fresno to Bakersfield Section DEIR/DEIS is intended to build upon work completed earlier in a broader, statewide environmental impact analysis and is a critical phase of the HST serving as a link in connecting the Bay Area HST sections to the sections south of Fresno to Los Angeles. The Authority and the Federal Railroad Administration (FRA) selected the existing BNSF rail route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS decision documents. Therefore, the DEIR/DEIS for the Fresno to Bakersfield Section of the HST project begins with an analysis of the corridors along the BNSF.

The purpose of this letter is to provide the Authority with specific detail about the scope and content of environmental information related to the Department's areas of statutory responsibility that must be included in the DEIR/DEIS. This letter also highlights significant environmental issues and reasonable alternatives and mitigation measures that will need to be explored in the finalized DEIR/DEIS to allow the Department to make informed and necessary findings with regards to permitting the proposed project.

The Department continues to have concerns about the significant impacts to wildlife movement in the region that will result from placement of a grade-separated, access controlled track throughout the length of the Central Valley. Further, the DEIR/DEIS does not adequately address potential impacts Department-owned or managed lands, threatened and endangered species, and sensitive habitats that would result from construction and operation of the proposed alignments and associated facilities. The Department offers the following comments and recommendations on the DEIR/DEIS regarding impacts to wildlife, the habitats on which they depend, and the Department's jurisdiction and role in conserving lands for the benefit of those species.

S004-2

Responsible Agency Authority

The Department has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. The Department is a trustee agency with regard to the fish and wildlife of the State, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the Department. As a Trustee Agency, the Department consults with lead and responsible agencies and provides the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities.

The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If a project could result in the "take" of any species listed as threatened or endangered pursuant to the California Endangered Species Act (CESA), an Incidental Take Permit (ITP) issued by the Department should be obtained by the Authority. Based upon review of program-level EIRs for the HST, the Department anticipates that implementation of the

Conserving California's Wildlife Since 1870

Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011) - Continued

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proposed project will result in take of one or more State-listed species and that acquisition of an ITP is warranted. The Department should be contacted as early as possible to begin the Incidental Take Permitting process to reduce any project or permitting delays.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Lake and Streambed Alteration (LSA) Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code. Due to the size and linear alignment of the HST, the Department anticipates an LSA Agreement will be required for the proposed project. The Department should be contacted when enough information is available to begin the LSA process.

As a responsible agency, the Department will rely on the EIR/EIS as prepared by the Authority to prepare and issue its own findings regarding the proposed project (CEQA Guidelines, Sections 15096 and 15381). The Department will use the Authority's environmental document if it adequately addresses the effects of those activities involved in the project which the Department is required by law to carry out or approve. The document should summarize technical data, maps, plans, diagrams and similar information to permit a full assessment of all significant environmental impacts (CEQA Guidelines, Section 15147).

Potential Impacts to Wildlife Movement

S004-3

As the Department has discussed in previous HST comment letters, the single biggest biological impact potentially arising from construction of the HST is the impact on regional movements of wildlife and connections between habitats. The HST has the potential to disrupt wildlife passages that are already hindered with existing obstacles, create long stretches of impediments, and further narrow areas of low or compromised permeability, which are already threatening the continued viability of many species. Construction of access controlled rail lines may create barriers to the movement of wildlife, thereby cutting them off from important food, shelter, or breeding areas. As the Department has stated in its numerous comment letters referenced above, the isolation of sub-populations limits the exchange of genetic material and puts populations at risk of local extinctions through genetic and environmental factors. Barriers can prevent the re-colonization of suitable habitat following local extirpations, ultimately putting the species at risk of extinction.

The construction and operation of HST will severely inhibit east-west wildlife movement along the Fresno to Bakersfield Section. While the Authority continues to suggest it will examine the feasibility of implementing a variety of wildlife passes to aid animal movement along both sides of the rail line, it is unclear where and at what intervals these will be placed. This continues to be of concern to the Department, especially in light of the Department's previous recommendation that all segments of the railway that are not using existing rails be elevated. Elevation of the rails could reduce the impacts the HST system would have on animal movement and migration by allowing wildlife to pass freely underneath the entire length of the

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railway while providing the access controlled tracks that are required for HST. Elevated railways would be more effective in facilitating animal movement than the proposed wildlife underpasses and overpasses, which are not always effective. Because animals would be able to see through the underside of the tracks to the other side, they would be more likely to walk underneath the tracks than to use a tunnel or vegetated overpass where the view of the other side would be visually obstructed and the substrate and ground slope would vary from the surrounding areas.

The DEIR/DEIS does not analyze nor discuss the practicability of elevating the railway. However it does discuss the use of dedicated wildlife crossing structures from approximately Cross Creek (Kings County) south to Poso Creek (Kern County) in at-grade portions of the railroad embankment at approximately 0.3-mile intervals. The preliminary wildlife crossing structure design consists of modified culverts in the embankment that would support the HST tracks and from end to-end would be 72 feet long (crossing structure distance), would span a width of approximately 8 feet (crossing structure width), and provide 4 feet of vertical clearance (crossing structure height).

If wildlife movement passage structures will be used instead of elevated tracks, the Department continues to counsel that extensive research should be conducted before alignment selection to determine the appropriate locations, numbers and types of such structures. As was recommended in previous correspondence, methods to determine the best locations for wildlife movement structures or avoidance should include at a minimum: 1) track count surveys, 2) ditch crossing surveys, 3) monitoring trails with infrared or Trailmaster cameras, and 4) Global positioning system (GIS) habitat modeling to identify likely wildlife travel corridors and anthropogenic barriers (such as highways, canals, and reservoirs) at the landscape level. In addition, wildlife habitat linkages will need to be identified using habitat models, information from the movement studies, GIS analyses, and Department expertise. Specific alignments and wildlife passage structures, such as underpasses, overpasses, elevating the alignment and tunnels, may not be suitable for all species and locations and would need to be evaluated carefully.

Potential Impacts to Fish and Game Owned and Managed Lands

S004-4

Ecological Reserves, Wildlife Areas, and other Department-owned lands are acquired for the protection and enhancement of habitat for a wide variety of species and some of these lands are open to the public for wildlife viewing, hiking, hunting, fishing, and nature tours. The construction and operation of the proposed HST within or near Department lands could significantly reduce the wildlife conservation and public use values of these lands as well as alter the way these lands are and can be managed by the Department.

The BNSF railroad bisects and is adjacent to portions of the Allensworth Ecological Reserve (ALER). The DEIS/DEIR states that the HST will operate on separate tracks than the BNSF. This means that the additional track would need to be constructed adjacent to the existing track and will encroach on existing Department lands impacting up to eight (8) acres of the ALER. As has been stated in previous correspondence, ALER was established for the protection of

Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011) - Continued

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sensitive species and habitats. This land is extremely valuable as it comprises part of an ecologically significant area of native habitat in the Central Valley that includes the United States Fish and Wildlife Service's (USFWS) Pixley National Wildlife Refuge and California State Parks' Colonel Allensworth State Historic Park, which also may be impacted directly by the project. Some sections of ALER were acquired as mitigation for impacts from other projects. The loss of this land would require significant compensation on the part of the Authority as this land was already used to compensate for other project impacts to Threatened and Endangered species.

The Department recommends that the HST rail line that runs adjacent to Department lands, Federal land, State Parks lands or any other lands of conservation importance along the route be fully elevated in order to provide for adequate movement of species that inhabit these lands on either side of the tracks. Failure to do so would severely reduce the value of the lands and impact the Department's goal of preserving and protection sensitive species and their habitats.

Potential Impacts to Species and Habitat

S004-5

The DEIR/DEIS analyzed the potential impacts to specially-designated species and habitat resulting from construction and operation of the HST rail alignment by conducting queries of existing databases (i.e., California Natural Diversity Database), utilizing agency information, and conducting limited reconnaissance-level field surveys from publicly accessible rights of way along or near the HST alternative alignments. The DEIR/DEIS contains a limited description of the existing biological conditions in and around the HST Project site, including all specially-designated species and habitats that may occur in the vicinity. In order for the Department to make an informed decision on potential impacts of the proposed project, extensive surveys will need to be conducted. Wildlife and plant surveys should follow protocols adopted by the Department and USFWS. Where they do not, or for species where protocols have not been developed, the Department and USFWS should be consulted for concurrence on a particular methodology before its use. Survey protocols for listed species and/or sensitive habitats should be approved by the Department, United States Fish and Wildlife Service (USFWS), and other relevant regulatory agencies prior to implementation. This will reduce the need for additional surveys prior to Department approval.

Further, compensation for permanent impacts to sensitive habitat types such as valley foothill riparian and vernal pool are suggested in the DEIR to be compensated for at a ratio of 2 acres of replacement habitat for every acre impacted (2:1). However, there is no discussion as to how this was derived, the biological basis to determine the replacement value is sufficient to fully compensate the impacts, and where compensation will occur so that replacement habitat is assured to be in the same watershed as the loss. Additional information is necessary for the Department to determine the mitigation is commensurate with the level of proposed impact for all the sensitive habitats within the proposed alternatives alignments.

S004-6

Special Status Plant Species

The Department understands that in most areas, surveys were conducted in early spring (March through May) in areas within the public right-of-way that contained potential habitat for special status plant species. However, no surveys were conducted where public access was not available. Focused, repeated surveys should be conducted by a qualified botanist multiple times during the appropriate floristic period(s) to adequately assess the potential Project-related impacts to these and other listed plant species in all areas that could potentially support these species. The surveys should follow the guidelines developed by the Department (DFG, 2009) and the USFWS (USFWS, 2000) and include appropriate reference sites. In addition, the reference sites visited need to be documented and should be in the same vicinity of the proposed impact site and contain known populations of all the special status species that have the potential to occur within the alignments. Comprehensive survey work should be carried out in time to inform the final analysis of the DEIR/DEIS, and not be deferred to the pre-construction period. It is unlikely that the Department will be able to provide helpful comments for a project of this scale, unless appropriate surveys have been conducted. Deferral of appropriate surveys can lead to costly delays as time sensitive surveys may only be conducted during specific times of the year.

S004-7

California Tiger Salamander (*Ambystoma californiense*)

The DEIR/DEIS affirms that no surveys for the State- and Federally listed threatened California tiger salamander (CTS) were conducted in areas with suitable breeding or upland aestivation habitat within any of the proposed alternative alignments. Moreover, mitigation measure Bio-MM#22 states that prior to ground-disturbing activities, a preconstruction survey will be conducted of the construction footprint and any CTS found within the Project footprint will be relocated as determined through consultation with USFWS and/or CDFG. Relocation constitutes "take" (capture) as defined by Section 86 of the California Fish and Game Code and cannot be used as a minimization measure for CTS absent the issuance by the Department of an ITP pursuant to Section 2081(b) of the Fish and Game Code. Further, the DEIR/DEIS suggests that mitigation of the impacts to CTS will be accomplished through the use of a mitigation bank or an in-lieu fee program. It should be noted that currently there are no Department approved mitigation banks or in-lieu fee programs available to purchase credits to mitigate impacts to CTS and to comply with the fully mitigate standard under CESA. As such, alternative mitigation would be evaluated during the ITP process and would be required by an ITP issued for the Project. Alternative mitigation could include the purchase of land containing known CTS breeding and upland habitat, placing the land under a conservation easement, and assuring adequate funding the management of the habitat land for the benefit of CTS in perpetuity.

S004-8

Special Status Raptors

The DEIR/DEIS states that pre-construction surveys for nesting special status raptors, including the State endangered and fully protected bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), the fully protected white-tailed kite (*Elanus caeruleus*), and the State

Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011) - Continued

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threatened Swainson's hawk (*Buteo swainsoni*) will be conducted no more than 30 days before commencing construction. If active nests are identified for raptors, a 300-foot buffer will be established. The Department does not concur that this proposed buffer will be sufficient to reduce the potential risk of impacts to these fully protected species. The Department recommends the same no disturbance buffer of 0.5 mile proposed for active Swainson's hawk nests is instituted for fully protected raptor species.

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95812-3044

Thomas Leeman
United States Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

Zachary Simmons
United States Army Corps of Engineers
1325 J Street
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Sarvy Mahdavi
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75 Hawthorn Street
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Dave Hardt
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Kern National Wildlife Refuge Complex
Post Office Box 670
Delano, California 93216-0670

Matt Scroggins
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1685 E Street
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ec: Cathie Vouchilas
Department of Fish and Game
Habitat Conservation Planning Branch

Terry Palmisano
Julie Vance
Department of Fish and Game
Central Region

S004-9

Listed Rodent Species
The DEIR/DEIS states a non-disturbance exclusion fence such as a silt fence will be installed 250 feet from areas containing suitable habitat for State- and Federally listed rodent species such as Fresno kangaroo rat (*Dipodomys nitratoides exilis*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). Further, Bio-MM#35 and Bio-MM#36 indicate that small mammal trapping will be conducted within the exclusionary fencing no more than 30 days prior to the start of ground-disturbing activities and phased with Project build out and any special status mammals trapped will be relocated outside of the construction footprint. Again, the Department would like to clarify that capture and relocation of State-listed rodent species constitutes "take" and acquisition of an ITP would be required for this activity to proceed in compliance with State law. Capture and relocation of other non-listed wildlife species requires written approval from the Department. In addition, the installation of the exclusionary fencing could result in direct "take" of individuals below ground. Therefore, the Department recommends that exclusionary fence installation should be done in such a manner that all potential burrows are avoided by a minimum of 50 feet, unless an ITP is acquired for the species potentially inhabiting those burrow systems..

In summary, the Fresno to Bakersfield section of the high-speed train (HST) system continues to have the potential to result in several significant impacts to California's wildlife. Construction and operation of the HST will create barriers to wildlife movement, impacts to Department owned and managed lands, and impacts to specially-designated species, and sensitive habitat.

The implementation of the Fresno to Bakersfield section of the HST will continue to require close coordination between the Department and the Authority to ensure that construction and operation the HST will have a minimal impact to the public resources and to the wildlife of the State of California.

If you have any questions regarding these comments, please contact Annee Ferranti, Senior Environmental Scientist, at (559) 243-4014, extension 227.

Sincerely,


Jeffrey R. Single, Ph.D.
Regional Manager

cc: See Page Eight

Response to Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011)

S004-1

Thank you for your comments. The text of the Revised DEIR/Supplemental DEIS, Section 3.7, Biological Resources and Wetlands, has been revised in response to your comment. Additionally, responses to the specific concerns raised in your comment letter are addressed in responses to Comment 2271 through Comment 2278.

S004-2

The commenter describes the responsibilities of the agency and its role as a responsible agency. The Authority has initiated the process of obtaining an incidental take permit from the California Department of Fish and Wildlife (previously known as the Department of Fish and Game). In support of this process, the Authority has worked collaboratively with members of the Department to refine the permitting strategy, including the proposed mitigation measures. Also, the Authority will submit a Notification of Lake or Streambed Alteration for the proposed project.

S004-3

Refer to Standard Response FB-Response-BIO-01.

Engineering design features have been included to facilitate wildlife-crossing opportunities across the alignments. Dedicated wildlife-crossing structures would be provided from approximately Cross Creek (Kings County) south to Poso Creek (Kern County), which includes both the SR 43/SR 155 and Allensworth area linkages in at-grade portions of the railroad embankment at approximately 0.3-mile intervals. The spacing of these structures was determined, in coordination with Endangered Species Recovery Program biologist, Brian Cypher, Ph.D., using the San Joaquin kit fox as a focal species that encompasses the movement requirements of most wildlife in the southern San Joaquin Valley.

In addition to dedicated wildlife-crossing structures, wildlife-crossing opportunities would also be available at elevated portions of the alignment, bridges over riparian corridors, road overcrossings and undercrossings, and drainage facilities (i.e., large-diameter [60–120 inches] culverts and paired 30-inch culverts). Elevated structures are proposed over the five riparian linkages: Kings River, St. John's River–Cross Creek, Tule Creek, Poso Creek, and Kern River. In addition, dedicated wildlife-crossing structures would be placed between 100 and 500 feet to the north and south of the elevated structures along

S004-3

these riparian linkages. Design details associated with the wildlife-crossing opportunities are discussed in detail in Sections 2.4.2 and 2.4.3 of the Revised DEIR/Supplemental DEIS, and in Section 5.7.4.1 of the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f). The locations of these design features are shown on Figure 5-7c of the Biological Resources and Wetlands Technical Report.

In response to the commenter's recommendation to elevate the entire length or portions of the railway on viaduct, constructing the entire alignment above grade on a viaduct would not be economically feasible. For example, the BNSF Alternative is approximately 117 miles long of which 87 miles are at-grade and 30 miles aboveground (see Table 2-3 of the EIR/EIS). It costs approximately \$2.5 million/mile to construct a two-track section of the HST at-grade. It costs approximately \$50.6 million/mile to construct a two-track section of the HST on a 20-foot-high viaduct. Therefore, putting all of the BNSF Alternative on a viaduct would increase the cost of this alternative by about \$4.4 billion. This would make the project economically infeasible.

S004-4

A portion of the Allensworth Ecological Reserve immediately west of SR 43 is in the footprint of the BNSF Alternative. The Revised DEIR/Supplemental DEIS includes an alternative, the Allensworth Bypass Alternative, which completely avoids the Allensworth Ecological Reserve. For a detailed discussion of the Allensworth Ecological Reserve, see Section 3.15, Parks, Recreation, and Open Space in the Revised DEIR/Supplemental DEIS.

Engineering design features have been included to facilitate wildlife-crossing opportunities across the alignments. Dedicated wildlife-crossing structures would be provided from approximately Cross Creek (Kings County) south to Poso Creek (Kern County), which includes both SR 43/SR 155 and Allensworth area linkages, in at-grade portions of the railroad embankment at approximately 0.3-mile intervals. The spacing of these structures was determined, in coordination with Endangered Species Recovery Program biologist, Brian Cypher, Ph.D., using the San Joaquin kit fox as a focal species that encompasses the movement requirements of most wildlife in the southern San Joaquin Valley. In addition to dedicated wildlife-crossing structures, wildlife-crossing

Response to Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011) - Continued

S004-4

opportunities would also be available at elevated portions of the alignment, bridges over riparian corridors, road overcrossings and undercrossings, and drainage facilities (i.e., large-diameter [60–120 inches] culverts and paired 30-inch culverts). There are elevated structures proposed over the five riparian linkages: the Kings River, St. John's River–Cross Creek, Tule Creek, Poso Creek, and Kern River linkages. In addition, dedicated wildlife-crossing structures would be placed between 100 and 500 feet to the north and south of the elevated structures along these riparian linkages.

Design details associated with the wildlife-crossing opportunities are discussed in detail in Sections 2.4.2 and 2.4.3 of the Revised DEIR/Supplemental DEIS and in Section 5.7.4.1 of the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f). The locations of these design features are shown on Figure 5-7c of the Biological Resources and Wetlands Technical Report.

S004-5

Refer to Standard Response FB-Response-BIO-03, FB-Response-BIO-02.

Biological surveys were conducted according to the methods described in the *Central Valley Biological Resources and Wetland Survey Plan*, which was prepared in part for the Fresno to Bakersfield Section and was transmitted to natural resources regulatory agencies (U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board) in October 2009 (Authority and FRA [2009] 2011). Additional information about survey methodology is provided in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f).

Surveys to identify biological resources within the project footprint were conducted onsite where access was available, either through public rights-of-way or in areas where permission to enter was granted by private landowners. In areas where permission to enter was not granted, public rights-of-way were used to visually assess inaccessible areas, where possible. In areas where no access was available, aerial photo interpretation and image-processing techniques were used to identify the extent of habitat for special-status species.

S004-5

The compensatory mitigation ratios cited in the Final EIR/EIS are the minimum ratios for mitigation. Final mitigation ratios for impacts on sensitive habitat types will be determined in consultation with the appropriate resource agencies.

S004-6

Botanical surveys were conducted according to the methods described in the *Central Valley Biological Resources and Wetland Survey Plan*, which was prepared in part for the Fresno to Bakersfield Section and was submitted to the California Department of Fish and Wildlife in October 2009 (Authority and FRA [2009] 2011). In general, the botanical surveys were floristic in nature and conducted in general accordance with the California Native Plant Society (CNPS) Botanical Survey Guidelines (CNPS 2001); the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG 2009); and "Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants" (USFWS 1996). Surveys for special-status plants in the Special-Status Plant Study Area were conducted in the early spring, late spring, and early summer bloom periods, which corresponded to March 15 through April 2, April 19 through April 26, and May 17 through May 28, 2010. Late-summer botanical surveys were conducted July 5 through July 9, 2010, to identify six annual *Atriplex* species and one *Eryngium* species, which were identified during the spring and early-summer survey period but could not be keyed to species because the specimens did not have the necessary characteristics for identification (i.e., flowers or fruits). Also, supplemental surveys were conducted in late 2010 and 2011.

Reference populations were identified for the following federally listed species: Kern mallow (*Eremalche kernensis*), San Joaquin woolly threads (*Monolopia congdonii*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), Hoover's woolly-star (*Eriastrum hooveri*), and California jewel-flower (*Caulanthus californicus*). These populations were not visited due to conflicts with the survey schedule. However, local land managers were contacted before the early season surveys to determine if the reference populations had begun blooming (see the following references in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f): Brian 2010, personal communication; Harding 2010, personal communication; Kearns 2010,

Response to Submission S004 (Jeffrey Single, California Department of Fish and Game, October 19, 2011) - Continued

S004-6

personal communication; O'Dell 2010, personal communication; Warrick 2010, personal communication).

A vehicle survey of the Special-Status Plant Study Area was conducted from public roads and private roads where permission to enter was granted. Areas lacking the potential to support special-status plants species (e.g., urban and active agricultural areas) were eliminated from further review. In areas with potential special-status plant habitat, pedestrian transects were walked by botanists working in teams of two to six and spaced 20 to 100 feet apart, or as necessary, to visually assess the Special-Status Plant Study Area. These meandering surveys were conducted throughout the Special-Status Plant Study Area in areas determined to have potential for special-status plant species and where permission to enter had been granted. Permission to enter was granted for approximately 37% of the study area.

In areas where public access was unavailable or permission to enter was not granted, aerial photo interpretation was used to identify and delineate natural areas that have the potential to support special-status plant species. Potential impacts on these habitats with potential to support special-status species are discussed in the Final EIR/EIS, along with potential impacts on special-status plant species identified during the botanical surveys.

S004-7

Mitigation Measure BIO-MM#24: Conduct Preconstruction Surveys for California Tiger Salamander (formerly Mitigation Measure BIO-MM#22) was revised in the Revised DEIR/Supplemental DEIS to state that "In the unlikely event that California tiger salamander individuals are found within the project footprint, the Authority will contact the USFWS and CDFW to identify appropriate avoidance and minimization measures to be implemented for this species." Therefore, relocation of the California tiger salamander is no longer being proposed as a mitigation measure in the Final EIR/EIS.

S004-8

Following consultation between the Authority and the CDFW's biologist, Mitigation Measure Bio-38 has been updated in the Final EIR/EIS to include a buffer for fully protected raptor species of 0.5 mile, instead of the 300-foot buffer originally included in the Revised DEIR/Supplemental DEIS. Mitigation Measure BIO-30 has been updated in

S004-8

the Final EIR/EIS to say: "Surveys will be conducted in areas within the construction footprint ... and [within] 0.5 mile of the construction footprint for Fully Protected raptor species."

S004-9

Mitigation Measure Bio-38 (Implement Avoidance and Minimization Measures for Nelson's Antelope Squirrel, Tipton Kangaroo Rat, Dulzura Pocket Mouse, and Tulare Grasshopper Mouse) has been revised in the Revised DEIR/Supplemental DEIS to state that "If during the habitat assessment, burrows or signs of special-status small-mammal species are detected, the Contractor's Biologist, under the supervision of the Project Biologist, will establish non-disturbance exclusion zones (wildlife exclusion fencing, such as a silt fence or similar material) in areas where special-status small-mammal species are believed to be present." Therefore, relocation of listed rodents is no longer being proposed as a mitigation measure.

Mitigation Measures BIO-8, BIO-38, and BIO-39 provide avoidance and minimization measures for special-status mammal species, including Nelson's antelope squirrel, Tipton kangaroo rat, Dulzura pocket mouse, and Tulare grasshopper mouse. The Authority will obtain an Incidental Take Permit to authorize take of state-listed species (e.g., Nelson's antelope squirrel or Tipton kangaroo rat). The design specifications and placement of the wildlife exclusion fencing will be determined through consultation with the California Department of Fish and Wildlife and authorization for an Incidental Take Permit.

Submission S005 (Christine Inouye, California Department of Transportation (Caltrans), October 14, 2011)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

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October 13, 2011

California High-Speed Rail Authority
Fresno to Bakersfield Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Draft Environmental Impact Report/Statement: Bakersfield to Fresno:

The California Department of Transportation (Caltrans) congratulates the California High-Speed Rail Authority (CHSRA) on completing the Fresno to Bakersfield Draft Environmental Impact Report/Statement (DEIR/EIS) and providing the document for public comment in August 2011. Caltrans also looks forward to a continued partnership with the CHSRA in assisting in the delivery of this High-Speed Train (HST) project.

Caltrans has reviewed the DEIR/EIS as it pertains to the State Highway System (SHS). Caltrans has previously reviewed and provided comments in the development of the Draft Project Report and the Attachment 11: Environmental Impacts Associated with Encroachments on and Modifications to the SHS submitted in June 2011. While there have been many specific questions and comments related to the DEIR/EIS, Caltrans would like to bring to the CHSRA's attention the following key concerns.

S005-1

The DEIR/EIS will need to sufficiently identify any site specific mitigation measures proposed for impacts which may occur within the SHS. Caltrans as a Responsible Agency under California Environmental Quality Act (CEQA) is required to complete a Notice of Determination for Capital Improvement Projects with impacts to the SHS. Based on the level of detail contained within the DEIR/EIS, additional environmental studies may be required to be completed prior to the final EIR/EIS to ensure the approval of the Project Report, required for work within the SHS.

The CHSRA project team has conducted focus meetings with Caltrans to identify the impacts and potential mitigation strategies at locations where the HST alignment interacts with the SHS. While the communication has helped us better understand the impacts to the SHS and provided us the opportunity for input to the mitigation required, the concepts will need further review by Caltrans. A Project Report will be required to obtain Caltrans approval for modification to the SHS.

S005-2

California High-Speed Rail Authority
October 13, 2011
Page 2

S005-3

As discussed in the letter dated February 11, 2010 to the CHSRA by former director Randell Iwasaki, the HST project should not preclude future expansion of the SHS to its ultimate concept. Additional information will be needed to assess compatibility of proposed mitigation with ultimate concept of the facility at all the HST crossing location. This will include vertical clearances for the various HST crossings, both temporary and permanent.

S005-4

Caltrans is working on a project to address safety concerns at the intersection of SR43 and SR137. Further coordination for the proposed "C2" HST alignment will be necessary to develop a solution that is beneficial to both agencies.

The document should identify additional right of way needs for basins and / or pump plants at locations where the drainage concept or patterns are being proposed to be modified, specifically along SR 43 where the SHS is proposed to be depressed.

S005-5

The attached spreadsheet includes detailed comments that will aid in development of the HST project. Please communicate to Caltrans any significant or additional modifications to the SHS within the Fresno to Bakersfield HST Project.

Caltrans is committed to partnering with the CHSRA to determine the planned mitigation of impacts to the SHS. We look forward to reviewing the associated technical reports and documentation that are expected prior to the approval of the Fresno to Bakersfield HST Project Report.

If you have any questions or need additional information please contact me at (916) 653-0971.

Sincerely,

CHRISTINE INOUE
Caltrans High-Speed Rail Coordinator

Attachment

"Caltrans improves mobility across California"

"Caltrans improves mobility across California"

Submission S005 (Christine Inouye, California Department of Transportation (Caltrans), October 14, 2011) - Continued

High Speed Train (HST) Project - Fresno to Bakersfield Section
Draft Environmental Impact Report/Draft Environmental Impact Statement
Caltrans Comments - October 13, 2011

Map No.	Cont No.	REFERENCE		Page/SH	COMMENT	By
		Cont No.	Section			
20	3	Table 3.2-29			Table 3.2-29—Fresno Station Area-Existing Plus Project. Will the widening of the existing approach on SR5 be adequate (Location 6, 13, and 10)?	RT
21	4	Table 3.2-30	3.2-85 to 3.2-89		Fresno Station—Future (2035) Plus Project—Location 2 and 6: Where it is noted that the improvements may be infeasible (physical constraints) it is suggested that another viable alternative be recommended. It is noted that the proposed improvements for SR5 are not shown for the ramp of Location 17 and 18. Is the right of way adequate? This section for other locations as well (i.e. 71, 73, 79 and roadway segment 22.	RT
22	5	Table 3.2-31	3.2-90		King/Plaine Station Area-Existing Plus Project: Ensure that adequate right of way is available to add new lanes for SR 198 and that the concept is consistent with the Transportation Concept Report for SR 198.	RT
23	6	Table 3.2-32	3.2-91		King/Plaine Station Area- Future (2035) Plus Project: Ensure that adequate right of way is available to add new lanes for SR 198 and that the concept is consistent with the Transportation Concept Report for SR 198.	RT
24	7	Table 3.2-33	3.2-91		Bakersfield Station- Existing Plus Project: Locations 1 and 15, ensure that adequate right of way is available to re-align the approaches to SR 58 and 89?	RT
25	8	Table 3.2-34	3.2-92		Bakersfield Station- Future (2035) Plus Project: Locations 1 and 15, ensure that adequate right of way is available to re-align the approaches to SR 58 and 89?	RT
26	9				The local road mitigation projects should be included to show the transportation/land use system and/or utility corridor impacts. The Fresno, Hanford, and Bakersfield stations are within long established developed areas of the cities with existing street grids. The widening of the existing local streets along the HST right-of-way will require the removal of trees to accommodate the widening of the streets. Hanford and Bakersfield: In the future, will the project generate trips that require access to SR 58, SR 99, SR 198, and SR 201? The project should include a traffic study and a traffic study submitted with the Draft EIR indicate opening day volumes that will increase as travelers become accustomed to the system and for the system to become economically viable. A Traffic Impact Study is needed at five (5) year intervals, after opening day, to assess the project-related impacts to the SR and appropriate mitigation measures.	RT
27	10	Chapter 3.2-6	3.2-82 to 3.2-96		How do these mitigations, plus all the local agency impacts (City or County), should show the project impacts when the HSR is about to be opened for improvements) indicated. These items should be put into a design/land use matrix that should be included in the EIR.	RT
Traffic Operations						
28	1	General			To mitigate impacted traffic operations, it is recommended to provide left turn and right turn lanes/formations for the relocated local road and SR 43 intersection.	WY
29	2	General			Show angles at local road intersection with SR 43 should be connected to meet IDDM 4-sign standard.	WY
30	3	General			The placement of columns and adjustments for all new crossings should be compatible with the ultimate concept in the TCR for SR 43.	WY
31	4	General			In order to accommodate placement of advance warning traffic signs, the distance between the local road intersection and the SR 43 highway local road intersection should be at a minimum of 500 feet.	WY

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High Speed Train (HST) Project - Fresno to Bakersfield Section
Draft Environmental Impact Report/Draft Environmental Impact Statement
Caltrans Comments - October 13, 2011

Map No.	Cont No.	REFERENCE		Page/SH	COMMENT	By
		Cont No.	Section			
32	5	General	CB 1666		Ensure that the placement of bridge columns will allow for widening of the SR 99 from 6 lanes to ultimate concept in the TCR.	WY
33	6	General	CT 1125		Verify and provide illustration that the proposed grade separation will be able to accommodate future 4 lanes in-lane.	WY
34	7	General	CB 1884		Include the full benefits of 1.5% increase and SR 43 intersection or Santa Fe ramp will be corrected. SR exclusive RT lane at this intersection is recommended. Include traffic analysis at this location.	WY
35	8	General	CT1242		Will the proposed embankment be able to accommodate the SR 43 TCR ultimate concept?	WY
36	9	General	CT 1248		Maximum building area at the intersection of Whiskey Avenue (SR 171) and SR 43. Provide adequate sight distance and pavement maintenance the design speed of the street and roadways by determining the largest section.	WY
37	10	General	CT 1248		Refer to IDDM Topic 209 for Always-Highway alignment. Provide adequate sight distance and pavement maintenance the design speed of the street and roadways by determining the largest section.	WY
38	11	General	CT1248		Maximum building area at the intersection. Provide adequate sight distance and pavement maintenance to maximize the design speed of the street and roadways by determining the largest section.	WY
39	12	General	CT 1731		There is a planned project to widen SR 46 in this area to a 4-lane facility. It is recommended that HST project to correct the design and of columns for the future alignment information such that the proposed overhead will be compatible with the future widening project.	WY
40	13	General	CT 1900		There is a project to widen SR 58 to a 6 lane conventional highway. Provide sidewalk along both direction of the bridge.	WY
41	14	General	CB 1921		Provide a traffic study of the new Crescent Station interchange.	WY
42	15	General	Bakersfield HST Station		Section 4.4.1 - The following intersections should be included in the study: SR 99 unorthodox junction to SR 201 (Golden State Avenue) and Union Ave/SR 58 westbound On Ramp.	WY
43	16	General	Bakersfield HST Station		Section 5.1.7 Trip Generation and Trip Distribution: Provide more detail on Cambridge Modeling factors for the trip generation. Why is the number about an AM Peak Hour has the same value for certain on PM Peak Hour?	WY
44	17	General	Bakersfield HST Station		Figure 5.1.3 - The proposed HST station locations are shown from Union Ave (SR 201). Traffic from north of Bakersfield will be Golden State Avenue and SR 99/California Ave. Please detail the trip distribution percentage and traffic impact on the segments and intersections accordingly. Show trip distribution percentage south from SR 99 and east from SR 58 of SR99/SR58 interchange. Consider direct paths on determining trip distribution percentage.	WY
45	18	General	Bakersfield HST Station		Include Queue length analysis for all intersections that are within SMS.	WY
46	19	General	Bakersfield HST Station		Section 5.2.2 - Existing Plus Project Mitigation: SR 58 southeast off ramp to Union Avenue: Re-striping and re-planting existing signal should not be considered as a mitigation measure. The proposed configuration of the terrain should be two exclusive left-turn lanes, and one exclusive right turn lane.	WY
47	20	General	Bakersfield HST Station		Access to the Bakersfield HST station from Union Ave for North Alternative should be restricted to right of right-of-way only. Exclusive right turn lane will be required.	WY

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CT 00864-Rev. 04_10R.008.Comments_R0_U_01.doc

Submission S005 (Christine Inouye, California Department of Transportation (Caltrans), October 14, 2011) - Continued

High Speed Train (HST) Project – Fresno to Bakersfield Section
 Draft Environmental Impact Report/Draft Environmental Impact Statement
 Caltrans Comments – October 13, 2011

Map No.	REFERENCE		Page/Sheet	COMMENT	By
	Cont No.	Section			
48	21	General	CT1295, CT1296, CT1125	Aspects in the Bakersfield HST Funding structure from Union Ave to South Alternative should be restricted to right-of-way only. Inclusive right-of-way area will be required.	WY
49	22	General	HMF	For traffic signal mitigation beyond opening date, it is recommended that appropriate mechanism be developed to occur the funding.	WY
Design					
50	1	Alignment H	CT1295, CT1296, CT1125	The depressed section of SR 43 would require a drainage facility to pump storm water and a storm basin would be required. Additional area may need to be covered in the environmental studies.	HSD
51	2	Layout	CR1201	Provide typical cross section of subcut & piers in relation to existing SR 43 and the Santa Fe off ramp.	HSD
52	3	Profile	CT2296 & CT2299	The design speed preferred is 55 mph minimum.	HSD
53	4	Profile	CT1601 to CT1610	Verify the design speed at Ave 128, Ave 112, Ave 98, and Hines Ave. Also the horizontal curve in the back of a crest curve is not preferred. Consider keeping existing or close to existing alignment of these roads.	HSD
54	5	Layout	CT 1601 to 1641	Verify the design speed at Rd 222, Ave 24, Geeser Hwy, Schuster Rd and Preston Rd. Also the horizontal curve in the back of a crest vertical curve is not preferred. Consider keeping existing or close to existing alignment of these roads.	HSD
55	6	Layout	CT1751 & CT1851	SR 86 interchanging structure at 12 and 14 should be provided for ultimate design of 4 lane expressway per TCR.	HSD
56	7	Layout	CT1752	Will need to review the full intersection design at SR 86 and Road Ave when available.	HSD
57	8	Layout	CT1800, 1911 & 1931	Geometric design of Meador Ave, McCurtain Ave and Fresno Ave are not preferred with a horizontal curve behind a crest vertical curve. Consider revising to keep existing alignment.	HSD
58	9	Layout	CT1801	SR 58 does not seem to meet minimum 6 lane per the TCR.	HSD
59	10	Typicals	CT2001 and various others	It was noted on many typical sections (for example - CT1011) that the slopes are not shown as 1% minimum or 4:1 (the minimum of the two conditions). See IHM section 202.	HSD
60	11	Traffic Handling Plan	All	Traffic handling concepts will need to be discussed and plans will need to be provided for each location.	HSD
61	12	Typicals	CT2001 and various others	It was noted on many typical sections (for example - CT1011) that the clearance from slope to Right of Way should be per IHM. See IHM section 204.	HSD
District Maintenance					
62	1	Disturbed Area		Maintenance of the area for proposed basin and other BMPs should be included as part of the Maintenance Agreement between Caltrans and IHMA.	MAS

Response to Submission S005 (Christine Inouye, California Department of Transportation (Caltrans), October 14, 2011)

S005-1

The continued coordination between the Authority's project team and Caltrans will include preparation of the Project Report(s), Design Exception Fact Sheets, and other technical studies as appropriate, with an ultimate goal of obtaining Caltrans approval for modifications to the State Highway System (SHS). Future expansion of the SHS and Caltrans highway design standards will be considered and incorporated into the final design of SHS modifications for the selected HST alternative as appropriate. Caltrans standard processes for obtaining approval on non-standard design features will be followed if exceptions to design standards are determined to be necessary. Right-of-way for drainage basins will be accommodated in the project footprint as appropriate. Pumping plants will be incorporated into the project as applicable.

S005-2

The California High-Speed Rail Authority has prepared a Project Report reviewing proposed intersections of the HST alignment with State Highway System facilities and rights-of-way within the Fresno to Bakersfield Section of the HST project. This report has been submitted to Caltrans.

S005-3

The Fresno to Bakersfield Section of the HST project is being designed to allow for the future widening (to the ultimate transportation concept) and to provide standard vertical clearances over all State Highway System facilities. The California HST System has considered the Caltrans Route Concept Reports, which identify the long-term plan for the State Highway System.

S005-4

The 15% design plans (Volume III-C) show the Whitney Avenue underpass south of Corcoran (C2 alignment) tying into the future Caltrans roundabout. Detailed grading and drainage plans will be prepared by the design-build contractor based on the guidance in these plans. The Authority will continue to coordinate with Caltrans to develop a design that integrates with Caltrans improvement and safety plans at this location.

Several commenters raised concerns about proposed drainage facilities (e.g., the potential for new drainage basins. The analysis in the EIR/EIS is based on a preliminary

S005-4

level of design—a level sufficient to understand the basic project features, including the alignment plan and profile, roadway-crossing footprints, and basic estimates of construction means and methods. Typical HST alignment cross sections provide for drainage swales or culverts along the alignment (e.g., see Figure 2-6 in the EIR/EIS) that would be sized to accommodate project runoff. The EIR/EIS was further informed by the Fresno to Bakersfield Hydrology, Hydraulics and Drainage Report (Authority 2013a) and Stormwater Quality Management Report (Authority 2013b). These reports address basic approaches to minimizing drainage impacts, including floodplain management and stormwater quality control consistent with the following laws, regulations, and design standards:

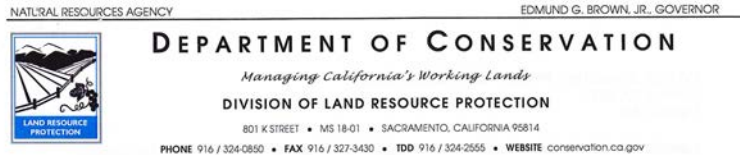
- Executive Order 11988 Z145– Floodplain Management (U.S. Department of Transportation Order 5650.2)
- Caltrans Highway Design Manual (Caltrans 2012b) (see Chapter 820, Cross Drainage)
- Federal Highway Administration Hydraulic Engineering Circular No. 22 (Urban Drainage Design Manual) (FHWA 2001)
- AREMA Manual for Railway Engineering (AREMA 2012)
- American Association of State Highway and Transportation Officials (AASHTO) Highway Drainage Guidelines (AASHTO 2007)

The Authority is in the process of refining its design information, and has prepared plans with guidance for addressing drainage impacts (e.g., Stormwater Management Plan). Drainage features are included in the 15% design project footprint for which environmental impact analysis has been performed.

S005-5

The California High-Speed Rail Authority Board is actively engaged with the California Department of Transportation District 6 regarding the potential impacts of the Fresno to Bakersfield Section of the high-speed train project on the State Highway System. Consideration and resolution of Caltrans comments on the EIR/EIS is ongoing.

Submission S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011)



October 13, 2011

10-19-11PC1:00 RCVD

RECEIVED

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

CA High Speed Train Project Fresno to Bakersfield
October 13, 2011
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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.

S006-1

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 S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011) - Continued

CA High Speed Train Project Fresno to Bakersfield
 October 13, 2011
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Acquisition via Eminent Domain or in Lieu of Eminent Domain

S006-2

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

S006-3

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,

CA High Speed Train Project Fresno to Bakersfield
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S006-3

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.

S006-4

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 S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011) - Continued

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S006-4

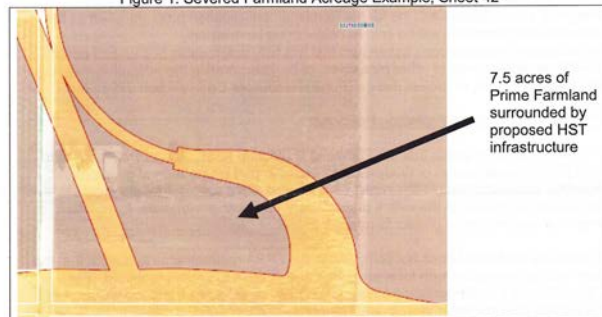
stewardship of agricultural conservation easements (e.g., Central Valley Farmland Trust, Sequoia Riverlands Trust, and resource conservation districts). Establish easements in the same agricultural regions as the impacts occur.

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
25	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))

S006-5

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.

Submission S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011) - Continued

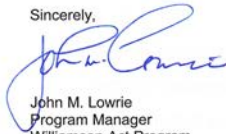
CA High Speed Train Project Fresno to Bakersfield
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It is highly advised that the Mitigation Measure Ag-MM #2 be revised by stating that:

- 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

CA High Speed Train Project Fresno to Bakersfield
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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. Douty 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 S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011) - Continued

LAND CONSERVATION (WILLIAMSON) ACT PUBLIC ACQUISITION NOTIFICATION PROCESS 1

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

LAND CONSERVATION (WILLIAMSON) ACT PUBLIC ACQUISITION NOTIFICATION PROCESS (Continued) 2

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:

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

Updated October 28, 2009

Submission S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011) - Continued

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:

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

August 2008

Response to Submission S006 (John Lowrie, California Department of Conservation, Division of Land Resource Protection, October 18, 2011)

S006-1

Refer to Standard Response FB-Response-GENERAL-04.

See Volume I, Section 3.14, Impact AG#4 for information on the permanent conversion of agricultural land. See Mitigation Measure AG-1 in Volume I, Section 3.14, for measures to preserve the total amount of prime farmland.

S006-2

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

The Authority has sent a notice of acquisition of Williamson Act contracted parcels pursuant to Government Code Section 51222 to the Department of Conservation and to Fresno, Kings, Tulare, and Kern counties. The notification also provides a list of potential parcels that may not meet the minimum size for a Williamson Act contract as a result of a HST impact.

S006-3

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

A letter of notification to acquire Williamson Act land has been sent to the Department of Conservation and each of the affected counties.

S006-4

Refer to Standard Response FB-Response-AG-02 and FB-Response-AG-03.

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

S006-5

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04.

The Authority has revised AG-MM #2 for the Revised DEIR/Supplemental DEIS to a

S006-5

project design feature. With this revision a more robust description on the Farmland Consolidation Program was provided. The Program will "assist landowners in obtaining lot line adjustments where appropriate to incorporate remnant parcels into a larger parcel that is consistent with size requirements under the local government general plan." This will make it so the HST project will comply with the Farmland Protection Policy Act requirements to ensure, to the extent practical, comply with local policies to protect farmland, by using lot-line adjustments to solve minimum parcel size provisions.

In April 2013, the Authority reached an agreement with agricultural interests on mitigation of agricultural land impacts for the Merced to Fresno Section of the HST System (Authority 2013). Under that agreement, the Authority will acquire agricultural conservation easements for its impact on Important Farmland (i.e., land classified as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland) at the following ratios:

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.
- Where HST project facilities would create a remnant parcel less than 20 acres in size, the acreage of that remnant parcel will be mitigated at a ratio of 1:1.
- An area 25 feet wide bordering Important Farmland converted to nonagricultural uses by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

Submission S007 (Daren Gilbert, California Public Utilities Commission, October 20, 2011)

STATE OF CALIFORNIA

RECEIVED
 10-20-11P04:55 RCVD

Edmund G. Brown Jr., Governor

PUBLIC UTILITIES COMMISSION

555 VAN NESS AVENUE
 SAN FRANCISCO, CA 94102-3298



October 13, 2011

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

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (EIS)
 California High-Speed Train Project Fresno to Bakersfield Section
 SCH# 2009091126

Dear Mr. Leavitt:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The staff of the CPUC has been meeting with the Authority and its consultants over the past several years to discuss the CPUC role in the project and the Authority's need to meet the regulatory requirements of the Commission.

The proposed modifications or construction of track across roadways will require authorization of CPUC. The CPUC needs to be identified as a permitting authority in all project documentation. The CPUC staff will continue to work with the Authority to identify the most efficient packaging or bundling of crossing applications and crossing modification requests once the final route is determined, which will expedite the review process.

Unless absolutely necessary due to engineering factors, all tracks at a particular location should be grade separated, rather than leaving some tracks at-grade, adjacent to a HSR grade separation structure.

Modifications to existing at-grade crossings to accommodate the high speed train project should consider the need for pedestrian facilities at those crossings, whether any exist currently or not.

S007-1

• Page 3.11-12:

- Figures 3.11 and 3.12 use 2008 passenger rail fatality figures, and compare them with air and highway fatalities. The 24 passenger rail fatalities in 2008, generated by the accident at

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Chatsworth, California on September 12 of that year, was the highest figure by far over the 10-year period 2001-2010, and its use in the EIR/EISs as a basis of comparison likely far overstates the risks of passenger train travel. According to the FRA Office of Safety Analysis, there were no passenger rail fatalities at all in 4 of these 10 years, and 1 fatality each in 3 of these years, in the U.S. as a whole. (Figures for the remaining two years were 12 and 7.)

- It is unclear why 2008 statistics are used for passenger rail fatality rates and totals, but 2009 figures are used subsequently for, e.g., highway-rail crossing collisions and pedestrian trespassing incidents.

S007-2

Tech Appendix - Safety & Security (3_11a):

Table 3.11A-1 - Accident counts do not match CPUC accident statistics. Are the EIR accident numbers total in County or only at crossings on the proposed HSRA alignments? The FRA may not account for pedestrian accidents.

DEIR Table 3.11A-1:

County	Total	# Fatalities	# Injuries
Fresno	55	2	5
Kings	9	3	35
Tulare	19	0	1
Kern	85	5	22

CPUC Accident Statistics

County	Total	# Fatalities	# Injuries
Fresno	54	12	32
Kings	9	4	40
Tulare	13	1	4
Kern	53	12	41

§ Section 3.11.2 B, State Regulatory Requirements:

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Other relevant California Public Utilities Code sections bearing on Commission rail safety and security responsibilities, not listed in the EIR/EIS, include 309.7, 315, 765.5, 768, 7661, and 7665 et seq.

- Modifications of existing highway-rail crossings require Commission authorization. Modifications include, but are not limited to, widening and conversion to a grade separated crossing.
- Temporary impaired clearance during construction must be specified in the GO 88-B/Formal Applications to the Commission. All operating railroads must also be notified prior to the clearances being impaired during construction.
- The Commission's comment letter to the Notice of Preparation dated October 23, 2009 is still applicable.

S007-3

Please include all the CPUC requirements in the Mitigation Monitoring Section of the FEIR and forward a copy for our final review and comment as it will be required for the GO 88-B/Formal Applications to complete the process.

Thank you for your consideration of these comments. If you have any questions, please contact me at (916) 928-6858 or email at DAR@cpuc.ca.gov.

Sincerely,



Daren Gilbert
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CEQA Guidelines (Section 15125) must include a description of environmental conditions near the project as they exist at the time the Notice of Preparation is published. The Notice of Preparation for the project was published in 2008. Therefore, 2008 data on accidents were provided in Figures 3.11-1 and 3.11-2. A footnote has been added to these two figures indicating that the railroad data are skewed because of the Chatsworth accident. Data were used from 2009 for highway–rail crossing accidents and pedestrian trespassing incidents because of the data's availability.

S007-2

Information provided in Appendix 3.11-A is from the Federal Railroad Administration accident database.

S007-3

California Public Utilities Commission requirements will be included in the Mitigation Monitoring and Enforcement Plan for the project.