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U.S. House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials

"Oversight of the California High Speed Rail"

May 28, 2013

The Madera County Farm Bureau appreciates the opportunity to provide testimony on behalf of its 1,200 members in Madera County. The Farm Bureau is a 501 c (3), non-profit entity, that works to provide agricultural advocacy for Madera County farmers, growers, ranchers, and property owners. Madera County ranks 10th in the State for gross agricultural production value and 4th in the world for the production of specialty crop commodities. Agriculture and ag-related businesses account for over 76% of Madera County's employed, and also represents nearly 67% of Madera County's GDP. The Farm Bureau represents approximately 95% of all agricultural interests in Madera County.

The California High Speed Train Project (Project) has a lengthy history in Madera County, dating back to 2009, when the first round of design options was presented to the public. These design options included a variety of alignments that deviated significantly from major transportation routes crossing agricultural lands and prime farm lands, ultimately causing what now appears to be an insurmountable level of mistrust, suspicion, and anger towards the project by the agrarian community. The final alignment selection through Madera County in May of 2012 yielded an unprecedented level of agricultural property acquisition, and irreparable damages to agricultural operations in Madera County. The final alignment from Merced to Fresno, which leaves State Route 99 by as much as five miles to the east in Madera County, bifurcates, dissects, and severs approximately 500 different ag operations. 413 of those affected are in Madera County. The result –although yet to be defined –is certain to be a loss of businesses, revenue, jobs, and ultimately –agriculturally developed land.

The Project's final alignment in Madera County, referred to as the Hybrid Alignment, is a path between the Union Pacific Rail Road (UPRR) and the Burlington Northern Santa Fe (BNSF) Rail Road. The California High Speed Rail Authority (Authority) made the decision in late 2011 to remove from analysis the area surrounding Chowchilla (from approximately the Chowchilla River to Avenue 17), therefore NEPA and CEQA analyses were only performed from Avenue 17 south to the San Joaquin River. The Authority estimated at the time of the EIR/EIS, that approximately 1,256 agricultural acres would be removed from production in Madera County (another 250 acres in Merced County) as a result of the project. These figures did not account for land that would be lost due to severed ag parcels or lost agri-business resulting from economic unviability as a result of the alignment bisecting properties. These figures were also based on a 15% project design standard –as stated in the Draft EIR/EIS[1], and did not account for project adjustments required for a higher level design completion package. The Farm Bureau has long

[1] CHSRA's Draft Environmental Impact Report/Statement 2011 pp.157

contended that the estimate of affected land by the Authority is inaccurate and the reflective mitigation provided is not adequate.

The Madera County Farm Bureau, the Merced County Farm Bureau, Preserve Our Heritage, the Chowchilla Water District, and the Fagundes Brothers Dairy entities filed a lawsuit against the Authority, claiming statutory violations under CEQA and the Bagley-Keene Open Meetings Act[2]. A day before the litigation was scheduled to be heard in Sacramento Superior Court, the Petitioner parties agreed to a settlement with the Authority[3].

The Settlement agreement is comprehensive and includes major facets associated with the right-of-way and land acquisition processes. It also includes additional direct mitigation acreage related to indirect effects of the project, in the form of an agricultural buffer running the length of the tracks, 25 feet wide on either side throughout the Valley. The settlement also provided for a comprehensive agricultural land preservation program, or Ag Land Mitigation Fund, which is designed to set aside acreage to offset impacts to agricultural properties from the Project.

Moving forward into the future, the question of how smoothly the land acquisition process will proceed remains unanswered. The Authority must begin by honoring its commitments in the Settlement Agreement and ensuring that land owners are given the best possible options of first maintaining their agricultural operations viability and then –and only then –receiving just compensation for the impacts the Project will cause. Approximately 80% of the affected landowners along the Initial Construction Segment (Construction Package 1, Phase 1a) are Farm Bureau members[4]. To date, none of these landowners have expressed a willing desire to sell. The situation is most likely going to be one in which a majority of these property owners are going to be unwilling sellers. Given the average price of farm ground in Madera County is $25,800 per acre[5], the Farm Bureau is concerned that the allocation of costs associated with Authority's 2012 Business Plan[6] are substantially lower than what will be required. The Farm Bureau would like to ensure that there is an adequate funding source to purchase these properties well *BEFORE* any appraisal is finalized and any offers are made. Our members are already suffering from an inability to obtain agricultural operating loans[7] simply by being in the path of the Project's alignment[8].

Unfortunately, no amount of money or offsite mitigation can replace a farmstead that has been in a family for generations. The Farm Bureau is alarmed that this project may cause more irreparable harm before it can be completed.

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[2] Petitioners Opening Brief 2013 and Reply Brief 2013
[3] Petitioners Settlement Agreement 2013
[4] Fresno to Bakersfield DEIR/EIS Comment Letter by Merced and Madera Farm Bureaus, 2013
[5] *Trends in Agricultural Land and Lease Values*, California & Nevada, American Society of Farm Managers and Rural Appraisers, 2013, pp. 46
[6] CHSRA 2012 Business Plan pp.3-5
[7] Hanna Declaration Letter, October 2012
[8] Petitioner's Preliminary Injunction Brief 2012