

DEVELOPMENT SERVICES

CEO 0 0 2016

CITY OF MORGAN HILL

November 23, 2016

**BOARD MEMBERS** 

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Thomas Richards

VICE CHAIR

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**Lorraine Paskett** 

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CHIEF EXECUTIVE OFFICER

EDMUND G. BROWN JR.
GOVERNOR



Assessor Parcel Number(s): 726-04-001, 726-13-045, 726-13-047, 726-13-052, 726-14-030, 726-14-031, 726-15-006, 726-15-070, 726-15-071, 726-15-072, 726-25-028, 764-10-005, 764-47-078, 817-07-023, 817-08-040, 817-09-048, 817-09-050, 817-13-001, 817-13-036, 817-13-038, 817-13-039

City of Morgan Hill 17575 Peak Ave Morgan Hill CA 95037

**Subject: Request for Permit to Enter** 

Dear City of Morgan Hill:

The California High-Speed Rail Authority (Authority) is responsible for planning, designing, building and operation of the first high-speed rail system in the nation. As part of this effort, the Authority will be performing environmental studies in your area as required by state and federal law. The exact route has not yet been determined and these studies are an important component in evaluating the extent of the environmental impacts possible in the area and will be used to inform route alignments.

You may have received a letter from the Authority in 2010 requesting permission to access your property(s). As we move forward with surveys and environmental testing/studying, we would like to obtain or renew permission to enter your property, described in the attached Permit to Enter (and shown on attached map) to gather data required for the project. The Authority's representatives and contractors, as well as representatives from other agencies, may need to enter your property depending on the scope of the surveys to be performed. We anticipate the surveys and testing may begin in November 2016 and could occur through November 2018.

The Authority's representatives will be responsible for conducting pedestrian biological and cultural resource surveys, visual inspections, geotechnical investigations and soil and ground water samplings. These surveys <u>may</u> include: photographs of biological resources or buildings, the collecting of cultural/biological plant material such as leaves and flowers, some hand digging of small soil pits and soil testing. All soil disturbances will be backfilled to original condition. Some or all of the information obtained during surveys may be made available for public review following completion of the surveys.

After permission is obtained, and prior to entry upon your property, a forty-eight (48) hour notice will be given to each owner/operator of the property. Every reasonable effort to contact you or someone residing on your property will be made before entry onto your parcel is attempted.

If you have any special conditions or instructions of which the survey teams should be aware, or if you would like to be present while the team(s) is (are) performing these studies, please include your name, telephone number and best time to contact you, along with any special instructions, on the attached Permit to Enter. Any special conditions and/or instructions will be followed, and fenced properties will remain secure during and after the surveys.

Please sign the Permit to Enter and return the signed copy in the enclosed self-addressed stamped envelope. The second copy is for your files. Your response within 5 business days from receipt of this letter would be appreciated. The Authority may also contact you directly to schedule an on-site visit.

If you have any questions or concerns or need this material translated in a language other than English, please do not hesitate to contact Cathy Paskin at (800) 455-8166, or san.jose\_merced@hsr.ca.gov.

यदि आपको पत्र हिन्दी में समझने या अनुवाद करने के लिए मदद की आवश्यकता हो तो कृपया मदद के लिए उपरोक्त नंबर पर फोन करें।

Yog koj xav tau kev pab txhais lus los sis muab tsab ntawv no txhais ua lus Hmoob, thov hu tus naj npawb saum toj no kom tau kev pab.

Si necesita ayuda traduciendo o interpretando esta carta, hay personal disponible que habla español para ayudarle. Por favor llame al número arriba.

如果您需要人幫忙翻譯或解釋這封信的內容,我們有會說中文的工作人員可以提供協助。請撥以上電話號碼。

Kung kailangan ninyo ng tulong sa pagsasalin o pagpapaliwanag ng nilalaman ng sulat na ito, mayroong kawani na nagsasalita ng Tagalog na maaring tumulong sa inyo. Mangyaring tumawag lamang sa numero sa itaas.

Nếu quý vị cần người phiên dịch hoặc thông dịch bức thư này, có nhân viên nói tiếng Việt sẵn sàng giúp quý vị. Vui lòng gọi đến số điện thoại ghi bên trên.

Sincerely,

Ben Tripousis

Buffaction

Northern California Regional Director

**Enclosures** 



July 25, 2016	San Jose to Merced Section	SANTA CLARA COUNT	726-04-001, 726-1 726-15-070, 726-1 Y 817-08-040, 817-0	13-045, 726-13-047, 726-13-052, 726-14-030, 726-14-031, 726 15-071, 726-15-072, 726-25-028, 764-10-005, 764-47-078, 817 09-048, 817-09-050, 817-13-001, 817-13-036, 817-13-038, 817
Date	Project Section	County	Parcel #	APN(s)
		Code		

It is my (our) understanding that the following facts pertain to the property I (we) own located at: <u>17490 MONTE-REY RD MORGAN HILL CA 95037-3652</u>, and shown outlined on the attached map(s):

- 1. The property or a portion thereof <u>is currently shown</u> within proximity of one of the alternative alignments of the public project identified as the California High-Speed Rail System (System).
- 2. The California High-Speed Rail Authority (Authority) is requesting permission to enter upon the property described above and on the attached map to gather data required to complete the alternative analysis, conceptual design, and design work, as applicable. Any or all of the following environmental elements are being researched for the project: (i) jurisdictional waters delineation, (ii) biological resources, (iii) cultural resources, (iv) geotechnical conditions and/or (v) other environmental conditions relating to the property.
- 3. The purpose(s) for this request for permission to enter onto the property may include:
- Extraction of soil and/or groundwater samples using current technology in order to determine whether the site has been contaminated by hazardous substances.
- Visual inspections, surveys and/or record observations for environmental due diligence, and/or collection of cultural/biological/plant material (leaves, flower, etc: not whole plants) for the purpose of identifying environmental resources. Surveys performed may involve pedestrian "walk over" field inspections and marking of expected geotechnical drilling locations.
- Hand excavation of test pits measuring approximately 1-foot in diameter and 2-6-feet deep to look for artifacts, archaeological features and/or evidence of prolonged hydrological saturation. All such disturbances will be backfilled to original condition.
- Geotechnical investigations which may include hand augers, Cone Penetration Testing (CPT), and/or the use of truck-mounted drilling equipment. All such disturbances will be backfilled to original condition.
- Geoarchaeological investigations involving the mechanical trenching of soils. All such disturbances will be backfilled to original condition.
- Other:
- 4. AUTHORITY or the AUTHORITY's representative(s) will be completing these studies using a 2 to 4 person team. An engineer and/or representative from other federal, State or local agencies may accompany and/or assist the team during the site visits.
- 5. Findings from the surveys conducted may be required to be made available for public review subsequent to their completion.
- 6. Investigations will be conducted commencing <u>July 2016</u> and ending on <u>July 2018</u>. (Actual work is expected to take no more than <u>10</u> days per parcel. Said days may or may not be consecutive.)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information, please call the EEO Officer at (800) 455-8166, email at <a href="mailto:admin.office@hsr.ca.gov">admin.office@hsr.ca.gov</a>, or write to: California High-Speed Rail Authority, at 770 L Street, Suite 800, Sacramento, CA 95814. Title VI The Authority provides language assistance through interpreters and/or translation of vital documents, free of charge, to Limited English Proficient persons. To request language assistance, please call (800) 455-8166.

Authority Final Doc. 2/27/2014

APN(s) 726-04-001, 726-13-045, 726-13-047, 726-13-052, 726-14-030, 726-14-031, 726-15-006, 726-15-070, 726-15-071, 726-15-072, 726-25-028, 764-10-005, 764-47-078, 817-07-023, 817-08-040, 817-09-048, 817-09-050, 817-13-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-10-001, 817-036, 817-13-038, 817-13-039

86, 81	7-13-038, 817-13-039				
also ui	nderstand that in return for granti	ing permission to enter my property, the AUTH	HORITY v	vill:	
1.	n	erform such above-described tests and to deterrious substances to be tested consist of:	nine whet	her or not furthe	r site <u>N/A</u>
2	Ol	nd/or approvals to complete said work.			
2.	Require the contractor to mak required activities. The testing made. Forty-eight (48) hour n	will be performed during normal business ho otice will be given to the owner/operator of the	ne propert	y prior to entry	upon the
4.	pay the cost of repairing and Authority or the Authority's indemnify and save harmless to on account of injury to or de performance of such work indemnification does not exte	ter, the Authority agrees, insofar as it may leg restoring any physical damages to the Prop representative(s); further, insofar as it may the undersigned against all claims, demands, su ath of persons or loss of or physical damage by the Authority or the Authority's represent to any property damage the undersigned in the Property, including liability or damage of the other environmental resources, or of contains the property of the property o	legally duits, judgr to the Presentatives may have	o so, the Authorients, expenses roperty arising of s(s). This agree suffered by reas are a consequent	ority will and costs out of the ement of son of the nee of the
the Properties of the Properti	operty, disclosure of that information wildlife Service, the Californ quired by law. In addition, it is try through the tests described in the extent of the contaminated Board or the Department of Het to Enter.	discovers the presence of biological, cultural of ation to public agencies charged with protecting a Department of Fish and Wildlife, the State Counterstood that if the Authority discovers the herein or from other sources, further testing tion. That testing or remediation may be required alth Services and if performed by the Authority of Enter is hereby granted with the understanding such property or any remedy authorized by land	Office of I e presence or remedired by U.S. ty's contra	Historic Preserva e of contaminati lation may be re S. EPA, the Wat actor, will requir	ntion) may ion on the equired to her Quality he a further
Since		Special Instructions: Please communicate a regarding entry onto your property, if appli	ny pertine		
(Sign he	rre)				
Property	y Owner Name (Print)				
Phone N	Number	Accepted: Director of Real Property (or Designee) California High-Speed Rail Authority			-
Date		Communication of the communica			
	act Information for Access: e:	Access Denied: Please Check This Box Owner Signature:			
		Owner Digitature.			

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July 25, 2016	-0.5	San Jose to Merced Section			3-045, 726-13-047, 726-13-052, 726-14-030, 726-14-031, 726-15- 5-071, 726-15-072, 726-25-028, 764-10-005, 764-47-078, 817-07- 9-048, 817-09-050, 817-13-001, 817-13-036, 817-13-038, 817-13-
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I also understand that in return for granting permission to enter my property, the AUTHORITY will:

	Retain qualified personnel to perform such above-described tests and to dete	rmine wher	ther or not further	rsite
1.	Retain qualified personner to perform such above deserved consist of:	N/A	located at -	N/A
	testing must be done. The hazardous substances to be tested consist of:	11/21		-
2	Obtain any necessary permits and/or approvals to complete said work.			

2. Obtain any necessary permits and/or approvals to complete said work.

Require the contractor to make reasonable efforts to work with the property owner/ operator to schedule all required activities. The testing will be performed during normal business hours, unless other arrangements are made. Forty-eight (48) hour notice will be given to the owner/operator of the property prior to entry upon the

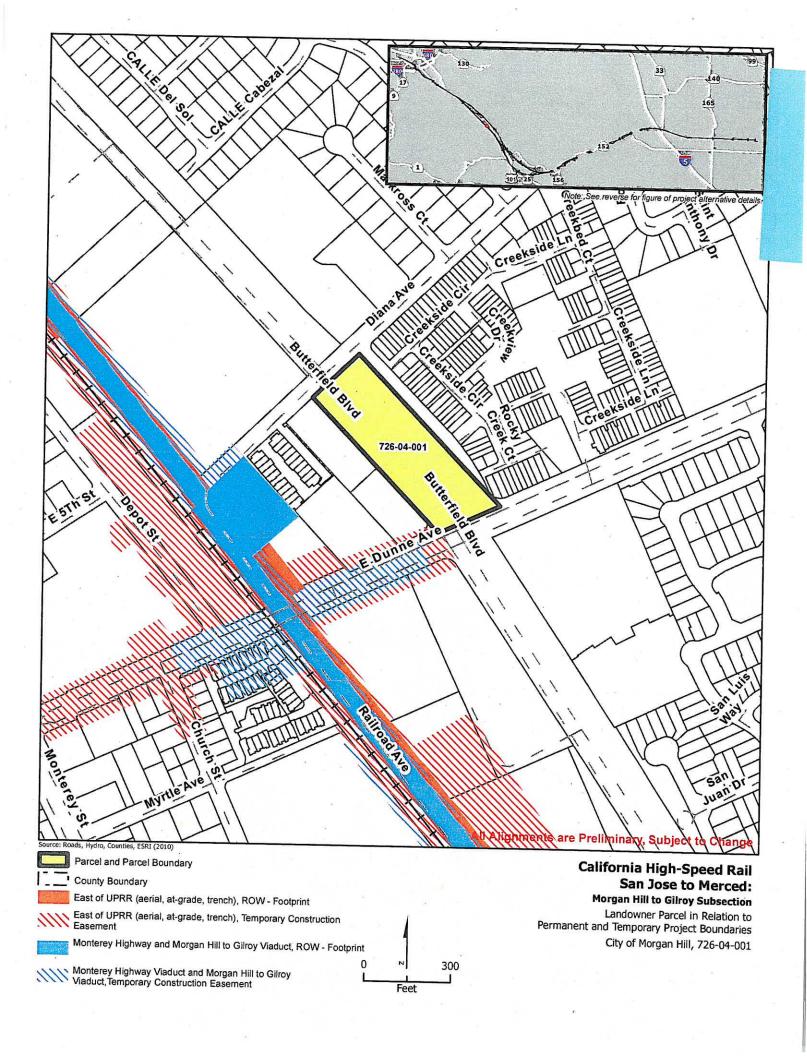
In accepting this Permit to Enter, the Authority agrees, insofar as it may legally do so, to repair and restore or pay the cost of repairing and restoring any physical damages to the Property resulting from work done by Authority or the Authority's representative(s); further, insofar as it may legally do so, the Authority will indemnify and save harmless the undersigned against all claims, demands, suits, judgments, expenses and costs on account of injury to or death of persons or loss of or physical damage to the Property arising out of the performance of such work by the Authority or the Authority's representatives(s). This agreement of indemnification does not extend to any property damage the undersigned may have suffered by reason of the existing environmental conditions on the Property, including liability or damages that are a consequence of the presence of biological, cultural or other environmental resources, or of contamination or hazardous waste on the Property.

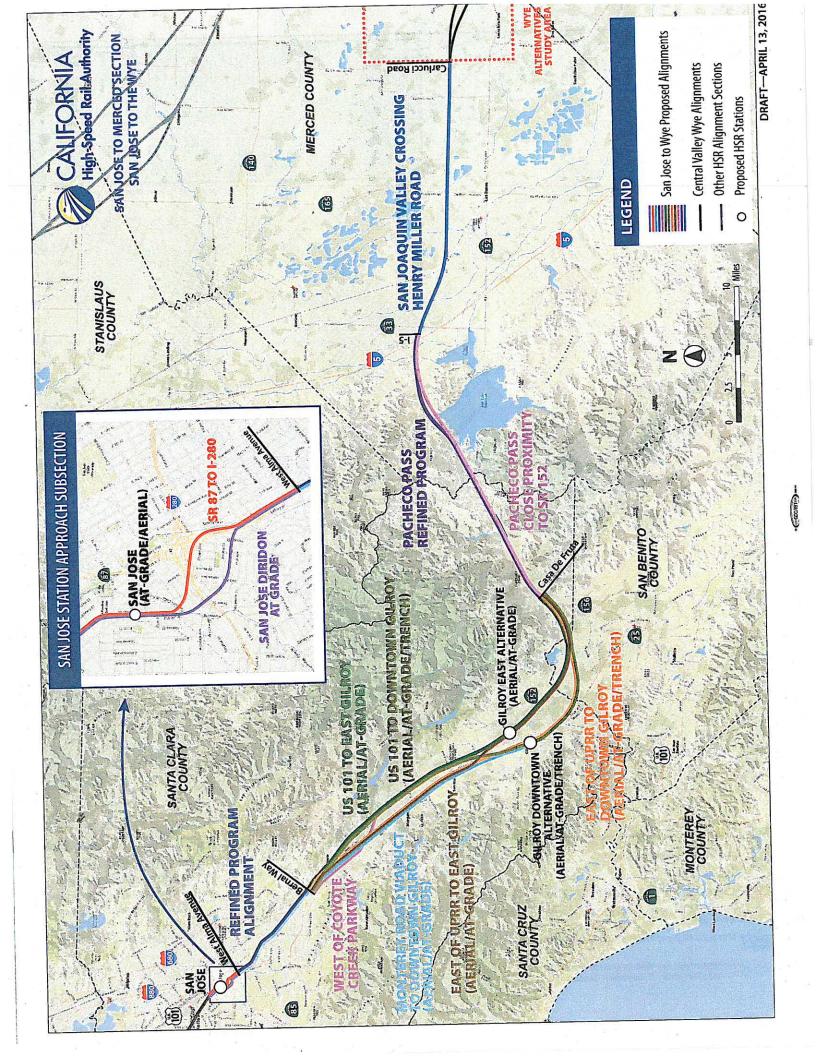
It is understood that if the Authority discovers the presence of biological, cultural or other environmental resources on the Property, disclosure of that information to public agencies charged with protecting those resources (such as the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the State Office of Historic Preservation) may be required by law. In addition, it is understood that if the Authority discovers the presence of contamination on the Property through the tests described herein or from other sources, further testing or remediation may be required to determine the extent of the contamination. That testing or remediation may be required by U.S. EPA, the Water Quality Control Board or the Department of Health Services and if performed by the Authority's contractor, will require a further Permit to Enter.

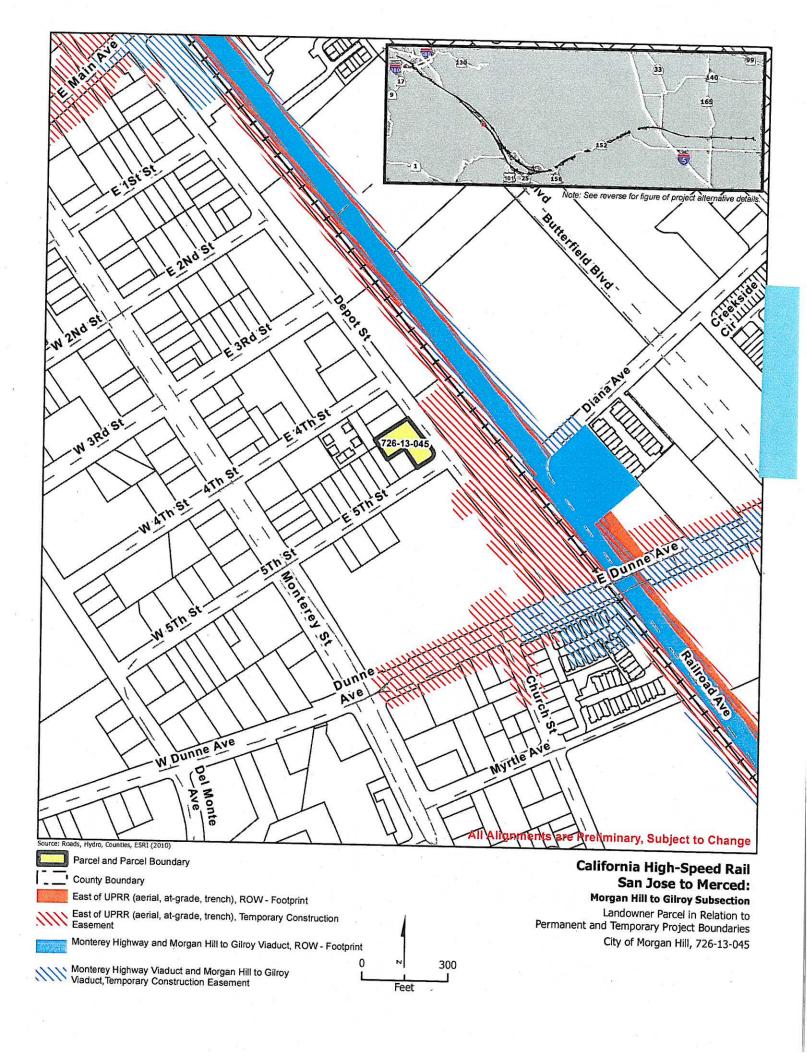
On the basis of the above, a Permit to Enter is hereby granted with the understanding that this Permit to Enter is not a waiver of the right to compensation for such property or any remedy authorized by law to secure payment therefor.

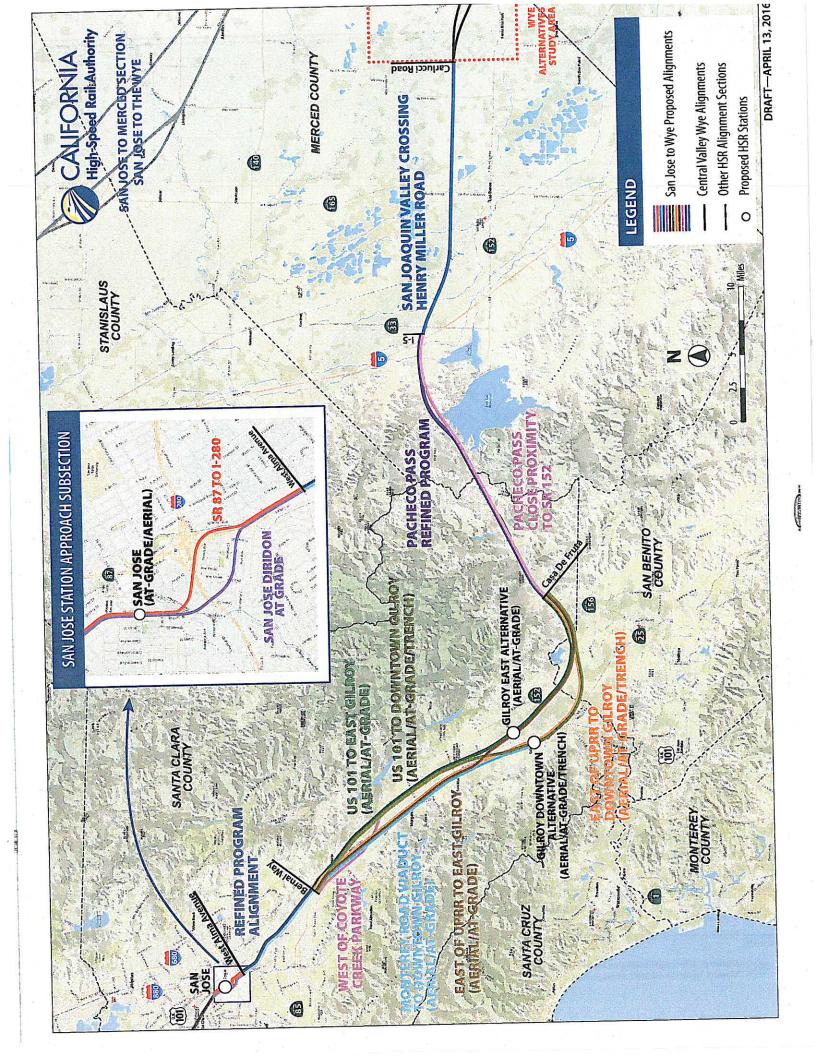
Sincerely,	Special Instructions: Please communicate any pertinent information regarding entry onto your property, if applicable.		
(Sign here)			
Property Owner Name (Print)			
Phone Number  Date	Accepted: Director of Real Property (or Designee) California High-Speed Rail Authority		
Contact Information for Access: Name:	Access Denied: Please Check This Box Owner Signature:		
Phone:	To a formation places call the EEO Officer at		

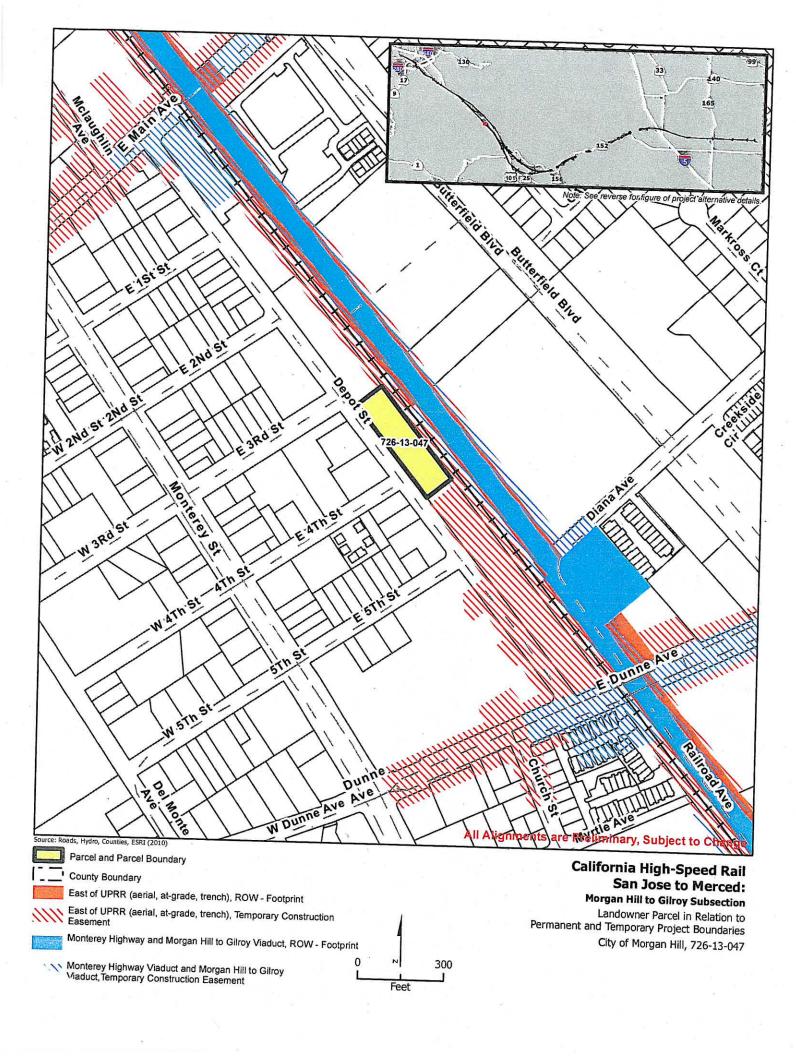
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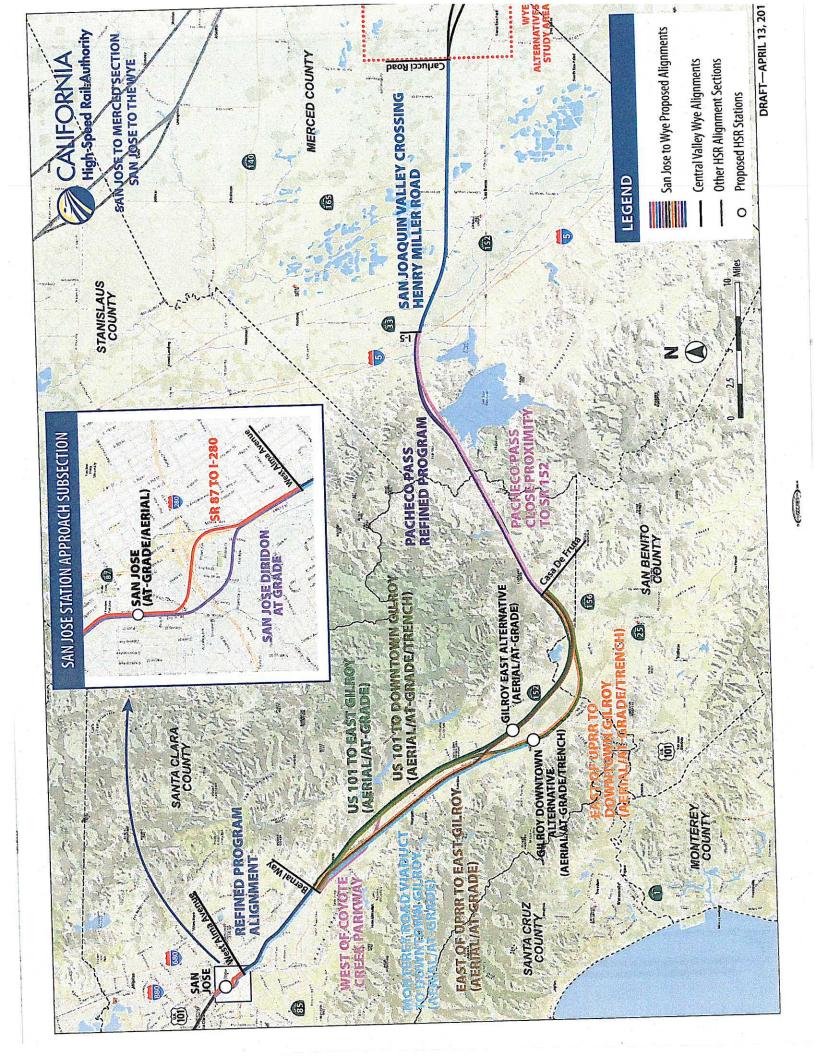


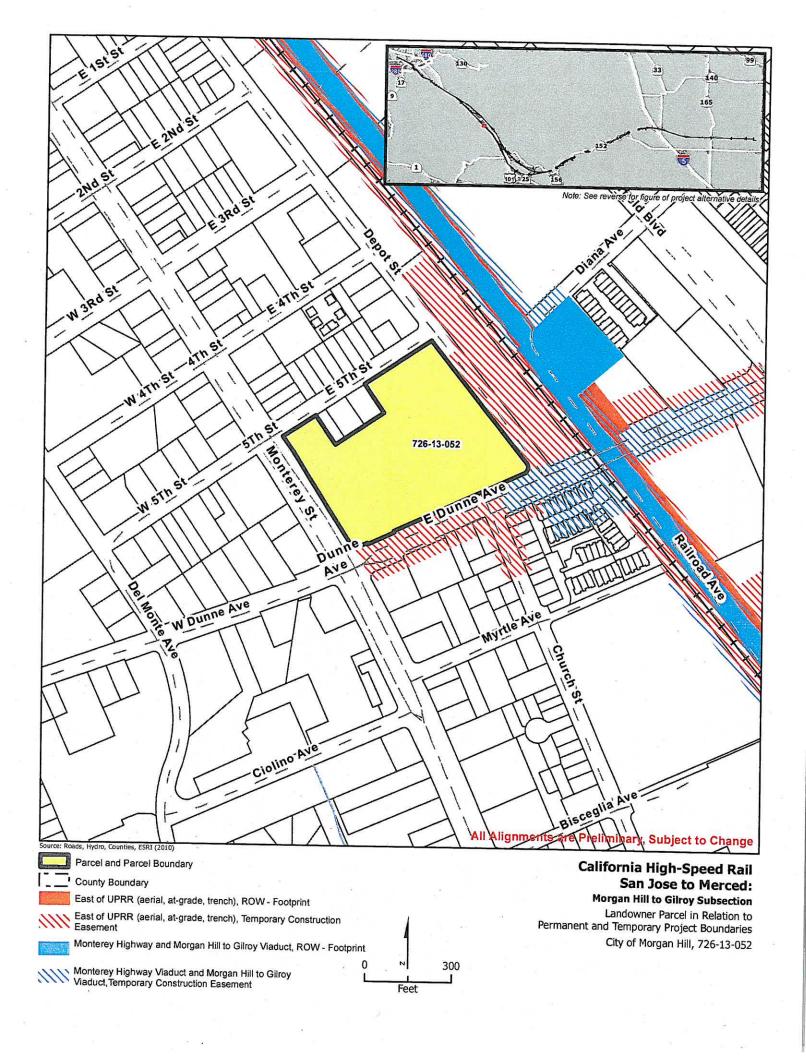


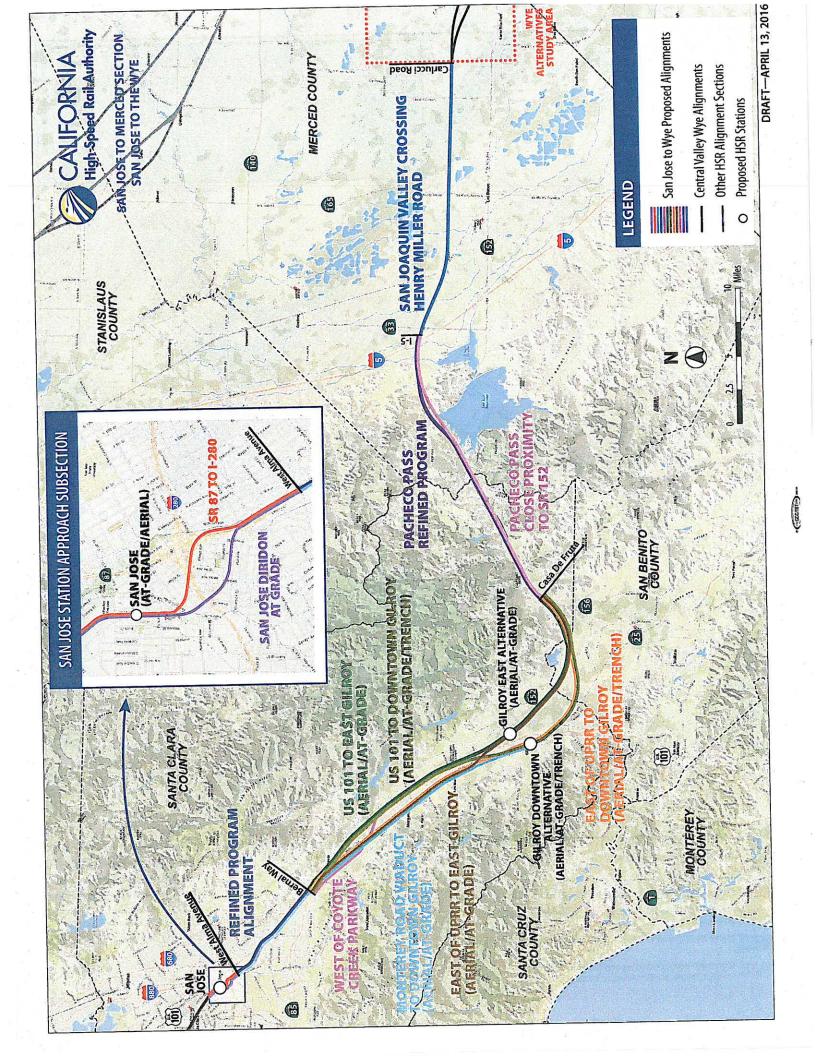


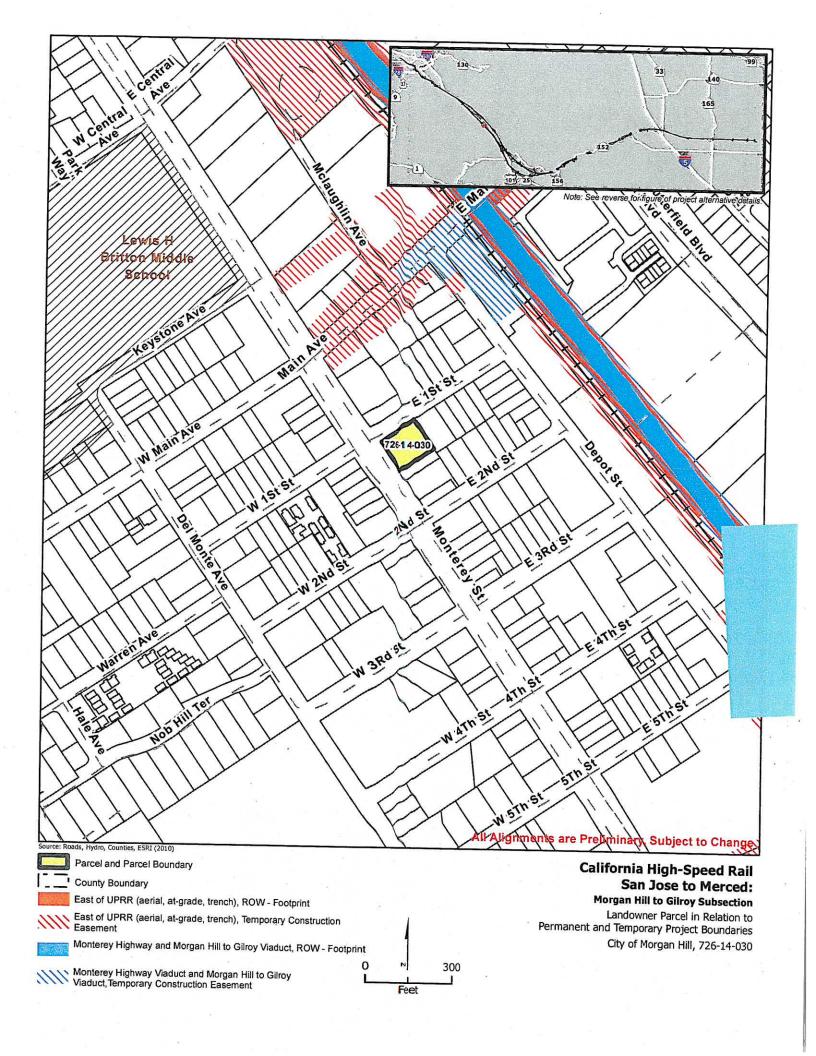


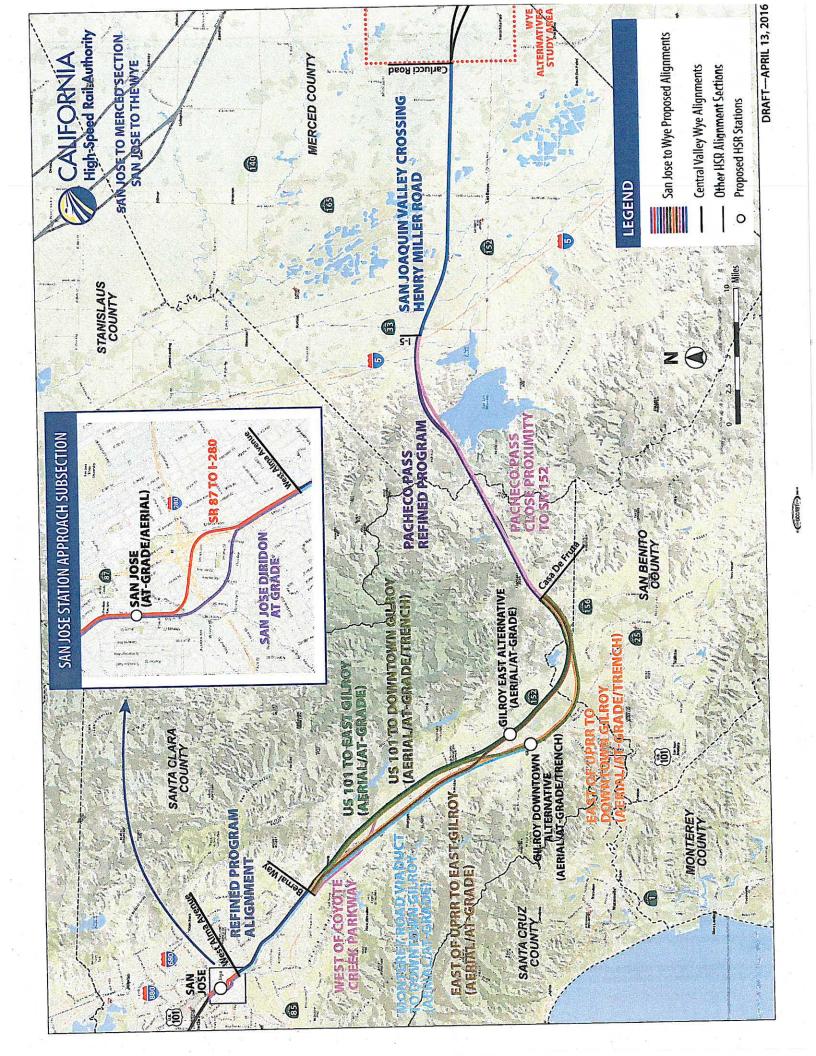


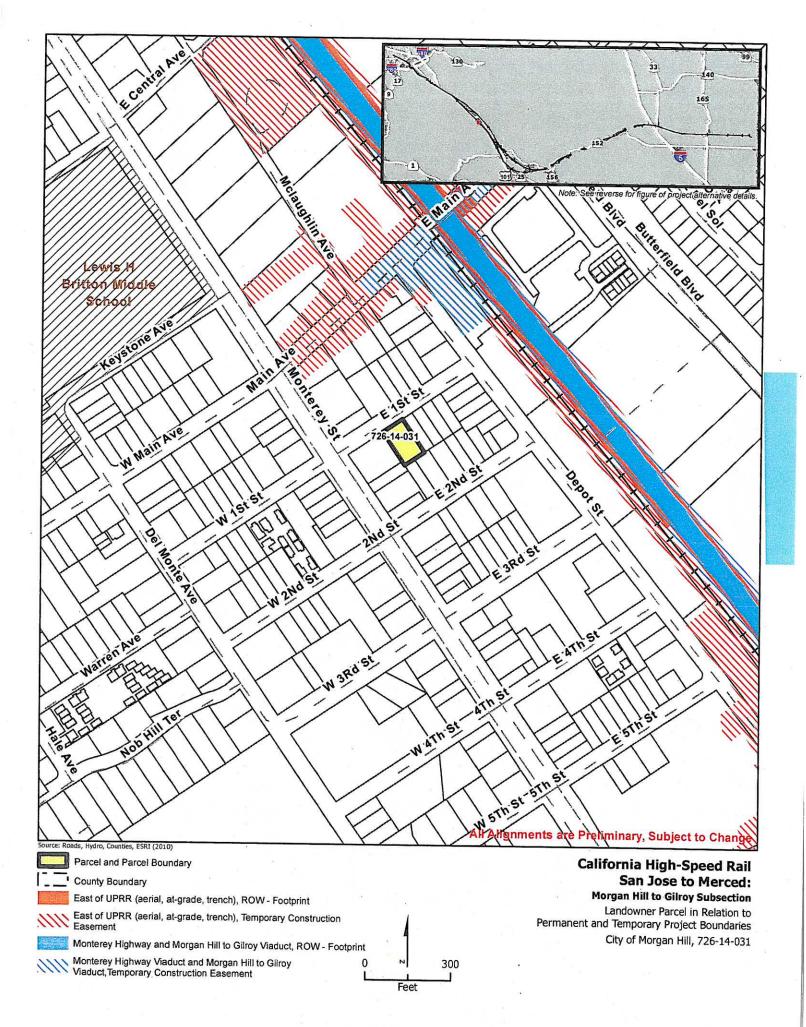


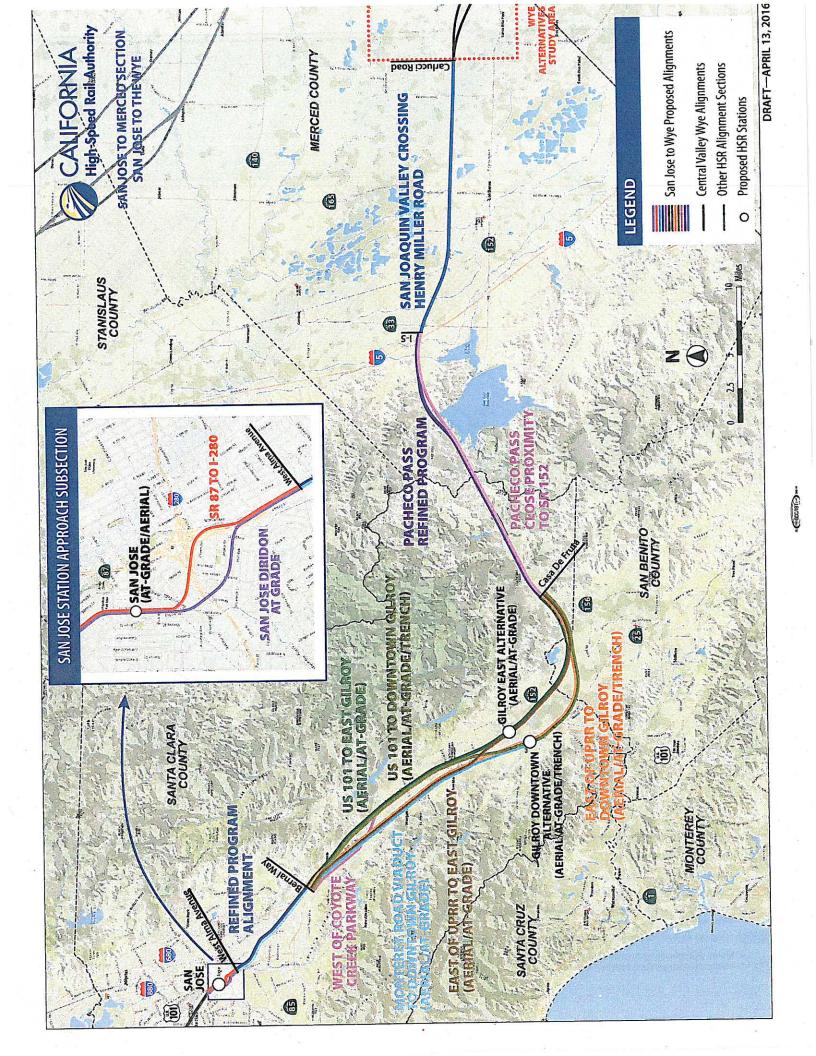


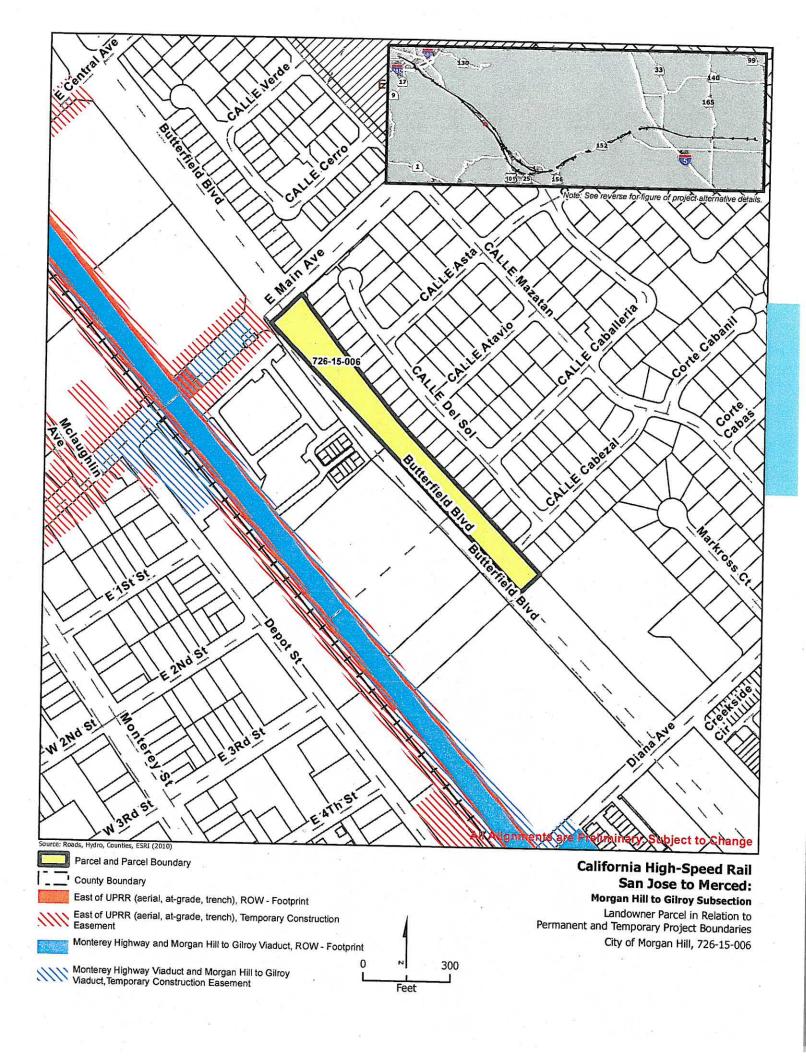


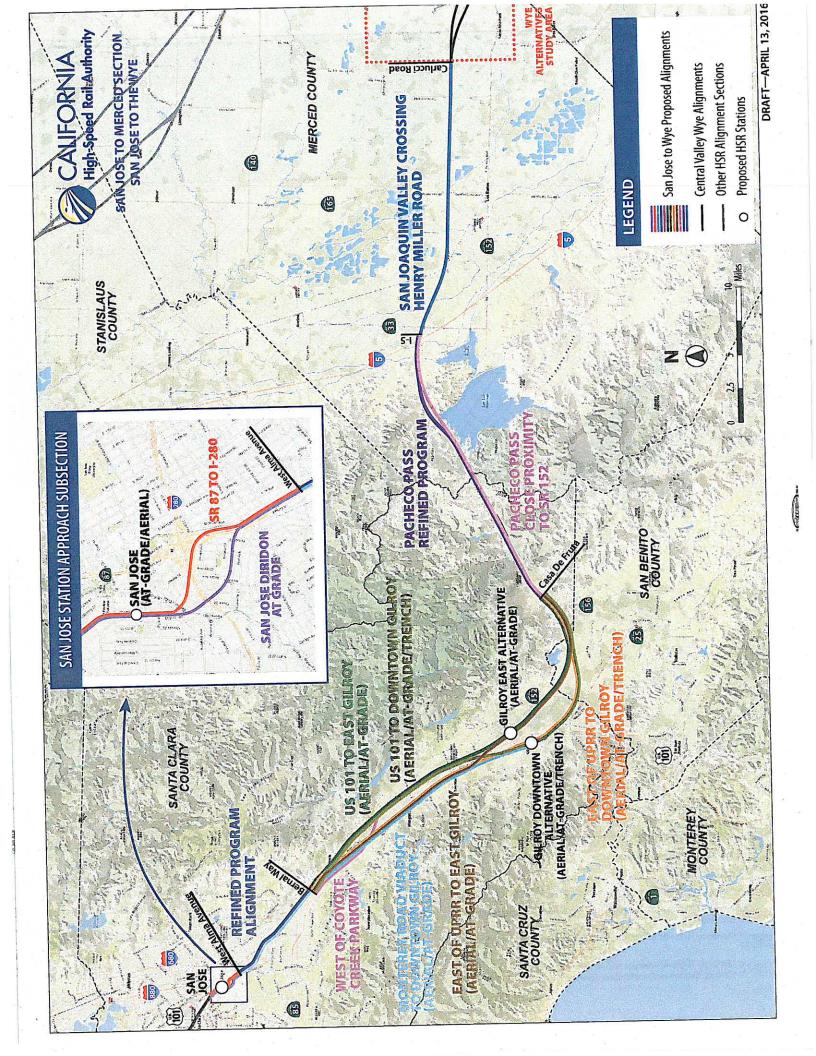


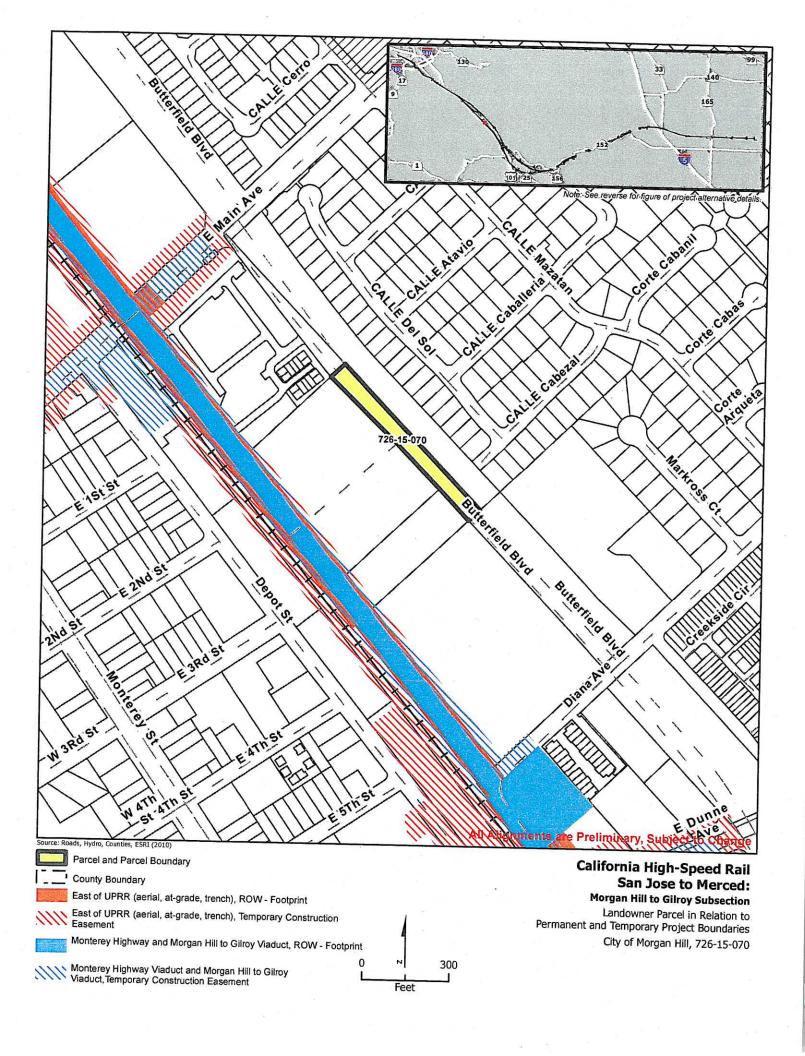


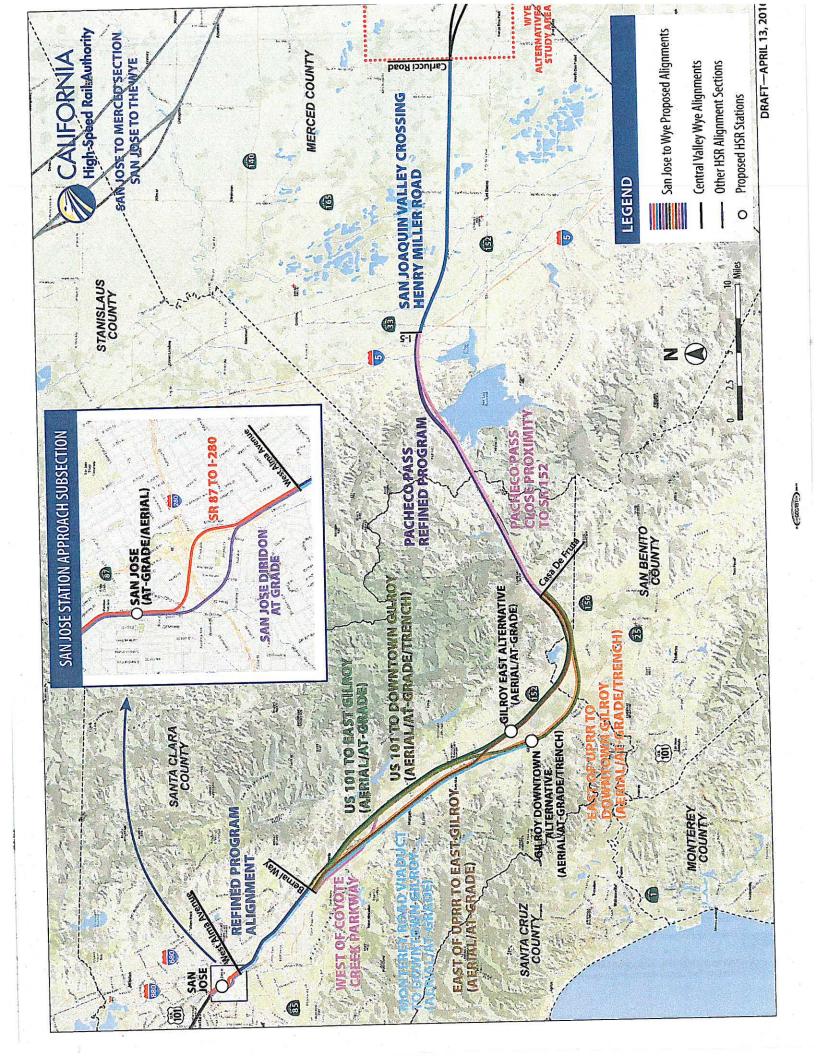


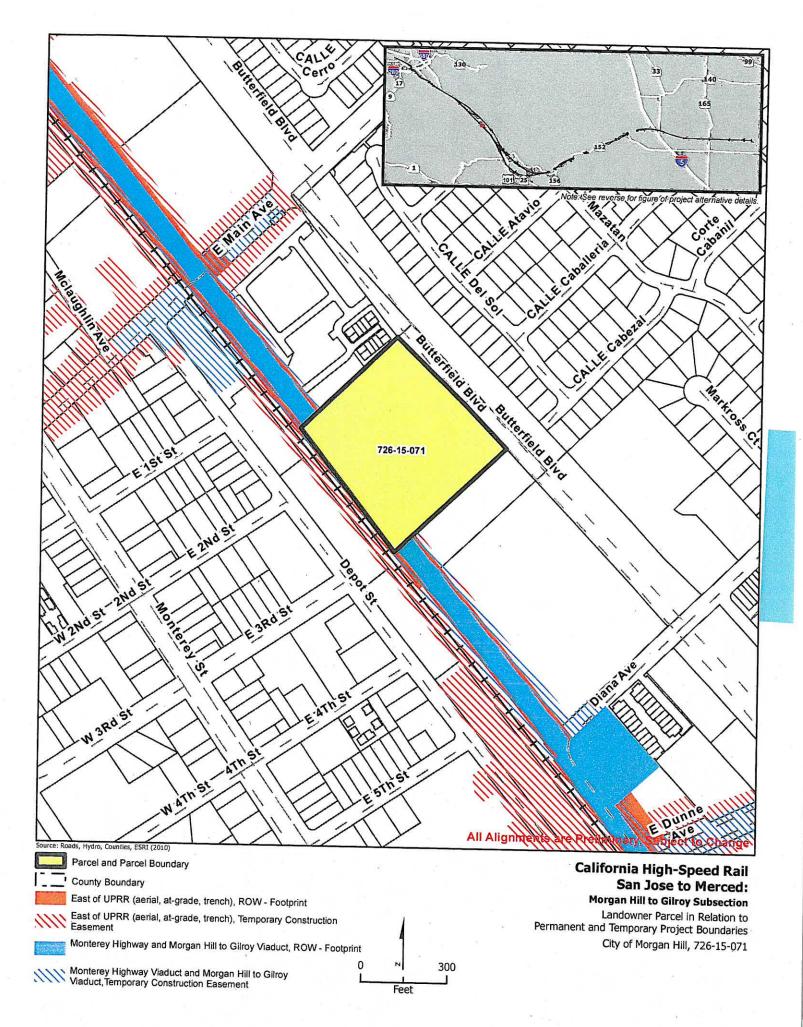


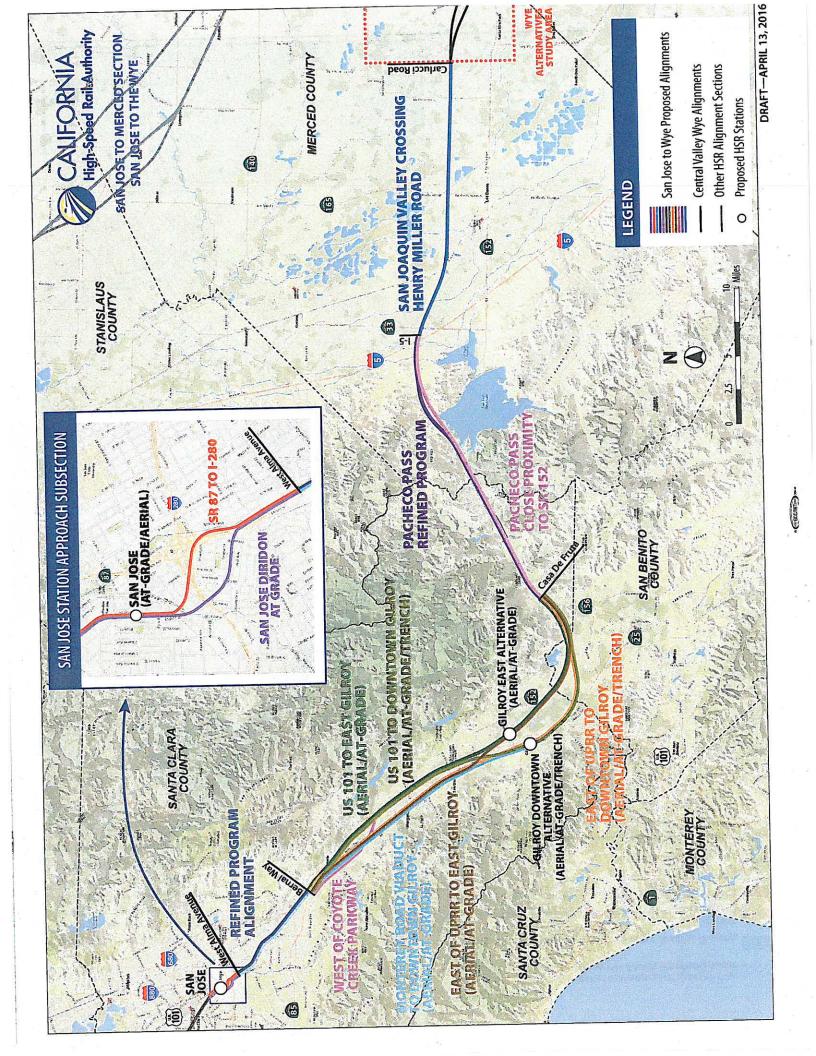


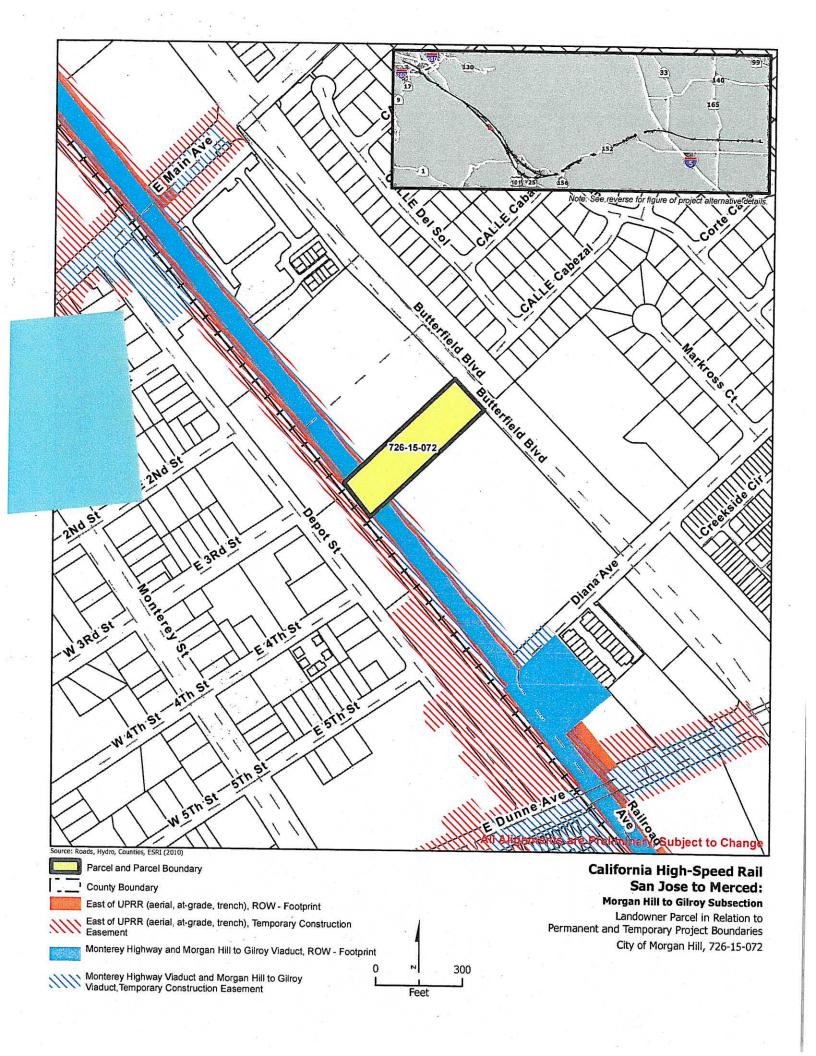


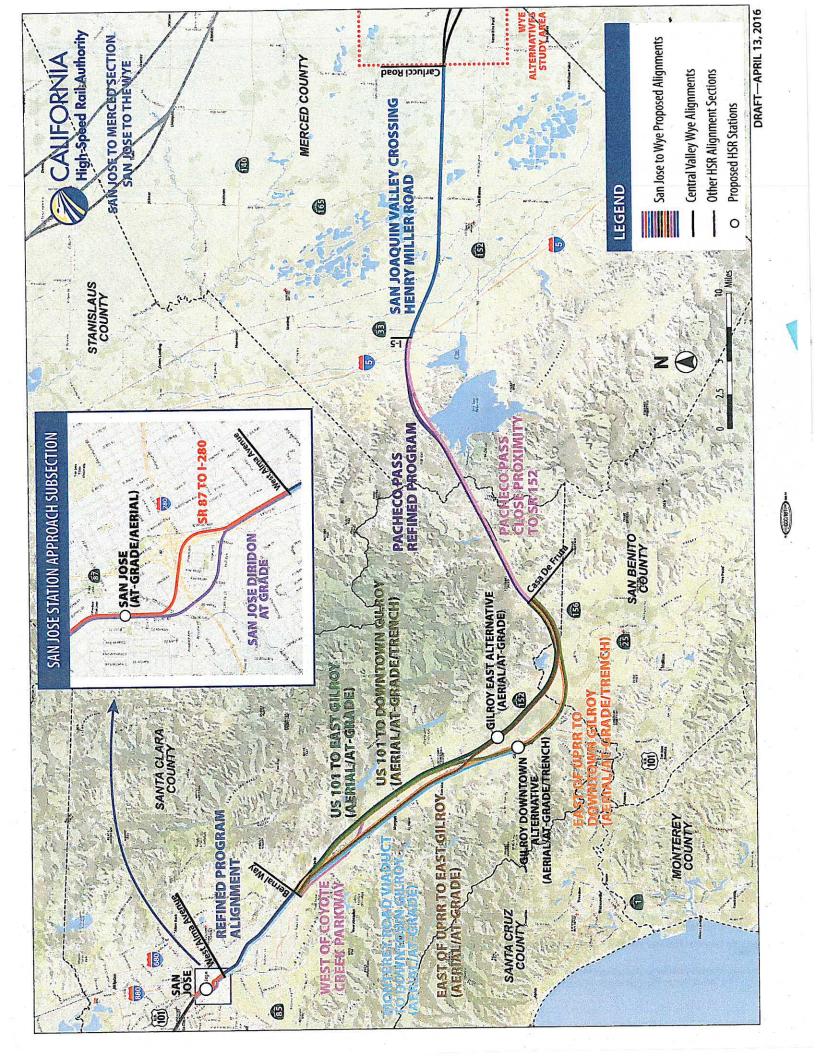


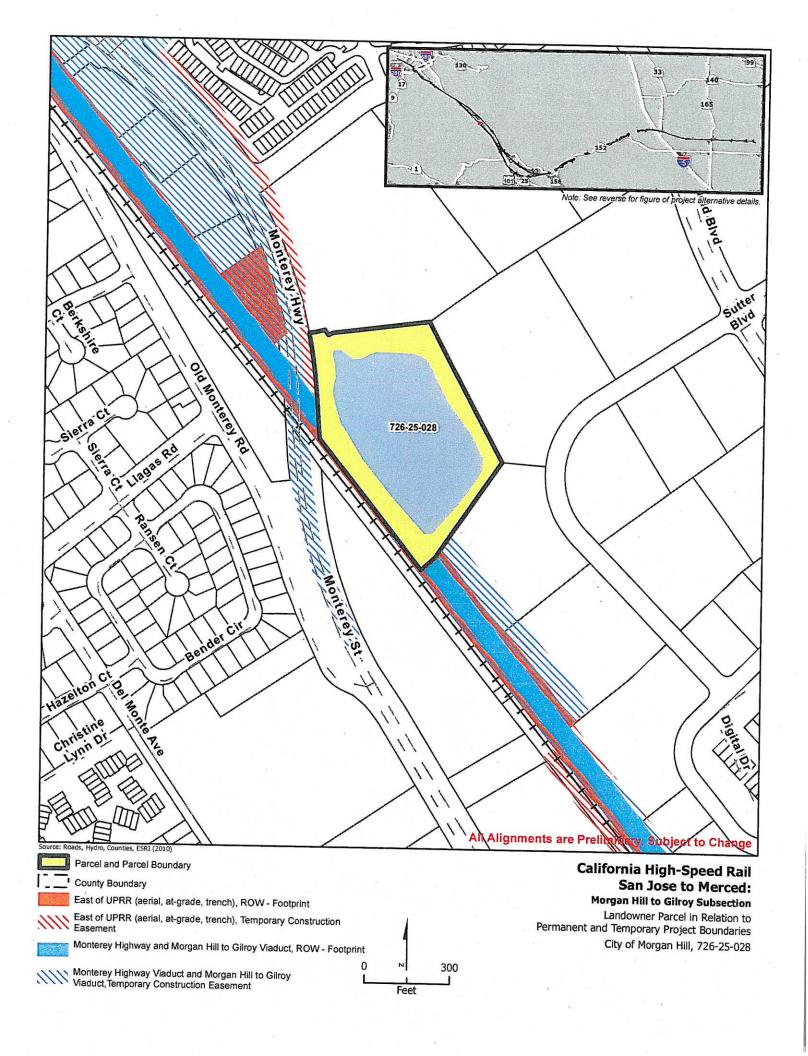


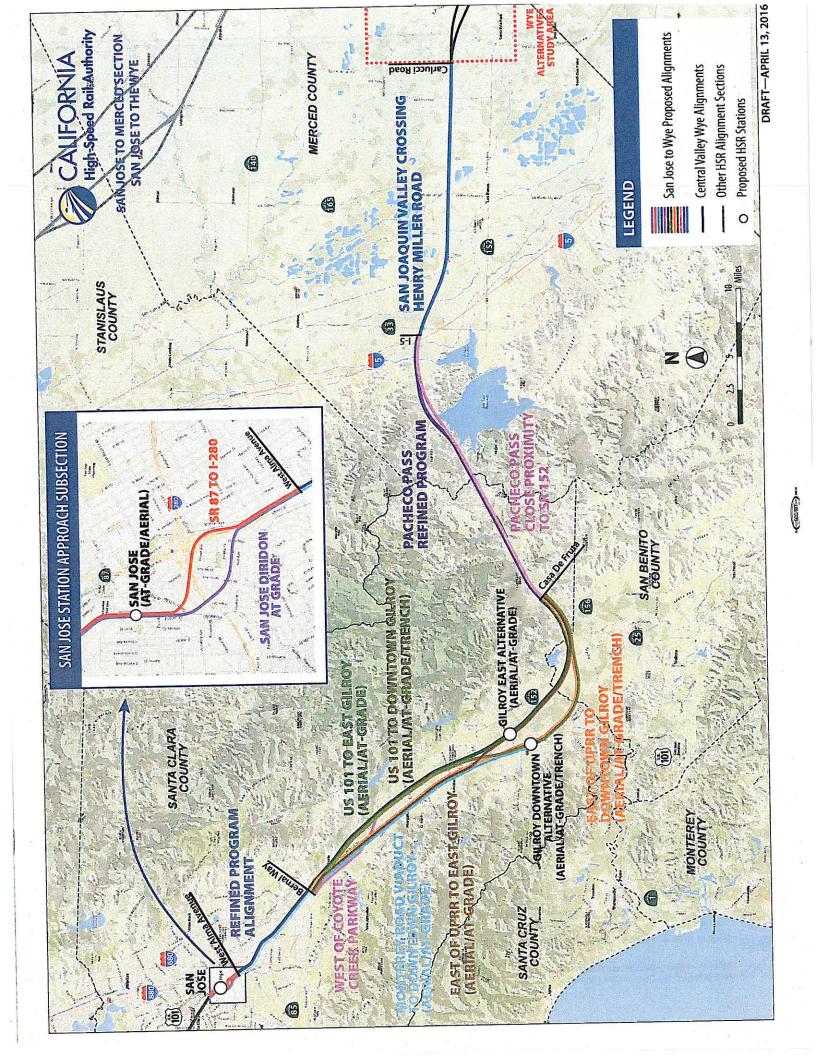


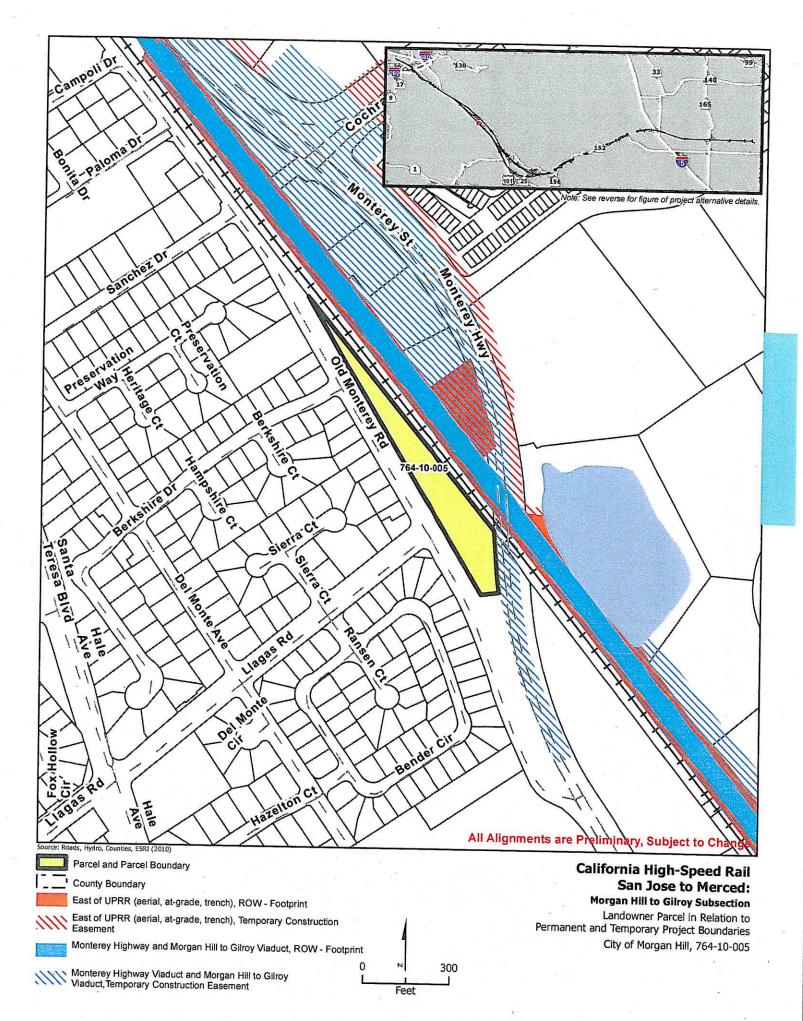


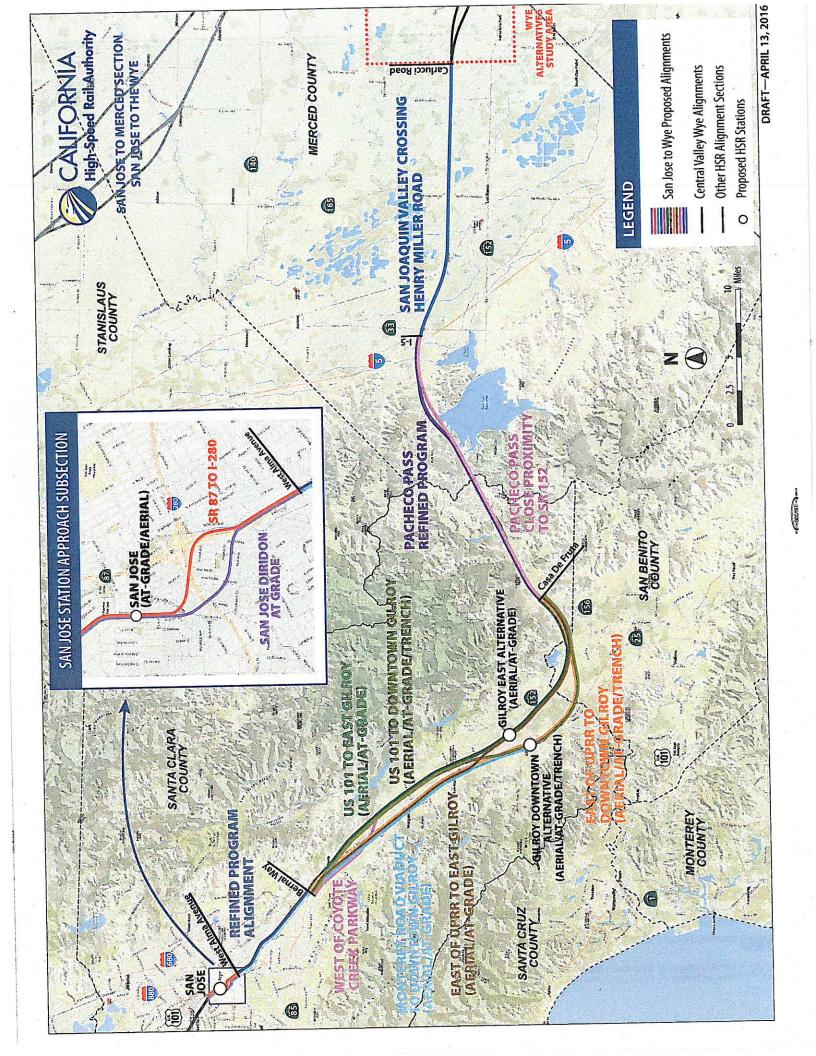


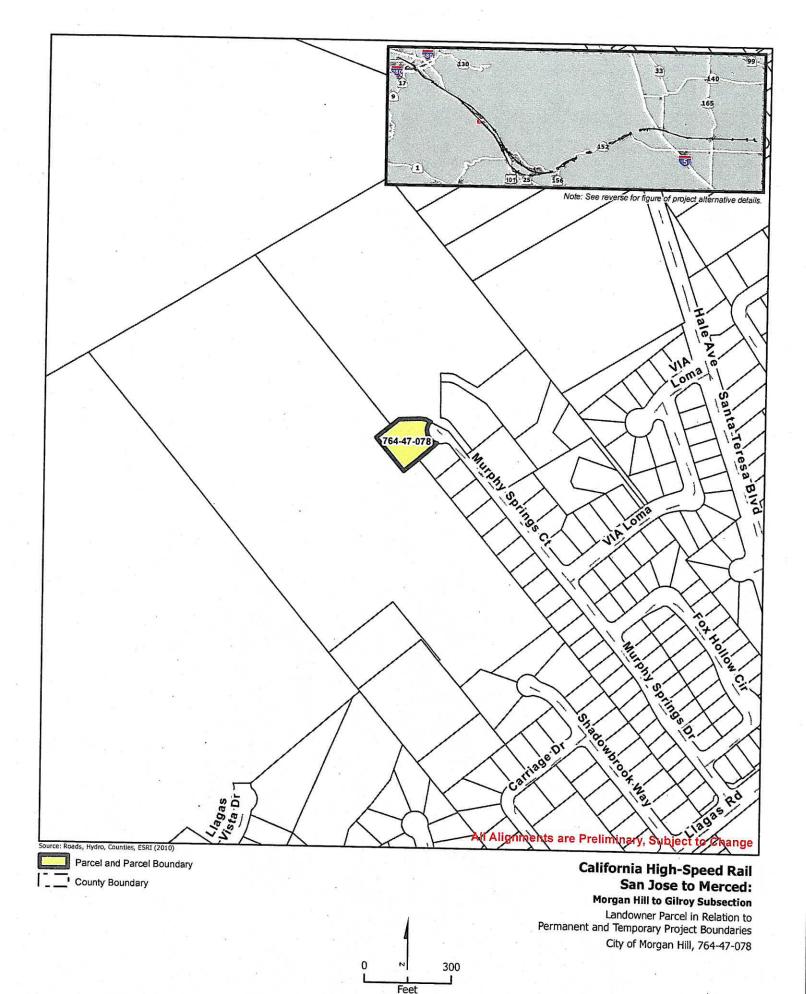


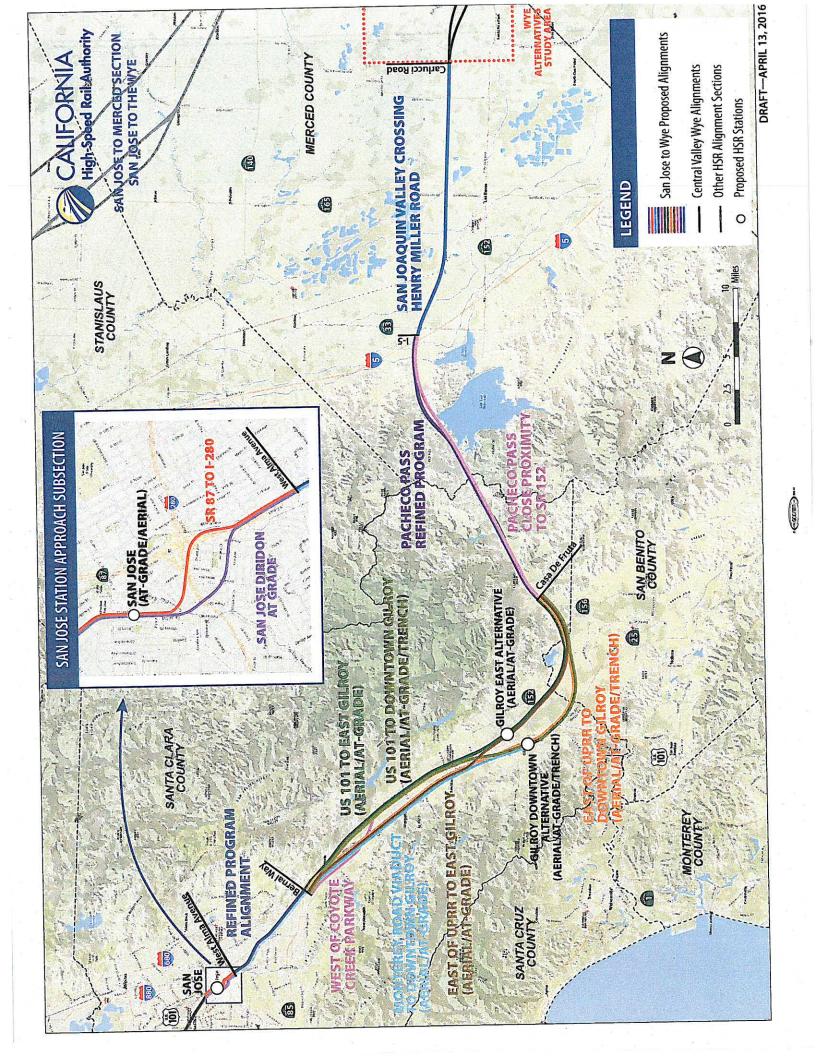


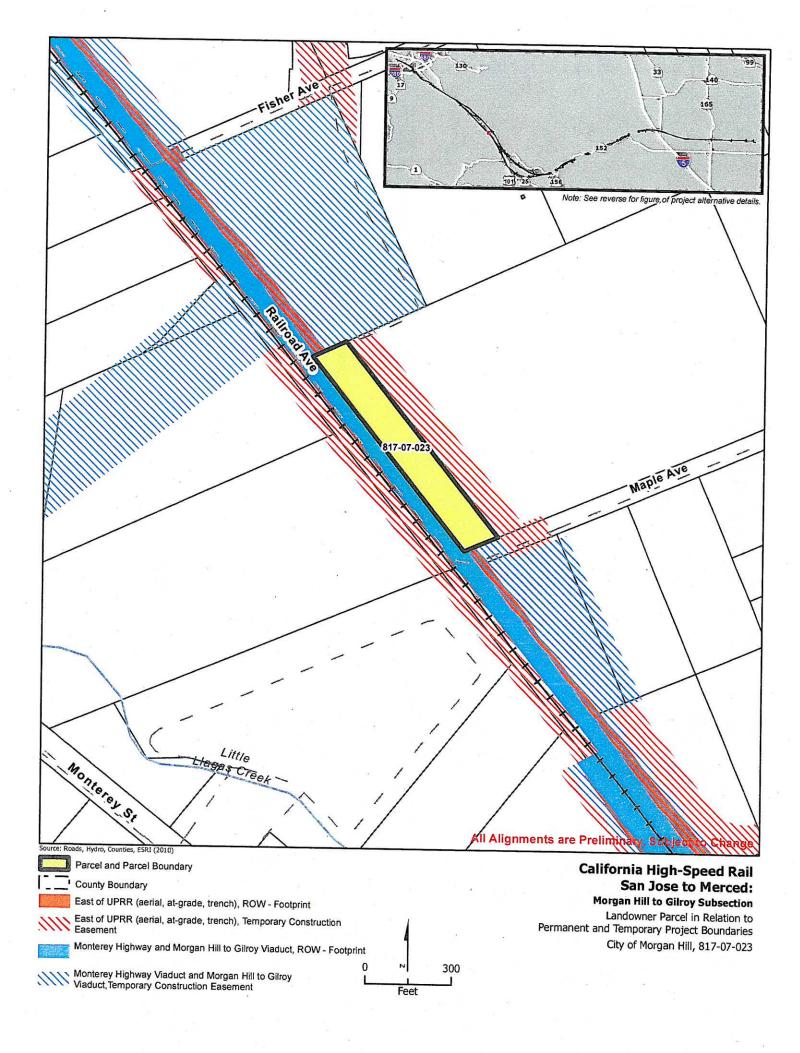


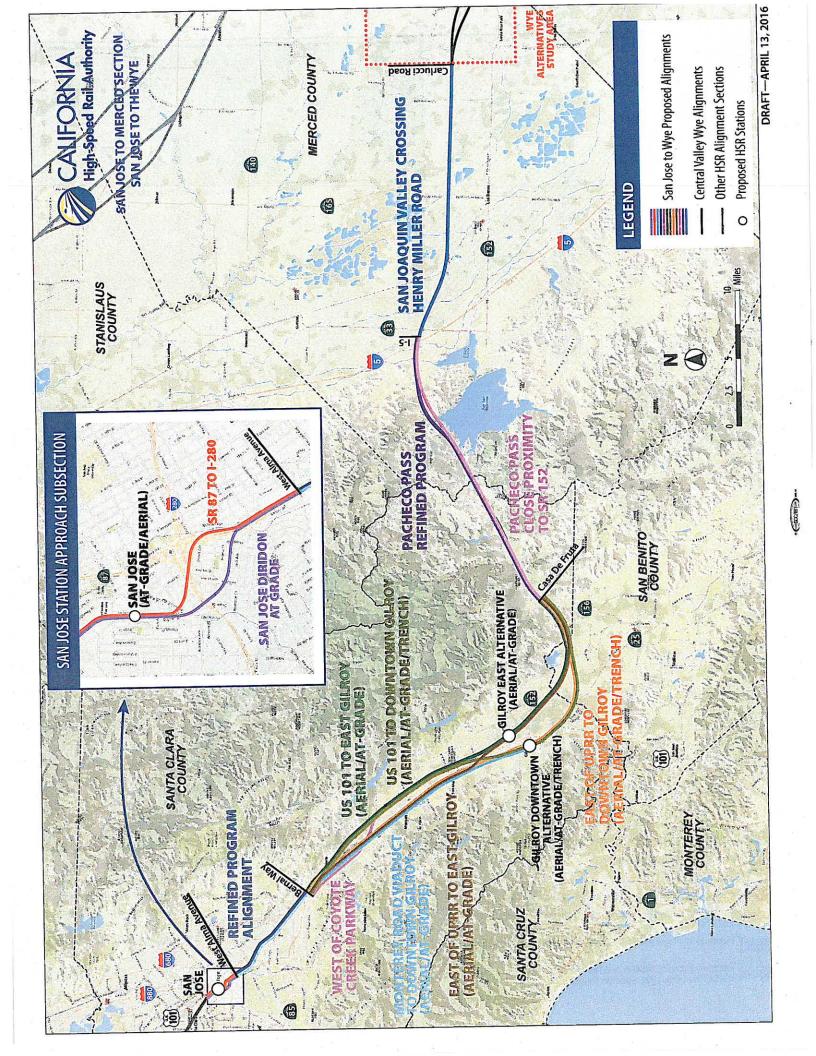


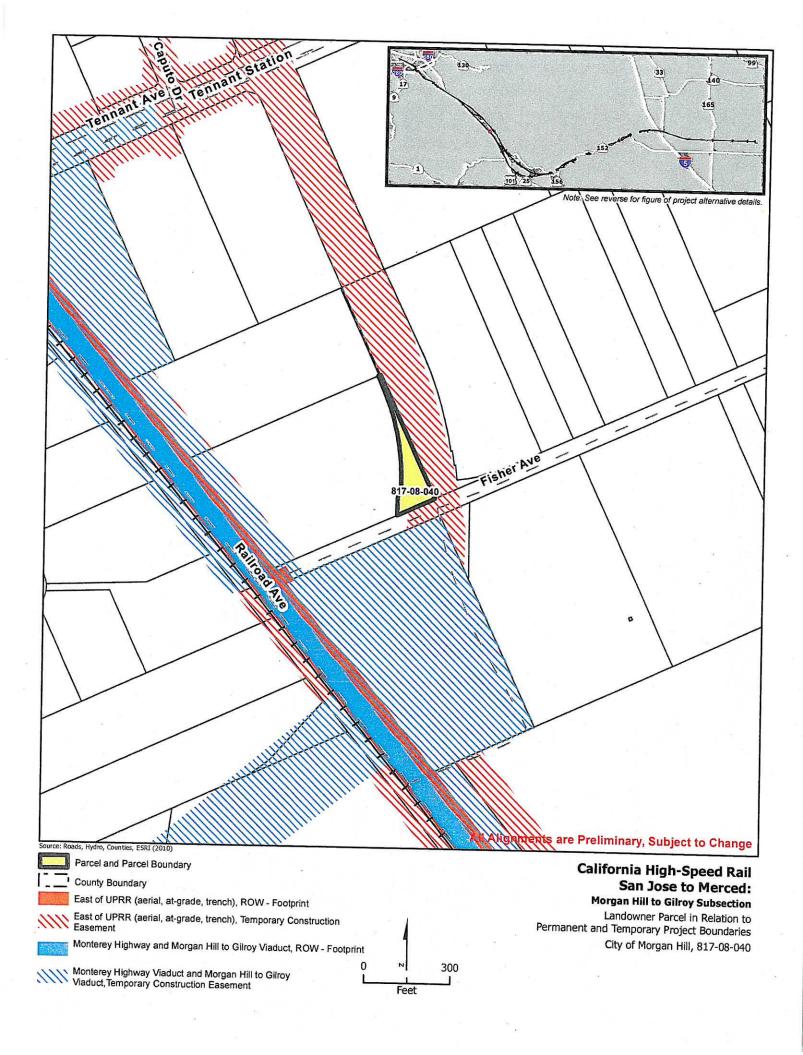


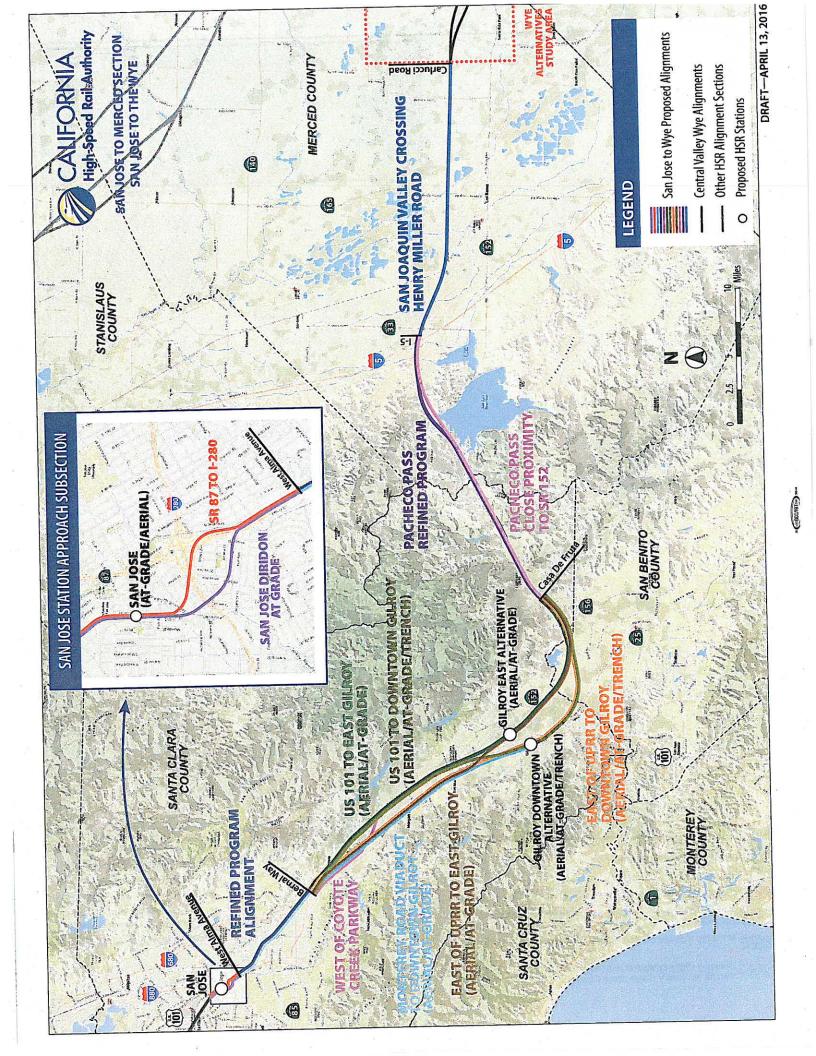


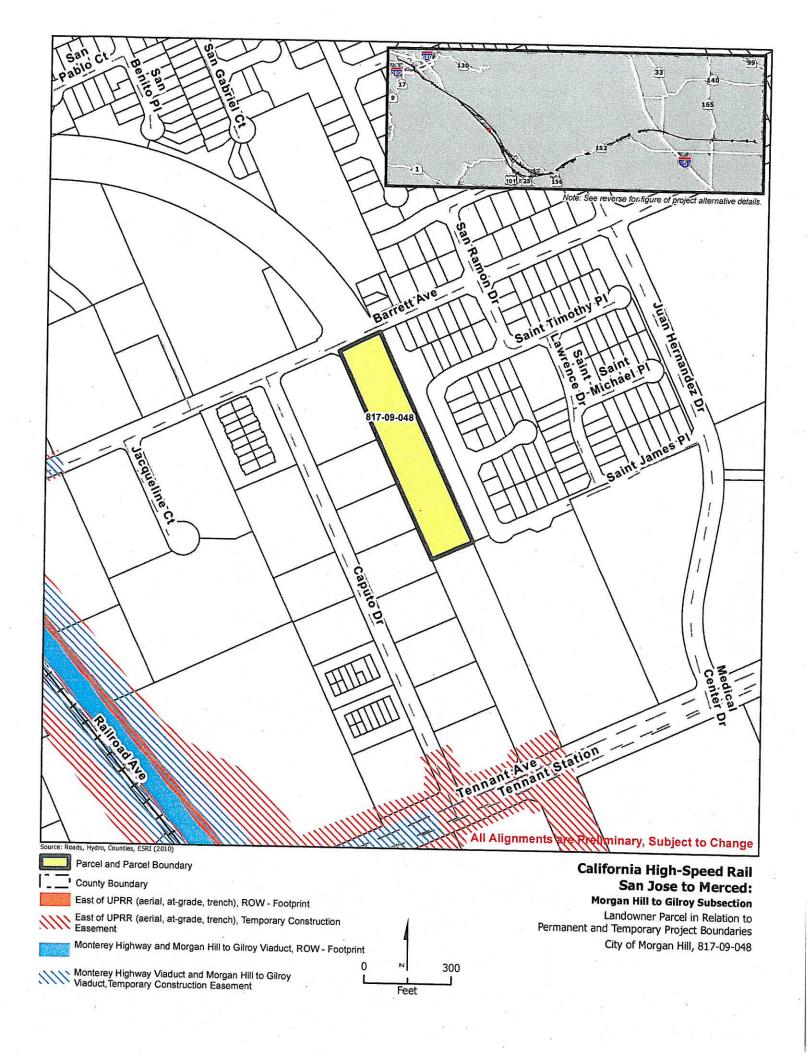


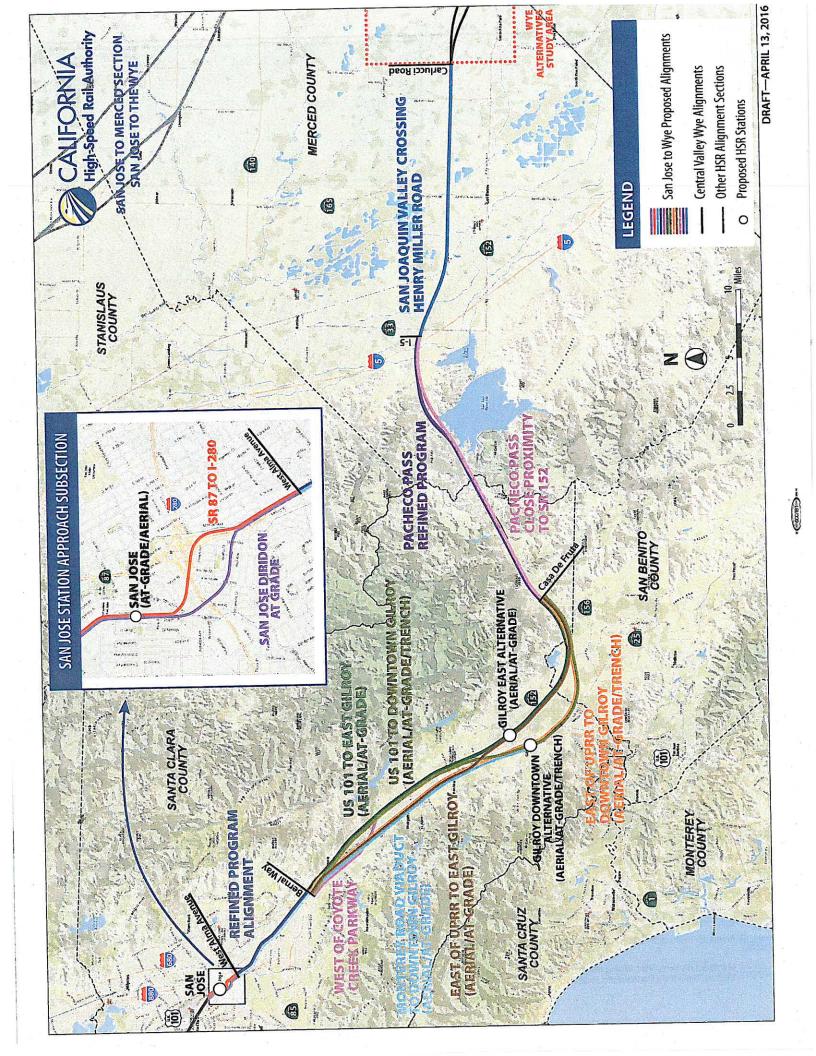


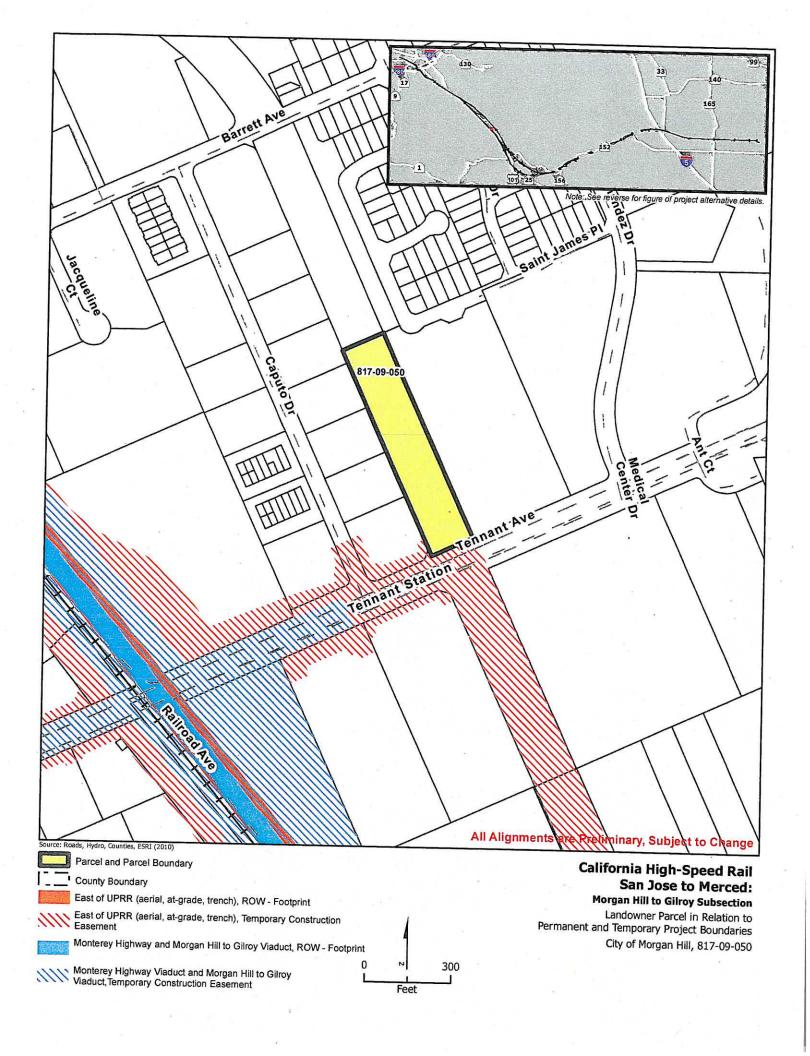


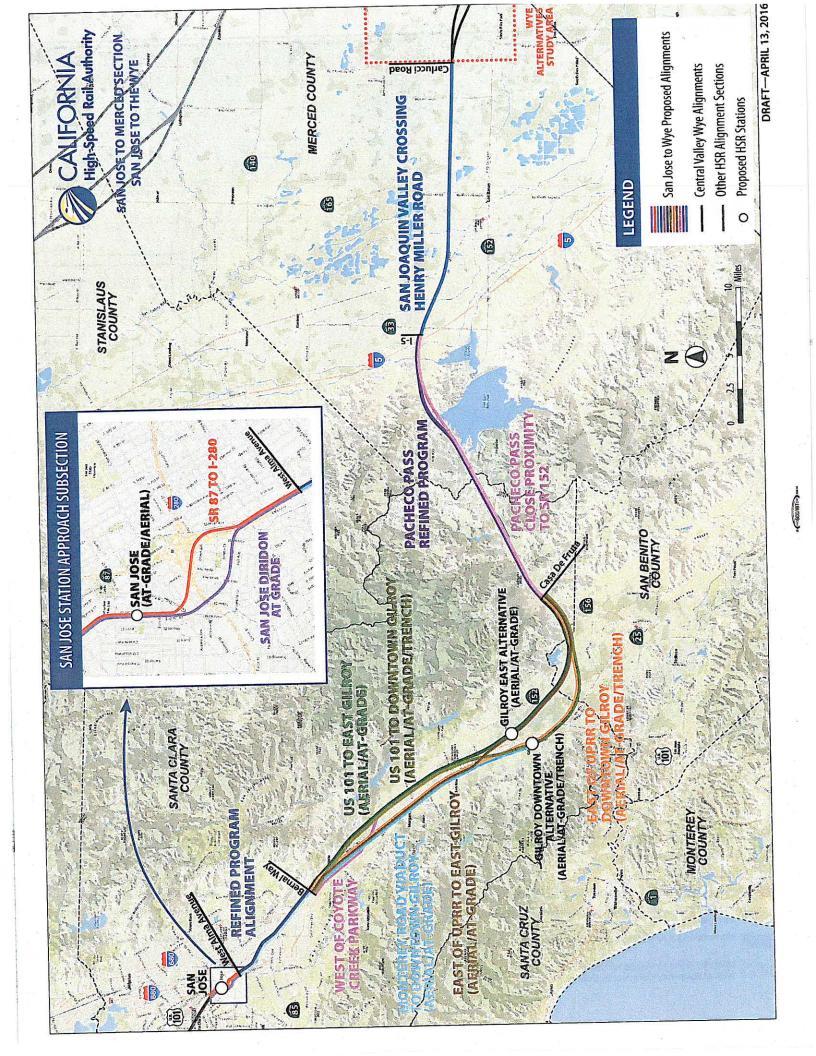


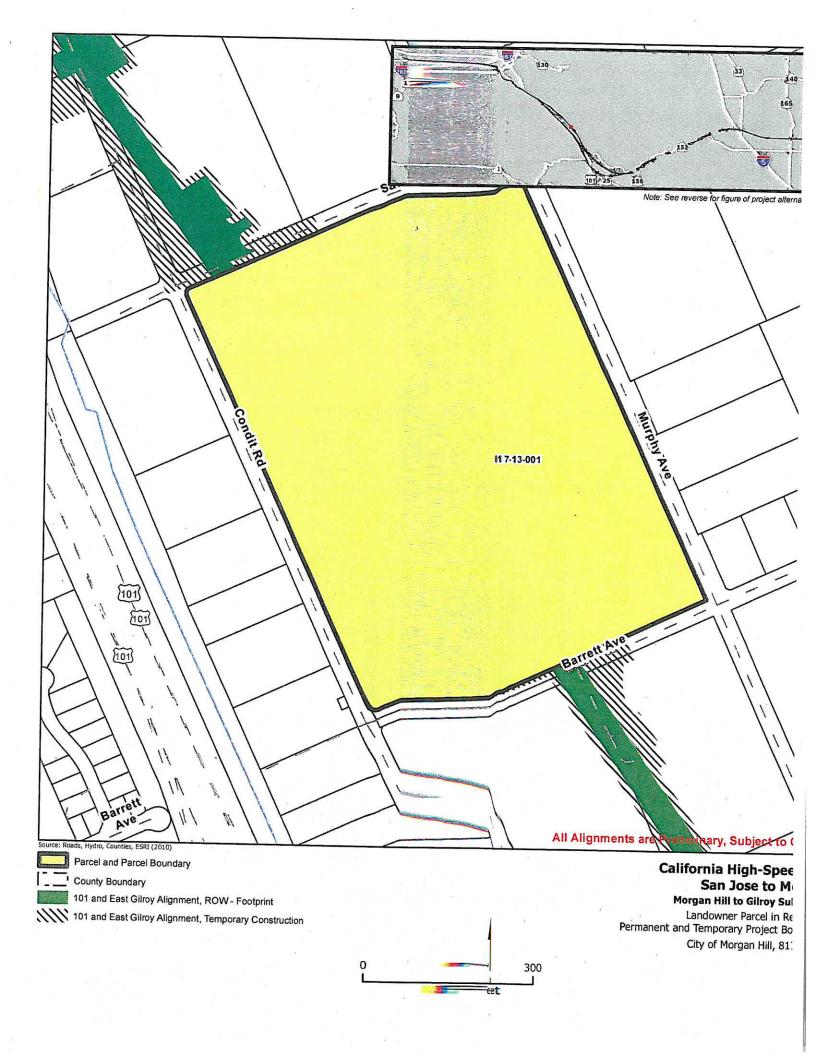


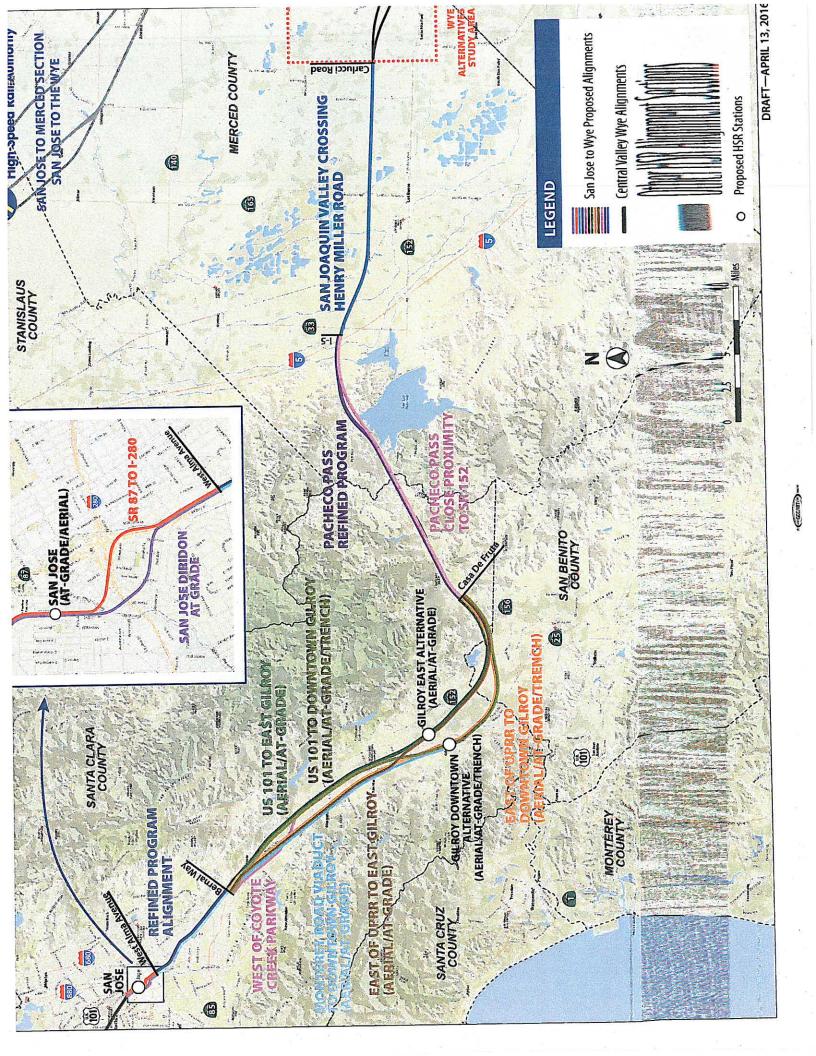


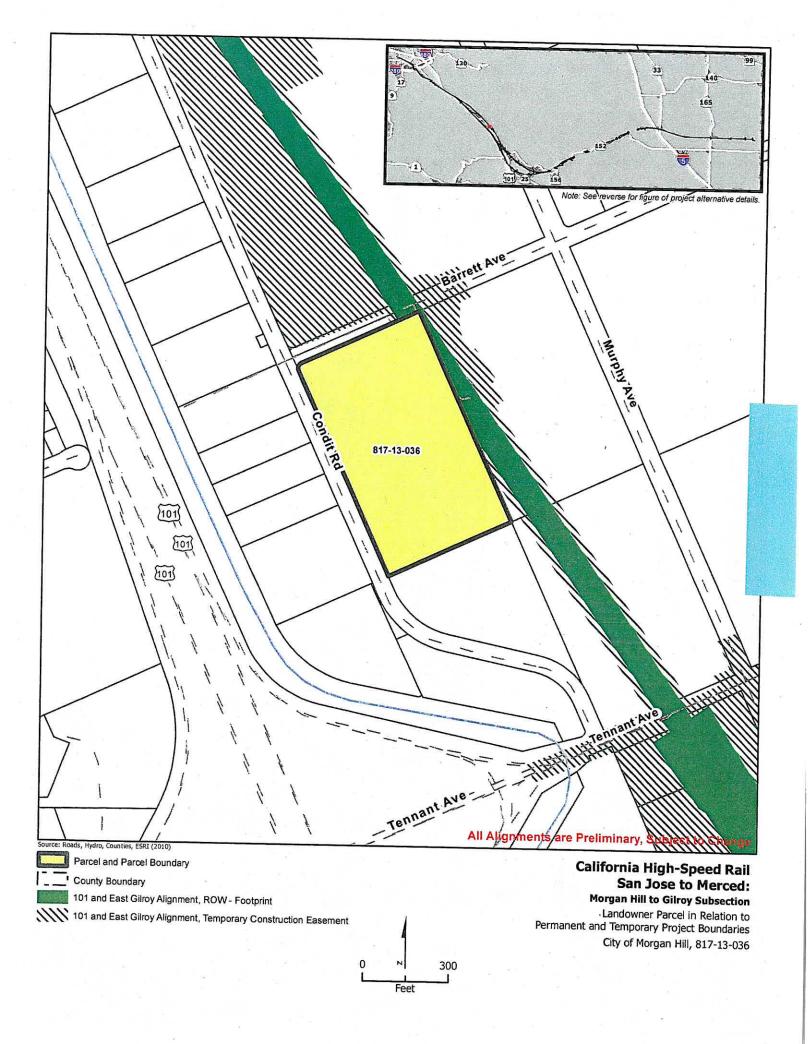


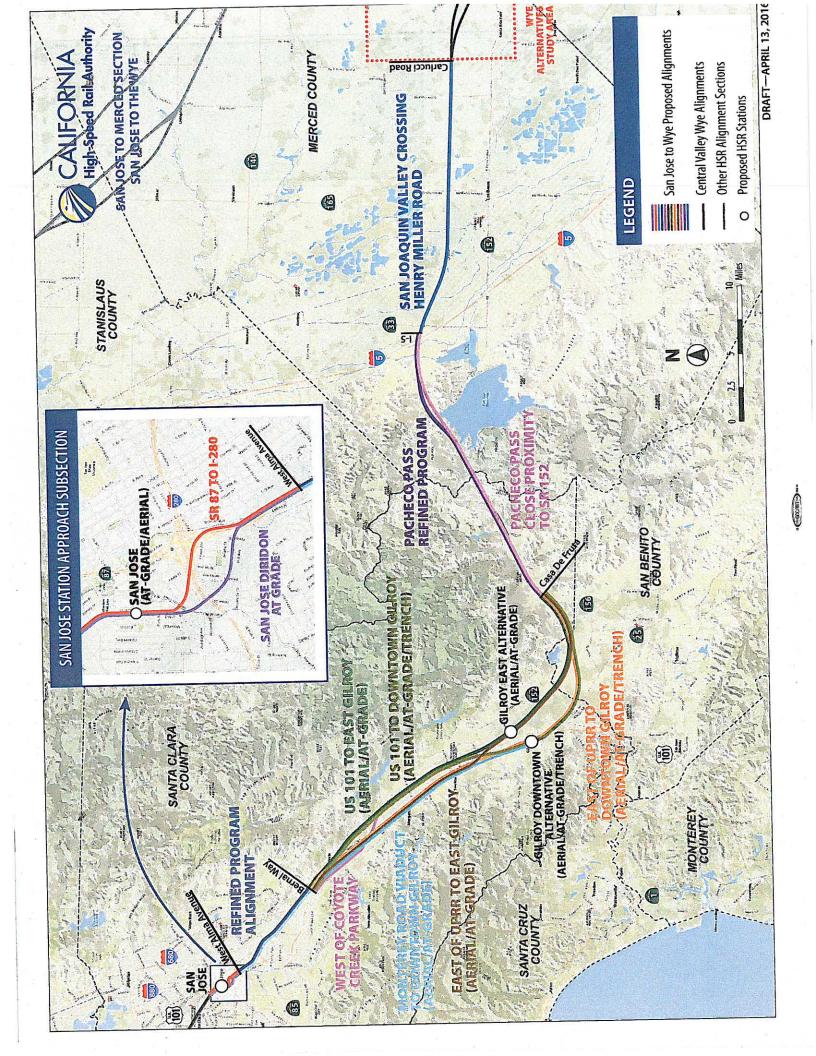


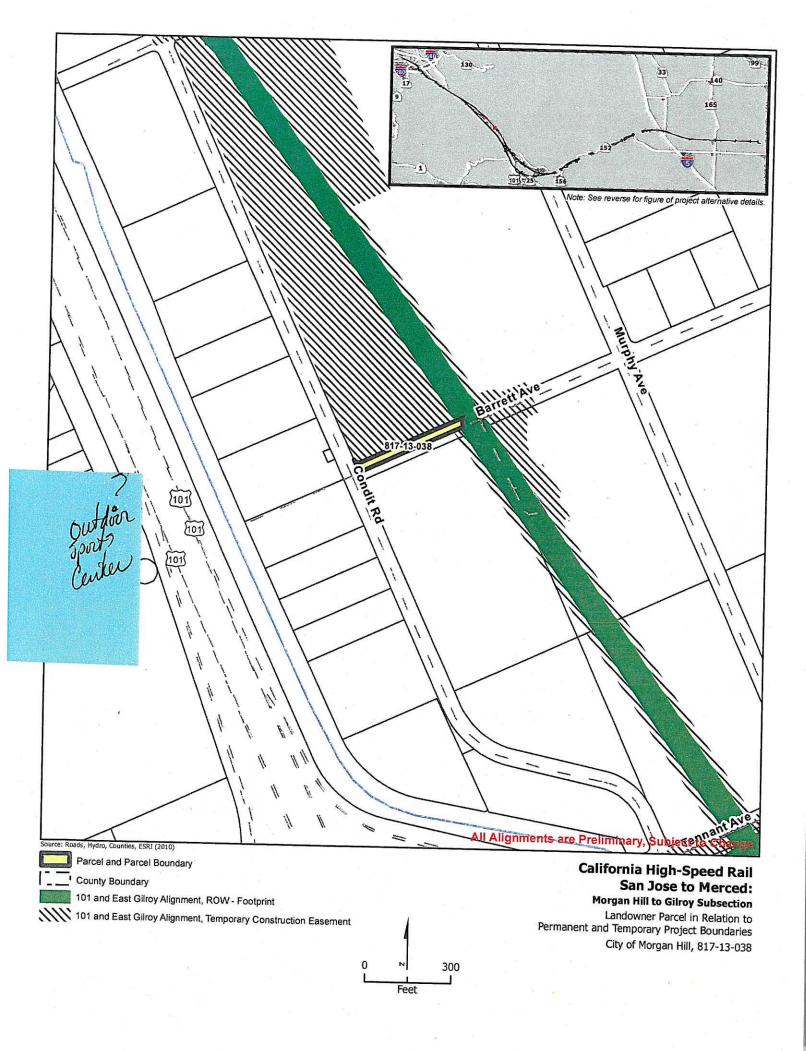


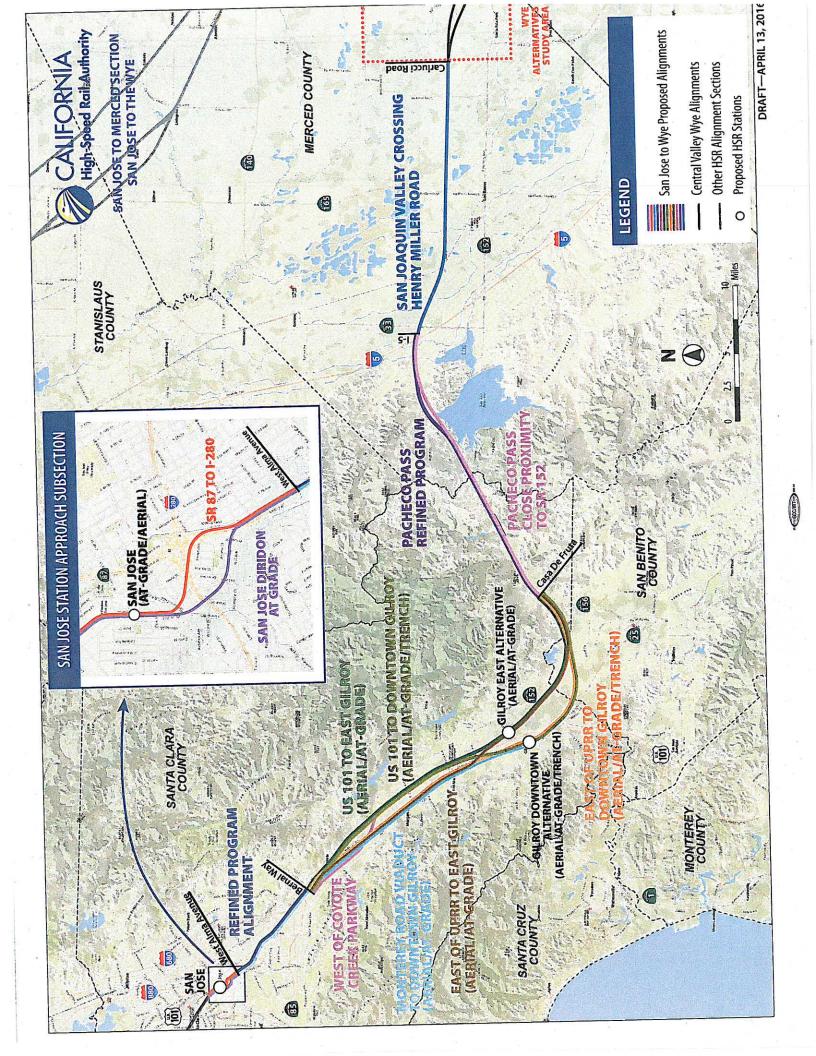


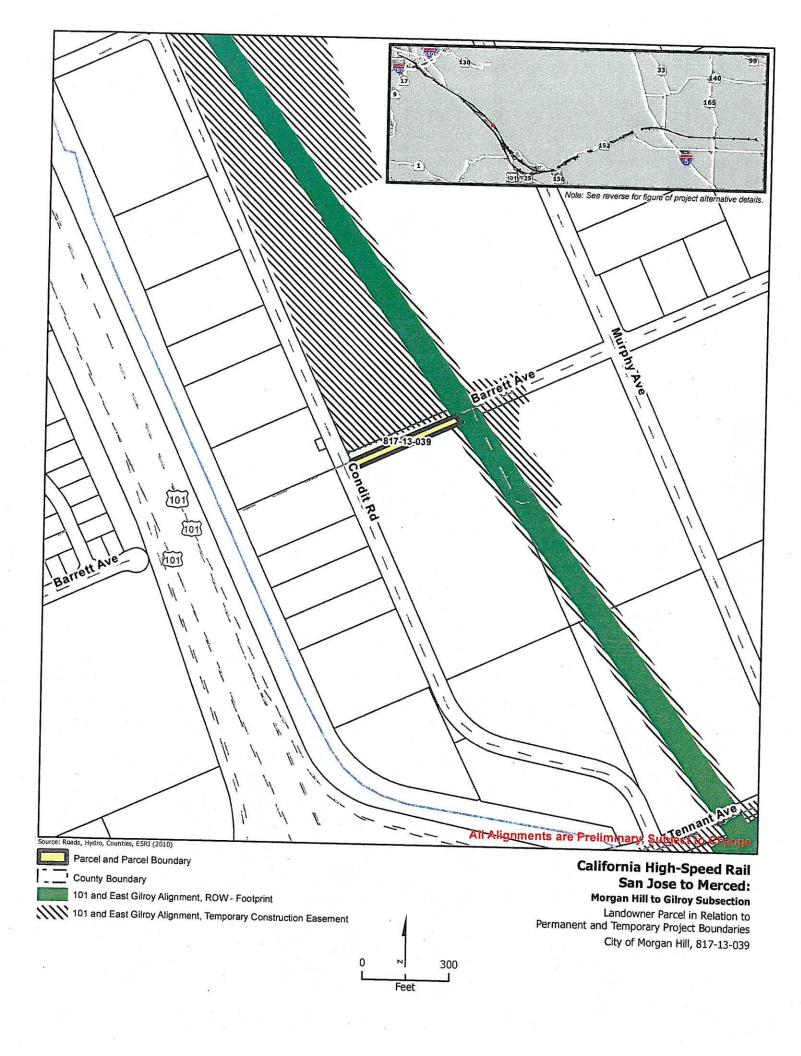


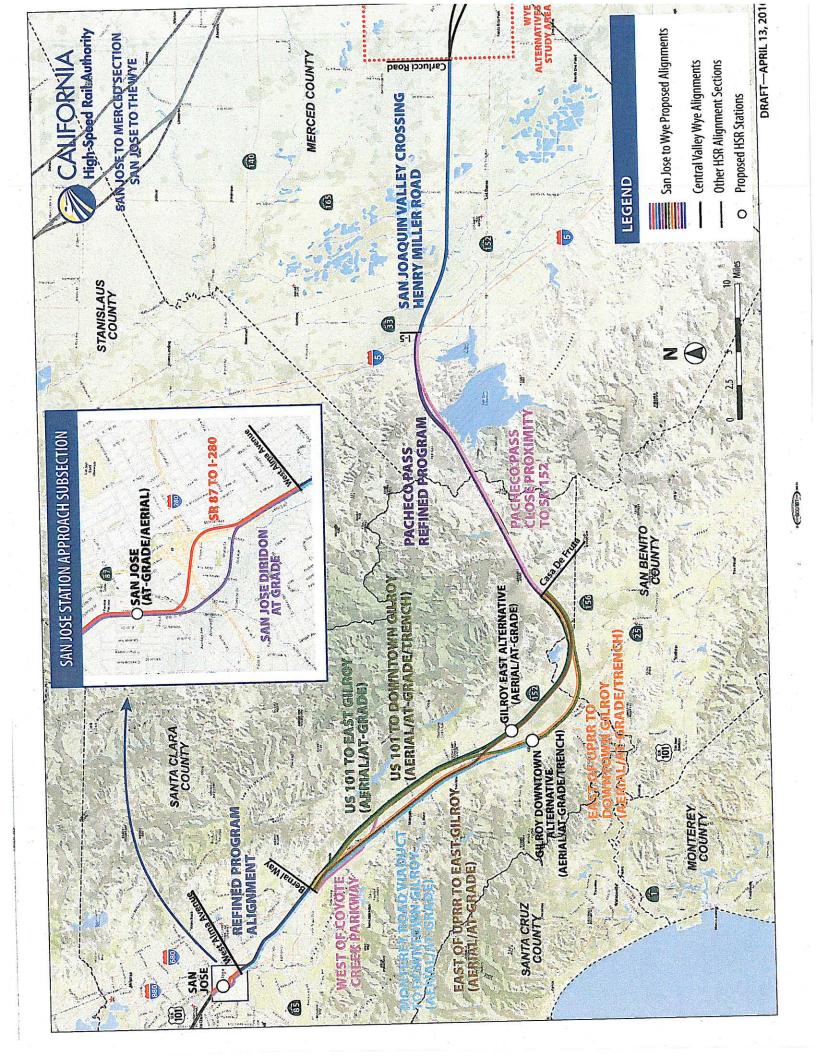














# Private Property and Environmental Studies: Your Questions Answered

Whenever large projects, like the high-speed rail project are being planned, certain requirements must be met. Some of these requirements include state and federal environmental rules and laws. These rules and laws guide high-speed rail project planners to look carefully at how the project might impact the environment, and they must also find ways to reduce those impacts when possible. Environmental surveys are a way to measure potential project impacts and prepare potential mitigation strategies to address those impacts.

When building a project such as the high-speed rail project, planners must figure out how this project will potentially affect any number of items from biological and cultural materials to traffic to noise levels. To complete the environmental surveys, California High-Speed Rail Authority (Authority) scientific experts will go to areas around the future high-speed rail project to conduct studies.

While many of these properties are generally privately owned, the Authority's experts will still need to visit those properties to collect information and conduct the necessary studies. To gain access to privately held properties, the Authority issues a Permit-to-Enter (PTE) letter requesting access to the property. Once the form is signed and returned, the Authority or its representatives will contact you to arrange access.

Completing the environmental surveys is an important step in planning the high-speed rail project and making it a reality. Your help and permission to enter your property are very important, and we appreciate your help.

Please view the following Frequently Asked Questions (FAQ) regarding the PTE process:

#### WHO IS THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY?

The Authority is a state agency that is responsible for planning, designing, building and operating the first high-speed rail system in the nation.

## WHY DOES THE AUTHORITY NEED TO CONDUCT ENVIRONMENTAL STUDIES ON MY PROPERTY?

Federal and State laws such as the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require the assessment of potential impacts to environmental resources when building new projects. These studies identify the potential presence of environmental resources and help to determine how to reduce and mitigate for negative impacts to them. These environmental studies may include surveying for or sampling archaeological, botanical and wildlife resources or conducting geologic tests to better understand soil conditions.



#### PERMIT-TO-ENTER • JUNE 2016



## DO ENVIRONMENTAL STUDIES ON MY PROPERTY MEAN THE AUTHORITY WANTS TO ACQUIRE MY PROPERTY?

Accessing your property to conduct environmental studies does not necessarily mean the Authority will want to acquire your property. Your property may be accessed for environmental study to help determine where environmental resources exist to determine the best possible alignment for the rail to pass/take through an area or simply to learn the extent of a particular resource within the area.

# IF I AGREE TO LET EXPERTS FROM THE AUTHORITY ON TO MY PROPERTY, HOW WILL I KNOW WHEN THEY ARE COMING?

After you have provided the Authority with permission to access your property, a forty-eight (48) hour notice will be given to each owner/operator of the property to notify them that the experts will be on your property.

#### CAN THE AUTHORITY ACCESS MY PROPERTY MORE THAN ONCE?

The Authority may access your property on more than one occasion during the time period set forth on the Permit-to-Enter (PTE) form that you signed. Each time the Authority plans to access your property, the Authority will provide you with notice at least forty-eight hours in advance. If you have questions about the timeframe on the PTE form you have signed, please contact the Authority for assistance.

## WHAT WILL THESE EXPERTS FROM THE AUTHORITY DO WHEN THEY ARE ON MY PROPERTY?

They will conduct surveys on your property of environmental resources to help determine how to reduce and plan for any potential impacts to your property from the high-speed rail project. These experts will not:

- Go inside your house or other structures. They will only go in outside areas like front yards and back yards.
- Alter or remove anything from the property.

### WHAT TYPE OF WORK MIGHT THE AUTHORITY NEED TO DO ON MY PROPERTY?

The Authority's representatives will conduct surveys that may include: the collecting of cultural/biological plant material such as leaves, and flowers, some hand digging of small soil pits and soil testing, drilling or trenching. As per all applicable rules and regulations, all excavated soils will be backfilled. Should intrusive investigations such as drilling or trenching be required, the Authority will work with you to determine the least impactful way to complete this work and will provide financial compensation when appropriate. Please refer to the attached Permit to Enter for the specific requirements related to your property.

### CAN I GIVE SPECIAL CONDITIONS FOR ACCESSING MY PROPERTY?

If you have any special conditions or instructions of which the survey teams should be aware, or if you would like to be present while the team(s) is (are) performing these studies, please include your name, telephone number and best time to contact you, along with any special instructions, on the PTE form you are returning to the Authority.

#### CAN I REFUSE TO ALLOW PLANNERS ACCESS TO MY PROPERTY?

Yes. If you do not want planners accessing your property, you can mark your PTE form as "Access Denied" and return it to the Authority. Although Authority planners may be doing survey work in the area, they will not enter your property.

## WILL ENVIRONMENTAL DETAILS ABOUT MY PROPERTY BE MADE PUBLIC?

Environmental studies build the environmental analysis included in Environmental Impact Reports/Environmental Impact Statements (EIR/EIS) which are provided for public review; however property specific details are not specified in the greater context of the assessment summary. Other technical reports that may result from environmental studies are submitted to oversight agencies for review; however, property details, if specified, are redacted if the studies are made public.

PROJECT SECTION: San Jose to Merced

P: (800) 455-8166

E: san.jose\_merced@hsr.ca.gov

Thank you for your interest in our field studies. The California High-Speed Rail Authority (Authority) is currently conducting environmental field work as part of planning and environmental analysis for the San Jose to Merced Project Section. The Authority's contractor(s) are gathering data required to complete the environmental studies. Any or all of the following environmental elements are being researched for the project: (1) biological resources, (2) cultural resources, (3) geotechnical conditions, and/or (4) other environmental conditions relating to the property.

Contractor(s) may also perform visual surveys, such as taking photographs for environmental documentation purposes.

For general questions about the program:

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

(916) 324-1541 • info@hsr.ca.gov • www.hsr.ca.gov

PROJECT SECTION: San Jose to Merced

P: (800) 455-8166

E: san.jose\_merced@hsr.ca.gov

Gracias por su interés en nuestro estudio de campaña. La Autoridad del California High-Speed Rail (Autoridad) está llevando a cabo el trabajo de campaña ambiental como parte de la planificación y el análisis ambiental para la sección de San Jose a Merced del proyecto. El/los contratista/s de la Autoridad está/n reuniendo datos requeridos para completar los estudios ambientales. Cualesquiera de los siguientes elementos ambientales, o todos ellos, están investigándose para el proyecto: (1) recursos biológicos, (2) recursos culturales, (3) condiciones geotécnicas y/o (4) otras condiciones ambientales relacionadas con la propiedad.

Contratista(s) también pueden realizar encuestas visuales, como para tomar fotografías para la documentación ambiental.

Para preguntas generales sobre el programa:

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

(916) 324-1541 • info@hsr.ca.gov • www.hsr.ca.gov