

APPENDIX 3.14-A: AGRICULTURAL FARMLAND LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

This appendix addresses California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements to describe a proposed project's inconsistencies or conflicts with applicable local and regional plans and laws. CEQA Guidelines require that an environmental impact report (EIR) discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (Guidelines, § 15125(d)). NEPA regulations¹ require a discussion of conflicts between a proposed undertaking and the objectives of federal, regional, state, local and tribal² land use plans, policies, and laws, as well as a description of the extent to which the Authority and the Federal Railroad Administration (FRA) would reconcile the inconsistencies (Council on Environmental Quality Regulations, §§ 1502.16(c), 1506.2(d)).

Although the Volume 1, *Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Supplemental Environmental Impact Statement* describes the Central Valley Wye alternatives' inconsistency with local and regional plans and laws in order to provide a context for the project, inconsistency with such plans and laws is not considered an environmental impact.

Table 1 of this appendix provides the following:

- A determination for each applicable local and regional plan or law that identifies whether the Central Valley Wye alternatives are consistent or inconsistent with the goals, objectives, policies, or ordinances that each applicable local and regional plan or law contains.
- In the event that an inconsistency has been identified the following information has been provided:
 - An explanation of why the Central Valley Wye alternatives are inconsistent;
 - A discussion of approaches the Authority has committed to take to reconcile any inconsistency. Such approaches consist of impact avoidance and minimization features (described in Volume 2, Technical Appendices, Appendix 2-B, California High-Speed Rail Authority Environmental Commitments: Impact Avoidance and Minimization Features); and activities described in Volume 2, Appendix 2-C, Applicable Design Standards.
 - The rationale for carrying forth the Central Valley Wye alternatives if it remains inconsistent with the local and regional plan or law despite these approaches.
- Where it has been determined that the Central Valley Wye alternatives are consistent with a local and regional goal, objective, policy, or law, neither reconciliation nor the rationale behind it are required and Table 1 shows this as "N/A".

¹ NEPA regulations refer to the regulations issued by the Council for Environmental Quality located at 40 CFR Part 1500.

² No designated tribal lands exist in the vicinity of the Central Valley Wye alternatives and no analysis of tribal land use policies is provided.

Table 1 Applicable Local and Regional Plan and Law Consistency or Inconsistency, Reconciliation, and Rationale

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
2030 Merced County General Plan (2013)			
<p>Policy AG-2.1: Protect agriculturally designated areas and direct urban growth away from productive agricultural lands into cities, Urban Communities, and New Towns.</p>	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives, as one segment of the overall statewide HSR system, would encourage more concentrated development patterns, limit sprawl, and thus direct growth away from productive agricultural lands into urban areas.</p> <p>However, the Central Valley Wye alternatives would result in permanent conversion of Important Farmland.</p>	<p>Through AG-MM#1, Conserve Important Farmland (Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland), the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur. The replacement ratio would be 1:1 for lands that are permanently, directly converted to nonagricultural use by the Central Valley Wye alternatives. In addition, the Authority would fund the purchase of an additional increment of acreage for agricultural conservation easements at a ratio of not less than 0.5:1 for Important Farmland within a 25-foot wide area adjacent to HSR permanently fenced infrastructure.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
<p>Policy AG-2.2: Protect productive agricultural areas from conversion to nonagricultural and urban uses by establishing and implementing an agricultural mitigation program that matches acres converted with farmland acres of similar quality to those converted preserved at a 1:1 ratio.</p>	<p>Consistent.</p> <p>Paragraph 2 is not applicable because it addresses actions relating to changes in city or district boundaries or incorporation of new cities.</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Coordinate with the six cities in Merced County and the Merced Local Agency Formation Commission, consistent with its statutory mission to preserve agricultural land and open space, to establish consistent standards and mitigation for the loss of farmland.</p> <p>In addition, the LESA model may be used to determine whether the conservation land is of equal or greater value than the land being converted.</p>			
<p>Policy AG-2.4: Encourage property owner participation in programs that preserve farmland, including the Williamson Act, conservation easements, and USDA-funded conservation practices.</p>	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would permanently remove land that is currently in protected agricultural status, with the result that some parcels may become too small to remain protected. The Central Valley Wye alternatives would meet all statutory requirements associated with the cancellation of Williamson Act contracts.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program's purchase of agricultural easements from willing sellers. This program would preserve Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to implementing AG-IAMF#3, Farmland Consolidation Program, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Policy AG-2.8: Support the efforts of public, private, and non-profit organizations to preserve agricultural areas in the County through dedicated conservation easements, and range land held as environmental mitigation.</p>	<p>Inconsistent. The Central Valley Wye alternatives would permanently remove land that is currently in protected agricultural status, with the result that some parcels may become too small to remain protected. The Central Valley Wye alternatives would meet all statutory requirements associated with the cancellation of Williamson Act contracts.</p>	<p>property that otherwise may be uneconomical to farm.</p> <p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
<p>Policy AG-2.16: Coordinate with the California High-Speed Rail Authority to locate the high-speed rail lines along existing major transportation corridors, such as State Routes 99 or 152, to minimize the conversion of productive agricultural land to nonagricultural uses.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Merced County Association of Governments 2014–2040 Regional Transportation Plan and Sustainable Communities Strategy			
<p>Objective 9.4: Preserve productive farmland.</p>	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority committed to incorporating AG-IAMF#1, Restoration of Important Farmland Used for Temporary Staging Areas, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy 9.4.1 Consider impacts on Prime Farmland.	Consistent	N/A	N/A
Merced County Municipal Code			
Title 17 (Section 17.08.090): Right-to-Farm ordinance.	Consistent	N/A	N/A
Title 18: Chapter 18.02 A-1, A-1-40, and A-2 designates agricultural zones to preserve, develop, and grow agriculture in the county.	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agricultural land from land zoned A-1, A-1-40, and A-2.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program's purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		<p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	
Madera County General Plan (1995)			
<p>Agriculture, Policy 5.A.1: Maintain agriculturally designated areas for agricultural uses.</p>	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program's purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.	
Agriculture, Policy 5.A.3: Ensure new development and public works projects do not encourage further expansion of urban uses into designated agricultural areas.	Consistent	N/A	N/A
Agriculture, Policy 5.A.6: Encourage continued and, where possible, increased agricultural activity on lands designated for agricultural use.	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agricultural land from production.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>Further, Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p>	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Agriculture, Policy 5.A.13: Require development within or adjacent to designated agricultural areas to incorporate design, construction, and maintenance techniques to protect agriculture and minimize conflicts with adjacent agricultural uses.</p>	<p>Inconsistent. The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p>	<p>The Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p>	<p>N/A</p>
Madera County Transportation Commission – 2014 Regional Transportation Plan and Sustainable Communities Strategy			
<p>Objective 32: Protect and conserve existing agricultural land, provide broad community access to healthful foods, and promote the environmental and economic benefits of rural agricultural lands.</p>	<p>Inconsistent. The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period. The Central Valley Wye alternatives would permanently remove agricultural land from production.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur. Further, Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Madera County Municipal Code			
Title 6, County Right-to-Farm notice ensuring that residents of the county have the right to perform agricultural activities on their property within the County of Madera. (6.28.060).	Consistent	N/A	N/A
Title 18, Designates agricultural zones to preserve, develop, and grow agriculture in the county. It also includes dairy operations' standards and regulatory standards that identify procedures and management practices for implementation that provide pollution protection for surface and groundwater resources.	Inconsistent. The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program's purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p> <p>Design Standards: The HSR incorporates design standards to minimize runoff from the right-of-way and contain storm drainage within the right-of-</p>	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		way during operations and to meet all standards for retention of stormwater on-site during construction.	
City of Chowchilla 2040 General Plan (2011)			
<p>Policy OS 1.3: Coordinate with Madera County to maintain viable agricultural land on the periphery of the City of Chowchilla Sphere of Influence boundary for the purpose of resource and view protection and establish standards that protect views of these lands.</p>	<p>Inconsistent.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove lands from agricultural use.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program’s purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Policy OS 1.4: Support preservation of existing agricultural lands at the periphery of the City of Chowchilla Sphere of Influence.</p>	<p>Inconsistent. The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>Through AG-MM#1, the Authority would fund the DOC California Farmland Conservancy Program's purchase of agricultural easements from willing sellers. This program would preserve in perpetuity Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur.</p> <p>The Authority has committed to implementing, AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
City of Merced General Plan (2015)			
<p>OS-2.1: Protect agricultural areas outside the City's SUDP/SOI from urban impacts.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
City of Waterford General Plan (2006)			
<p>Policy OS-B-1: Protect agricultural areas outside the City's urban growth area from urban impacts.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Fresno County General Plan (2003)			
Policy LU-A.12: In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.	Consistent	N/A	N/A
Stanislaus County General Plan (2016)			
Policy 2.5: To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas	Consistent	N/A	N/A

Sources: City of Chowchilla, 2011; City of Merced, 2015; City of Waterford, 2006; Fresno County, 2003; Madera County, 1995; Merced County, 2013; Stanislaus County, 2016

HSR = high-speed rail

IAMF = impact avoidance and minimization feature

Authority = California High-Speed Rail Authority

USDA = U.S. Department of Agriculture

DOC = California Department of Conservation

LESA = Land Evaluation and Site Assessment

N/A = not applicable. Reconciliation nor the rationale behind it are provided as it has been determined that the Central Valley Wye alternatives are consistent with requirements and reconciliation will therefore not be required.

References

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- City of Madera. 2009. *City of Madera General Plan*. www.cityofmadera.org/c/document_library/get_file?uuid=73693e87-e0a2-4ee0-ac77-cd786c64c79e&groupId=10128 (accessed: December 31, 2014).
- City of Merced. 2015. *Merced Vision 2030 General Plan*. Adopted January 3, 2012; reflects amendments through August 21, 2015. https://www.cityofmerced.org/depts/cd/planning/merced_vision_2030_general_plan.asp (accessed August 2016).
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- Madera County Transportation Commission (MCTC). 2014. *Final 2014 Regional Transportation Plan and Sustainable Communities Strategy (RTP & SCS)*. www.maderactc.org/wp-content/uploads/2014/07/MCTC-2014-Final-RTP-SCS.pdf (accessed July 27, 2016).
- Merced County. 2013. *2030 Merced County General Plan*. Public Review Draft. www.co.merced.ca.us/pdfs/planning/generalplan/focusgroup4/policies/focus4combined.pdf (accessed: December 31, 2014).
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- Stanislaus County. 2016. *Stanislaus County General Plan*. Adopted August 23, 2016. <http://www.stancounty.com/planning/pl/general-plan.shtm> (accessed August 2016/March 2018).