

Merced County Farm Bureau

October 13, 2011

California High-Speed Rail Authority
770 L. Street
Suite 800
Sacramento, CA 95817

RE: Merced to Fresno HST Environmental Review

To Whom It May Concern:

Merced County Farm Bureau (MCFB) is the leading agricultural organization representing over 1,500 farmers and ranchers in Merced County. We have been in existence since 1917 with the purpose of improving the ability of individuals engaged in production agriculture to utilize California's resources to produce food and fiber in the most profitable, efficient and responsible manner. Since 2009, MCFB has provided statements, hosted meeting and tours and spoke at Board Authority meetings and public hearings. MCFB has submitted several letters, which have been resubmitted for the official record and are attached. These letters include our support of Alternative 2 (A-2) and State Route 152. The letters also state MCFB's opposition to A-1, A-3, A-4, West Chowchilla Bypass, Avenue 21 and Avenue 24. Our support of both A-2 and SR 152 also follow the language Californians voted for in 2008 on Proposition 1A which stated that the High-Speed Rail (HSR) "shall follow existing transportation or utility corridors."

Our first major concern with the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) was the limited review period that was given for the Merced to Fresno segment. This was a substantial and highly technical document released during a season when farmers and ranchers are often working 14 hour days, seven days a week. It was virtually impossible for someone dedicating their entire job to thoroughly review this document, let alone someone who works another job and is not accustomed to reviewing environmental documents. We request the review period be reopened to allow for further public input.

MCFB adamantly opposed the A-1/BNSF route which runs through highly productive ag land with numerous protected species that were studied in detail when the University of California Merced Campus was proposed. Many of these studies have not been included in this environmental report. Further, as expressed in the Draft EIR/EIS on pg. 2-20, route options A-3 and A-4 were pulled from consideration on the North/South alignment because there were “greater direct and indirect environmental impacts and the potential to cause undesirable growth patterns over those alternatives that closely follow existing transportation corridors.” Since then the Authority has brought forth the West Chowchilla Bypass which further departs from existing transportation corridors. A-1 or the BNSF route also diverges from existing transportation corridor. Following the Authorities statements, MCFB believes both the West Chowchilla Bypass and A-1 should be eliminated and recirculation of the Draft EIR/EIS.

Similarly with the WYE 152 there seems to be some conflicting statements as to why the SR152 is not evaluated in this section. All other WYE routes (Ave. 21, Ave. 24 and West Chowchilla Bypass) are evaluated in this report, even though the summary explains that the WYEs will be fully studied during the San Jose to Merced segment Draft EIR/EIS. MCFB considers this piece-mealing as the WYE routes are key design in our region and we believe the draft needs to be reevaluated for further studies to be in accordance with NEPA and CEQA.

The No Project Alternative in the summary provides assumptions of growth and projected planning that are neither realistic nor accurate for Merced County. It assumes that without this state level project (HSR), no infill, higher density housing or smart growth can occur at the local level. Decisions for growth planning can only occur at the local level. In addition it fails to thoroughly address the high number of vacant housing Merced County has, not to mention the large number of shovel ready lots. For example the City of Merced has current infill capacity that will take up to 10 years to reach. MCFB believes the Draft EIR/EIS has grossly overstated the No Project Alternative option.

The document fails to mention that as California is the leading agriculture state, it provides a healthy, safe and reliable food source to citizens throughout the world. With the world population expected to dramatically expanding in the coming years, priority should be placed on sources of safe and reliable food. The San Joaquin Valley is one of six valued places in the world which have good water, a Mediterranean climate and rich soil to produce a large quantity of the world’s food and nutrients. Agriculture is a precious resource and must be protected for the benefit the general population.

Socioeconomic Section

3.12.3: Economic Effects on Agriculture

When defining “effects on agriculture” this section concludes property tax revenues to be the only form of revenues ag creates for the community. This could not be further from the truth. Farming and ranching employs upwards of 10 percent of the workforce, the variable of course being the time of the year. In 2010, agriculture was a \$2.7 billion

industry and those funds did not go directly into the tax revenues, and instead those are infused into the community in various ways (transporting, processing, local businesses, etc.). This is a misleading title. This infusion of money into the local economy is academically researched and described as an economic multiplier. Experts in Merced County regularly use an economic multiplier of 3, which equates to an estimated \$8.1 billion in revenues in the county and surrounding region.

Why is the HSR estimating the number of employees in specific businesses? The size of the building, the amount of employees per business should have been thoroughly evaluated by staff and consultants.

Pg. 3.12-5: When reviewing the economic impacts to agriculture they forget to mention the jobs that will be lost, especially in agriculture and related industry. Not only seasonal, but year around. Our current unemployment rate in Merced County is 17 percent we need to be cognizant of every job lost in our county.

Section 3.12.3.4: The study area that was reviewed by aerial photography as well as the site visits occurred in November 2009 to April 2010. This does not reflect an accurate review of the population as the rural areas evaluated are heavily populated by migrant workers. The harvest season runs from mid-summer to late fall and is the time when population peaks in many of these rural areas. A proper evaluation of the study area has not occurred.

Section 3.12.4.1: Population projections for Merced County should be reviewed to reflect the largely reduced growth in the county. All counties and cities are reviewing their growth projections due to several lawsuits that have been won against local jurisdictions including *MCFB vs. the City of Livingston*. The report reviews population characteristics which seem to piecemealed together with different data resources to fulfill information required, but it paints an inaccurate picture. The report also reflects on numbers from the 2000 U.S. Census which has also been updated and should be reflected in the Draft EIR/EIS.

When describing the cultural populations along routes, they mention the large Asian population along the BNSF route. However, only in one case does it mention an interpreter being brought in to a meeting, never was any documents summarized and translated in Hmong or other related Asian languages which are popular in our impacted communities. How does the Authority expect to properly reach out to the diverse cultures that exist in our rural communities if they do not provide appropriate avenues for these communities to learn of these projects?

Section 3.12.4.3:

As there are several rural school districts along the BNSF route, farmers and ranchers are continually concerned about the loss of revenue to their respective districts. Increased costs for longer bus routes and other cost to schools are also not properly evaluated. Ultimately due to the impacts of the HSR the burden will fall on these little communities who can barely handle the load they are forced with.

Pg. 3.12-19: While providing in-depth details about the UP/SR99 route option through Chowchilla, the section fails to evaluate the community setting of the West Chowchilla design option, other than stating that it bypasses Chowchilla and travels through agricultural land.

Pg. 3.12.23: The report states there “are few residences and no community facilities or services in the study area outside the unincorporated community of Le Grand.” When reviewing the report the authors fail to evaluate the long studied Planada wastewater treatment plant expansion plans. See Attachment. This is vital to small rural communities and must be addressed in the EIR/EIS. This statement by the authority is completely false.

Section 3.12.4.5: MCFB knows for a fact that there are migrant farm worker houses that will either be destroyed and others that fall within the project foot print. We request further review at the local level.

Section 3.12.5.1: The report assumes that the station will encourage redevelopment, revitalize downtown areas, and result in primarily beneficial social impacts, however it fails to address the jobs that will be lost in agriculture, public agencies, schools and such due to the impacts of the train.

Pg. 3.12-31: Once this business plan is released a more thorough review of the proposed economic benefits of our region need to be addressed. For an accurate job creation projection, we believe jobs that should be counted are only sustainable jobs rather than those temporary jobs that will be eliminated once a project is complete. Another factor that needs to be included is those who lose their jobs in the rural communities (Planada, LeGrand, etc.) will have to commute to a new job, possibly elsewhere, or even relocate. What environmental impacts will those commuters create?

It is also assumed that infill development and redevelopment will result in higher densities and less ag land developed. However if you look at the long publicized report by the American Farmland Trust called, “Paving Paradise” (see attachment) the trend in the Central Valley is ranchettes and other low density homes. Creating sprawl and dramatically impacting the breadbasket of the United States. There are no incentives for local jurisdictions to follow this code, nor does the HSR have authority to direct them in that matter. This report should reflect this, which will dramatically increase the overall impact to regional growth and ultimately productive ag land.

Section 3.12.5.3: When evaluating construction impacts on the community, the report fails to discuss dust concerns, which will remain a major issue for farming along all routes. During the cyclical process of tree crops, dust can be a major hindrance as they are the cause for most dust mites, which have to be sprayed for, sometimes multiple times and can be a huge cost on the farmers operation, ultimately harming the next season’s crop. No mention is made in the report nor are any studies provided.

Also needing to be considered is the impacts construction will have on the production of livestock, including dairy cows and chickens. There is a poultry facility located on Mariposa Way that is not referenced in the ag section.

Pg. 3.12-36: The Draft EIR/EIS shows potential impacts for construction-related tax revenue impacts cannot be fully assessed because of many variables and gives it an unexplained moderate impact under NEPA. But they are able to assess the beneficial economic effects and show their speculative numbers. This is not clear and does not paint an accurate picture. Likewise with the employment growth, as Merced County learned during the housing boom, construction jobs are not sustainable. There is no guarantee that those employed will be local citizens, nor do we believe these are accurate numbers that can be reviewed. We request an extension and a re-evaluation once the new business plan is released in November 2011.

Pg. 3.12-39: The report explicitly states that a new corridor in areas not adjacent to existing railway corridors may result in additional areas where physical deterioration could occur and negatively affect property values. However when evaluating other rural/ag land in the report they fail to mention this key factor. Especially when evaluating the Hybrid option. On Pg. 3.12-42 the Hybrid the impact is considered negligible for the community character and cohesion which is similarly discussed on page 39. We believe this to be contradictory and needs to be rectified.

Table 3.12-11: Under Visual and Aesthetics, landscaping will block sensitive visual environment, but it does not clarify those who have a clear view within the scenic corridor, defined by Merced County, who will completely lose that view due to an overpass or tracks. This also will be a major deterioration factor on the worth of the house/property.

Table 3.12-13 & Pg. 3.12-58: This table does not clarify the types of homes that will be taken. There is currently a wide array of homes (sizes) in the rural regions of the county and we do not believe this is a thorough review that can legally be used by landowners. The subsequent review for displaced homeowners and businesses state there are a number of sufficient options for all the displaced occupants. However property with large acreage is very difficult to come by even in this economic climate. How do we get an accurate view of the types of displaced families and businesses so we can better gauge who will relocate where? Not to mention, relocating from Planada to Atwater is a farfetched idea as the cost of living is much higher in Atwater than it is in Planada. This is a significant impact and should be addressed and mitigated appropriately.

Pg. 3.12-53: In the Impacts on Ag section the acquisitions of lands only reflects the right-of-way that will be taken by the Authority. Nor does it include the new buffers that will have to be put in place, any inevitable application of pesticides regulations that will be in place as well as additional easements and access ways and changes to the irrigation and canals. Not to mention it continues to compare our sections land loss projections to a statewide number to show the irrelevance of the land lost. However, the several remnant parcels that will be created on prime/highly productive land has not been quantified. Nor has the 30-40 year investment impact as permanent crops are a large

producer in the county (Almonds -\$286 million; Apricots - \$2.2 million; Figs - \$1.6 million in 2010).

Also, it describes the environmental effects as negligible because only linear slivers of land located along the edges of farms would be impacted. This is an entire falsehood. Along the BNSF routes options along Mission Ave and Mariposa do not follow existing corridors at all. Instead they ride a ¼ mile north and south from their respective roads, detrimentally damaging growers along the way.

Pg. 3.12-54: The loss of ag jobs from the train routes could be mitigated if the “agriculture production relocated elsewhere in the region.” Agriculture does not have the opportunity to relocate as easily as a rooftop or business does. Instead land with reliable water and irrigation; good soils; large parcels to make the investment viable as well as a willing and able farmer come few and far between.

The report also states that processing facilities could experience short-term multiplier effects, we believe this is a complete understatement. For example, Live Oak Farms, the tomato and bell pepper packing facility in Le Grand would not only experience short term losses, but it could possibly kill the entire business, which has been the lifeline to the community for generations. To relocate a facility like that in the current climate in California would be nearly impossible. Permitting from the county could take years, but they business would also have to work with USDA, California EPA, US EPA, California Air Resource Board, Central Valley Regional Water Quality Control Board, and possibly the Army Corp of Engineers as it is located near the flood zone. It would cost millions of dollars and draw the process out for years. The likelihood of a large, well established company like that surviving is still very unlikely.

Also, the conclusion that farming operations will only experience negligible impacts under NEPA for all of the road closures, couldn't be further from the truth. We do not believe any road studies were completed to bring to light the amount of traffic that will be moved to those new thoroughfares and overpasses. Not to mention the strict regulations required by the ARB for yearly travel per Tier level of trucks. The report breaks down the roadways to a universal accessway every two miles, however if previously you had a ½ one way to travel, at least 6 times/day, 365 days per year your currently mileage would be 1,825. Now if you had to travel to that same spot with the accessway in place at 2 miles one way it would be 7,300 miles. That's a huge difference in gas/diesel bills for the farmer as well as more carbon emissions that need to be addressed in the air quality section. We completely disagree that these accessways should be considered a negligible impact. A more thorough review of this section is required.

Pg. 3.12-63: Under NEPA the report says the impacts to agriculture are negligible because the amount of farmland required for the project is not anticipated to result in major land losses. MCFB strongly refutes this claim because the report lacks a clear understanding of daily agricultural operations and the cost these routes will incur on the many facets of the business. We believe a re-review and recirculation of this section,

ag and several other sections need to be reviewed to fully ascertain the impacts to agriculture, the leading economy in the county and in these impacted communities.

Planning, Land Use and Development

Pg. 3.13-4: The report references the City of Merced Vision 2030 General Plan and it mentions those policies and goals that are beneficial to their project, but the Authority fails provide any incentive for cities to take smart planning a step further. We are asking the Authority to place more demand on impacted community's general planning. Currently the 2030 Vision in Merced only encourages smart planning it which has no bearing if the project will occur or not.

The Merced Vision also makes mention of protecting agriculture outside the City's SUDP/SOI, but in certain parts of the HSR Draft EIR/EIS implies that sprawl will occur where routes are selected. The HSR Authority has no direct control over local planning; however they have an ability to strongly emphasize the San Joaquin Blueprint and smart growth planning. This is currently lacking from the report.

Pg. 3.13-16: The report evaluates the No Project Alternative for planning and assumes that current patterns of low density development (four to eight dwelling units per acre) will continue. However, the City of Merced is nearing the finalization of the Vision 2030 and the same push for infill development is in place. Again, amendments can easily be made, but there are no guarantees that infill development will occur when the HSR is built.

Project Impacts states that the entire footprint of the three counties would be less than .05 percent of ag land. As we in agriculture have stated repeated, the impacts goes much further out and must be reevaluated. Land use patterns will be dramatically altered in contradiction to this report that lacks backup information. We are requesting all our prior and future comments on ag impacts be re-evaluated and the Draft EIR/EIS be re-circulated.

Pg. 3.13-22: This is a point in the report where HSR expresses the positive benefits of more speculative residential growth in the Central Valley which we experienced in the early 2000. Merced County learned the hard way through the mortgage foreclosure crisis and plummeting land values, speculation did not benefit anyone in the region except outside developers. Currently the City of Merced has vacancy rates that can handle 10 years of infill. However this section boasts the one investment of construction jobs equating to \$53.9 billion for our route. The American Farmland Trust report referenced earlier, "Paving Paradise" shows the massive financial pitfalls for residential development and how it has long contributed to the financial downfall of our local governments.

Pg. 3.13-24: We strongly disagree with the following statement: "Road closures and road overcrossings may inconvenience agricultural activities but are not expected to change the adjacent land uses." As the authors of this report do not understand the necessary aspects that contribute to a workable farming operation, there has not been a

thorough evaluation completed. For example, road closures will dramatically increase costs for dairymen trying to move between properties, permitting with the water and air boards may have to be reviewed which can be costly and drawn-out, economically it can even destroy the business. Row and permanent crop farmers will NOT be able to farm next to the right-of-way because a buffer will have to be put in place for access-way, aerial and ground applications for pesticides will increase the buffer, the possibility of invasive species in the train vortex increase the cost and applications that may be required and much more. Much of this has not been properly studied so a conclusion such as this should not be stated. Again, MCFB strongly disagrees with this statement.

Agricultural Lands Section

When the Authority evaluates the General Plan for Merced County on Table 3.14-1, it needs to also consider the updated policies and goals that are proposed to be in the Draft EIR in the coming months which include, Land Use (LU)-2, LU-3 and LU-4 which focus on the preservation of ag land and compatible uses. Goal Agriculture (AG) -2 has also been updated in the draft policies. Policy AG-2.15 explicitly states where high-speed rail routes should be located.

Merced County is also considering Ag land mitigation as a conservation tool at a 1:1 and 2:1 ratio. The Authority needs to factor this in as they evaluate Agriculture and Land Use.

Section 3.14.3: The Authority's methodology does not include the forms that were used with the FPPC number which created the criteria for each alternative. Nor does this section include the scores based on the criteria to assist with the evaluation of NE-PA. A table needs to be included to easily identify the impacts.

Pg. 3.14-8: The report discusses the regional impacts of dairies, but it excludes poultry facilities which are a major part of a top commodity in Merced County and are located along routes. Also, the numbers it references are dating back to 2007, but updated information is available to be used to better reflect the economic status of the agriculture.

Pg. 3.14-19 & 3.14-23: Although MCFB and other farming organizations have repeatedly expressed our concern regarding aerial applications, ground applications and pollination, the Draft EIR/EIS barely addresses these concerns. Furthermore, there is no back-up data provided that validates the Authorities decisions. A clear and concise plan needs to be prepared and presented to farmers so a realistic project footprint can be evaluated for landowners.

Section 3.14.5.1 & Pg 3.14-25: There is no proof that proposed routes will provide solid opportunities for smart planning, infill and focused urbanized growth. Historically Merced County's GPU has encouraged sprawl. The assumption that over 93,000 acres will be developed in Merced, Madera and Fresno is largely inaccurate, especially with the push for the San Joaquin Valley Blueprint and the smart growth planning.

Pg. 3.14-25: Permanent crops are a long term investment (on average last upwards of 25 years) for farmers. Although construction of the HSR will only last 1 to 3 years, the impact from that construction on permanent crop farmers will be drawn out for several years. The BNSF and the Hybrid routes will be more greatly impacted due to the amount of nut and fruit trees along these routes. This needs to be acknowledged and reflected in the report.

Pg. 3.14-25 & 3.14-26: Also, during the discussion of temporary utility interruptions the report erroneously concludes that all impacts will not result in the loss of farmland. However it is very reasonable that the short-term disruption of irrigation systems will render an operation infeasible.

The temporary noise and vibration effects on livestock animals is also evaluated for the construction period, but the Draft EIR/EIS only reports that it “could” disturb livestock, but it lacks a study or report to substantiate this finding. We have two other concerns with this statement. 1) There are more than just dairy cows that will be impacted by the HSR, including a poultry facility and chickens which are highly sensitive livestock. 2) The concern of the Authority’s report should be focused on the health and production of these animals during the course of the construction and use of the train.

In no way should the example that “aerial photo’s interpretation shows that livestock within these holding areas would be able to move at least 100 feet away from the alignment if necessary.” That proves a lack of due diligence on the Authority’s part.

Pg. 3.14-27: The remnant parcel plan as mentioned in above sections is an unrealistic plan that does not consider many variables that make a plot of land farmable in the first place. This should not be considered a true mitigation measure.

Grazing Land impacts on each of the route options shows between 66 and 185 acres impacted, but the report still considers this negligible under NEPA and less than significant under CEQA. There is no explanation for this standard set or further detail how they plan to handle accessways for grazing cattle and the protected species that generally congregate in the same environments.

Also, there needs to be a breakdown of all the impacted crops and facilities to allow the readers to grasp the full impact of these routes.

Pg. 3.14-31: The Draft EIR/EIS discusses the parcels that are an insufficient size, but the Authority does not define how that would be defined and categorized. Farmers and Ranchers have concerns about the evaluation of ag by the Authority, so why would they trust the Authority to make a fair assessment. There is no technical report available on agriculture land impacts, so there is no way to verify these assumptions and it should be included in the report.

Pg. 3.14-32: In the review of the severed parcels, several roads will be closed or re-routed, creating overpasses or underpasses, and each option states that large farm

equipment may not be able to use these public roadways. How is this viewed as a negligible impact under NEPA and less than significant impact under CEQA? The farm equipment is vital piece of these operations and the Authority's review needs to show proof to verify this assumptions.

Pg. 3.14-33 & Table 3.14-12: The tables show that there will be up to 538 acres of protected farmland under the Williamson Act that will be impacted by the HSR route options. How is this considered to be no impact under NEPA and CEQA with such a substantial number of acres impacted? __

Pg. 3.14-35: The explanation of impacts to confined animal facilities has been haphazardly put together and does not reflect the true concerns of this very technical industry. In addition the report finds that the impacts to dairies would be negligible under NEPA and less than significant under CEQA because they are not located on "Important Farmland." However when it reflected in the Socioeconomic section they do not fully disclose the economic impacts dairies facilities will face from these reductions in their operations. The dairy industry is the leading commodity in Merced County, bringing in \$862 million in direct revenues in 2010. They require attention 365 days a year, 24-hours a day and the cost in-puts include all of the permitting for building facilities, waste discharge, California Air Resource Board requirements and the list just continues to go on. When a dairy is severed by the HSR, this will affect the many facets the Authority has no control over, and the cost often will be egregious. None of this is taken into account when the report reviews dairies. As our leading industry this would be detrimental and should be re-evaluated.

There is a brief mention of the vibration and noise and the impacts to dairy cows, but there are no studies to back-up this information, nor do they evaluate the possibility of impacts from the Electro-Magnetic Field and stray-voltage which could be detrimental on the production of the animal and ultimately their health.

There is no mention of the embankments and how they will impact animal facilities with drainage which is already closely regulated by the Central Valley Regional Water Quality Control Board.

Also, the report only reflects on dairies for confined animal facilities, nothing was ever mentioned of the poultry facility that is along the tracks and production impacts that will occur on the chickens from the noise and vibrations.

The report fails to address the loss of agricultural jobs and incomes created by the route options. As agriculture creates the largest number of jobs for the general population in Merced County, this is a vital concern that should be included. This is not mentioned in the Socioeconomic Section either.

Pg. 3.14-37: In the wind-induced effects section the report finds that there would be no impacts under NEPA or CEQA, however the report fails to explain how often the trains will come through. The Draft EIR/EIS does not take into account that although Depart-

ment of Pesticide Regulation does not have rules against spraying, County Ag Commissioners will use common sense and not allow landowners to spray within a quarter-mile of the route to protect themselves from frivolous lawsuits that will eventually occur if otherwise not closely evaluated. Have any impacted county Ag Commissioners been involved in this process as to their knowledge and implementation of application guidelines? How will these affect Merced County's Right-to-Farm? What will the true loss of impacted land be?

The section does not address the impacts to water, the lifeline to agriculture. It does not take into account the added costs to water districts for rerouting of conveyance, additional driving and fuel costs, and the ultimately the increase of water cost to landowners. The section also needs to address the impacts from vibration and electrolysis on pipelines, irrigation wells, and rural housing infrastructure.

The Authority should clarify that it will restore farmlands used for construction staging area. Replace and compensation for the loss of permanent crops should be documented.

Appendices Section

Appendix 3.18-A

The City of Merced General Plan Update (Vision 2030) needs to be adjusted to the new map options proposal. The expansion size had dwindled dramatically.

Appendix 3.19-A

The tables fail to evaluate the Planada Wastewater Treatment Plant Improvement Project which is currently in the Draft EIR process (September 19, 2011 to November 2, 2011) and conflicts/overlaps with the BNSF route. Letter is attached.

MCFB appreciates the opportunity to comment on the Draft EIR/EIS and we look forward to further dialogue and studies on the impacts to farmers and ranchers in Merced County.

Sincerely,

A handwritten signature in black ink that reads "Jeff Marchini". The signature is written in a cursive, slightly slanted style.

Jeff Marchini
President